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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Almighty God, life of our life, You have given us this Nation for our heritage. Today, we ask that You will keep us mindful of Your favor and glad to do Your will. Use the Members of this body to uphold the public interest, to labor for justice, to love mercy, and to walk humbly with You. Give them the wisdom to use their power for the healing of our land. Keep their goals high, vision clear, and minds keen.

And, Lord, we ask Your choicest blessings upon our departing page class.

We pray in Your righteous name.

Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 9, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business for 1 hour, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of the Economic Development Act. There are currently five amendments pending to the bill. We are working to set up votes in relation to these amendments and will advise Senators when they are scheduled.

ECONOMIC DEVELOPMENT REVITALIZATION ACT

Mr. REID. Mr. President, the Economic Development Revitalization Act is an important bill. Is it the most important bill we have ever done? The answer is, of course not. But it is an important piece of legislation. It is a very important bill.

What are the central points of this legislation? For almost 50 years, the Economic Development Administration has helped create jobs and growth in economically hard-hit communities across the Nation. Reauthorization of this important legislation will help ensure that the agency is able to help continue creating jobs and investing in distressed communities.

Since 2005, EDA has invested about $1.2 billion, and these grants have created more than 300,000 jobs—precisely, 314,000 jobs. For every dollar that is invested in EDA, we get $7 worth of private investment. That is why the jobs are created. This legislation makes it better.

This is a bipartisan bill. Senators BOXER and INHOFE and their committee have worked to get this to the Senate floor. It increases flexibility for grantees, lowers the threshold requirements for grantees to receive an increased Federal share, and makes more investments available for planning assistance.

We are trying to move through this legislation. Senator SNOWE offered an amendment. She has not uttered a single word about that amendment, which was offered yesterday. This is the same piece of legislation that held up our Small Business Innovation Act. We have had other Senators who have come and offered amendments. I don't particularly like the amendment offered by the junior Senator from South Carolina, but he came and said, ''I want to offer this amendment, and I will agree to a time limit on it.'' Senator PAUL, the junior Senator from Kentucky, had an amendment he wanted to offer. He said he would agree to a short time limit. I didn't ask for time agreements on this legislation. I should not act as the person who determines what amendments are offered and aren't offered. But when someone offers an amendment, we should be able to work it to a conclusion.

This bill, as I have indicated, is an important piece of legislation. We need to move through it. We are going to do that to the best of our ability. We will have a number of votes today and do our best to move through this piece of legislation so we can move to other bills. There are a lot of things we can do. We can work on bipartisan pieces of legislation. That is my hope today.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

RECOGNITION OF THE MINORITY LEADER

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

EDA

Mr. MCCONNELL. Mr. President, I was discussing with the majority leader privately the comments he made publicly about getting votes. I have talked to my Members, and I understand he indicated that most of our Members who have amendments are willing to take short time agreements. We ought to be able to move forward and have votes, and the Senate can function the way it should.

Mr. President, with each passing day, the American people grow more concerned about our Nation's future. The Washington Post-ABC news poll this week said that by a ratio of 2 to 1, Americans believe we are on the wrong track, and 9 out of 10 rate the economy negatively. Yesterday's CNN poll found that many Americans expect another Great Depression.

It is in this context that President Obama has started talking about how concerned he is about jobs. This week, the President said he wakes up every morning and asks himself what he can do to spur job creation. Every morning this week, I have come to the floor with some suggestions for him.

The fact is that many Americans have a hard time believing the President is focused on jobs when so many of his policies seem to be designed to destroy them. In some key areas, such as trade, energy, and debt, the President himself has acknowledged that a reversal of his policies would create jobs and spur recovery.

Let's start with trade. Hoping to sound as though he had a plan for job creation, the President used the giant platform provided by his annual State of the Union Message in January to declare that he had finalized a trade agreement with South Korea that would support at least 70,000 American jobs. Yet, nearly 5 months later, he sent his aides out to say that he won't sign them into law unless Congress approves billions more in government spending first.

On energy, the President has acknowledged the pressure that regulations put on job creators. That is why he ordered a review of them in January. Yet, by one estimate, the national energy tax his administration tried to pass through the EPA could cost, by some estimates, millions of jobs—millions. While the President has acknowledged that in order to sustain economic growth and create jobs, as he put it last year, we would need to harness traditional sources of energy, his continued refusal to issue drilling permits in the gulf has had a devastating economic effect.

On the debt, the President himself has said, ''If we don't have a serious plan to tackle the debt and the deficit, that could actually end up being a bigger drag on the economy than anything else.'' Yet, under his leadership, the Nation's national debt has skyrocketed 35 percent, from $10.6 trillion to $14.2 trillion, our deficit is three times bigger than the biggest annual deficit during the Bush administration, and the President refuses to put forward a serious plan to do anything to bring the debt or the deficit down.

So there is a pattern here. The President likes to say he is concerned about the economy and jobs, but his policies tell an entirely different story. He can talk all he wants, but he cannot walk away from what he has done, and the things he is failing to do right now to create private sector jobs and to get our economy moving again. Chief among them is his refusal to do anything to lower the debt and deficits he has done so much to create.

Right now, U.S. businesses are sitting on nearly $2 trillion in cash. Most of them would love to invest this cash in new products, ventures, and employees. Yet they are holding back. Why? It is not just the regulations and the mixed signals they are getting about taxes or the expectation that all the spending today will necessarily lead to higher taxes tomorrow; it is also the uncertainty surrounding our future. How can businesses be confident about the future and hire new workers to build that future if the Democrats who run the White House aren't willing to do anything—anything at all—about our deficits and our debt?

Investment follows certainty. That is one thing this White House refuses to provide. This ongoing uncertainty is paralyzing our economic recovery and seriously hindering job creation.

One recent study suggests that any nation which carries a public debt load at or above 90 percent of its economy loses one point of economic growth, which the administration's own economists have said is equivalent to 1 million jobs. So why won't they propose a serious plan to lower it? When will the administration follow through on what it knows it has to do to spur job growth? The solutions are right in front of us.

The administration acknowledges that free trade agreements, expanding domestic energy exploration, cutting regulations, providing tax certainty, and reducing the debt will lead to a dramatic increase in jobs. So why won't it follow through?

Too often, unfortunately, the answer is political. They don't want to cross some special interest group—whether it is those who don't like trade agreements or those who don't like the way private companies such as Boeing run their businesses or those who don't want to give up a single solitary penny of Federal spending.

But the good of the country is more important than the goals of some political interest group. We have to rein in our debt, cut spending, reduce taxes, reform entitlements, and grow this economy. This administration knows this as well as I do. It is time to act.

So, looking ahead, the key to success, in my view—and in the judgment of others, including Moody's—is for everyone involved to view the upcoming debt limit vote as an opportunity—an opportunity—to reduce Washington spending now and to save the taxpayers trillions of dollars over the long term. It is an opportunity to put our fiscal house in order and to prevent the fiscal crisis we all know is coming. We know what we need to do. The time to do it is now.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1161 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

THE BUDGET

Mr. THUNE. Mr. President, last week I had the opportunity to travel my State of South Dakota, as I think most Senators did who were home over the break. During the week, I was able to be part of a couple of events in my State with former Comptroller General David Walker. I think most people here are acquainted with Mr. Walker. He had a 10-year run as the Comptroller General of this country. He has since started an organization called the Comeback America Initiative and has been traveling the country trying to explain to the public the issues surrounding our national debt—high Federal spending levels and their effect on our Nation's future.

I would add he is someone who takes both parties to task. He is an equal opportunity critic. He is very bipartisan in his criticism of the out-of-control

spending that exists in Washington, DC, but he did point out the tremendous growth in government which has occurred in the course of our Nation's history. In fact, when our country was founded, if we go back to the formative years of our country—and he uses the year 1800 as an example—government spending made up just 2 percent of our entire economy. Just 2 percent of our GDP represented government spending. Today, it makes up almost 25 percent, and we are on a trend line, a trajectory, where that will rise to 39 percent by the year 2040.

So we have seen this upward spike in the spending, the amount of Federal spending as a percentage of our entire economic output. The reason Mr. Walker gives for the continuing increase in spending is primarily entitlement programs. In other words, we have Medicare, Medicaid, and Social Security which now represent about 43 percent in 2010. Those three programs represented 43 percent of our total Federal spending and, again, that number is set to spike as we head into the future.

Mr. Walker pointed out we are set to spend more on mandatory programs than we will take in in revenue in 2011. So this current year we will spend more on mandatory programs, which include those I just mentioned—Medicare, Social Security, and Medicaid—than all the revenue the Federal Government will take in. So that would mean we can't even afford to pay out for the mandatory spending programs we have in our budget, not to mention those discretionary programs which are the other part of our Federal budget.

If we look at it in terms of how much we spend today and how much we borrow, we are borrowing about 42 cents out of every dollar we spend. That is the reality we are faced with. So it is clear we need to make some reforms, Mr. President, particularly in the entitlement programs, to put them on a more sustainable footing.

Further, Mr. Walker shared the results of his fiscal fitness index, which puts the United States at 28 out of 34 developed countries—just behind Italy and just two places in front of Ireland. We are No. 28 out of 34 developed countries around the world in terms of our fiscal fitness.

Mr. Walker's message, obviously, is not a fun one. It is not a message you would expect people to like to hear. It is not a message that promises more spending on people's preferred programs. Yet my constituents were eager to hear this message. Why is that? No. 1, he was honest. He was honest about the size of our problem, about the scope of our unfunded liabilities, about the causes of this deficit—that it is primarily a spending-driven crisis, about the effect of the health care law on health care spending in this country, and about the measures that are needed to cut spending and to bring the budget back into balance.

My constituents appreciate that kind of honesty. They appreciate someone telling them the truth, not simply continuing to make promises that cannot be kept. And, No. 2, they were eager to hear his message because his message offered hope. He pointed out that if the country adopted a fiscal plan that would bring down our deficits on a level that was similar to the plan of the President's fiscal commission, our Nation's rating on the fiscal fitness index would jump from 28th clear up to 8th place. He showed the attendees that there is a series of steps we can take to fix Social Security, Medicare, and Medicaid—to preserve these important programs without bankrupting our country—and he showed us that if we start now we have time to make these changes without being forced to make Draconian cuts or to hike tax rates.

This hope that we can fix these problems is real and it gives the general public something they can understand. That was certainly the case with my constituents last week.

Unfortunately, there was another event that occurred last week and that was the release of the unemployment numbers. Those numbers did not reflect hope but, instead, indicated we have a long way to go toward fixing our economy. These numbers showed that unemployment had risen to 9.1 percent. Further, the long-term unemployed increased to 6.2 million people, as those who are out of work are taking longer to find jobs. This long-term unemployment is particularly important for a number of reasons. No. 1, these individuals who suffer from long-term unemployment often exhaust government and personal resources that are available to them. As a result, they are at greater risk of falling into poverty. Further, it indicates our economy is not sufficiently dynamic. These individuals could have skill mismatches or there may simply not be any jobs in their local economy.

Finally, the long-term unemployed may see their skills diminished and become less and less attached to the workforce. What this all means is it becomes harder and harder for these people to find a job as they no longer know the latest technologies or no longer have the skills they developed by years of practice. This creates longer term challenges for our economy to be able to find these individuals jobs.

The question is how do we create an environment where businesses and individuals can be creating jobs. We know we need to cut spending, to cut our deficit, and to cut unnecessary and harmful regulations. In a recent presentation to the University of Washington, Nobel laureate Robert Lucas pointed out that the possibility of higher taxes, the uncertainty of regulations, and the increasing role of the Federal Government in health care because of the health care law, are all contributors to our slow economic recovery.

Likewise, Dr. Lucas speculated that our economy may continue to grow at a slower rate because of the increased regulation, taxation, and spending that is moving us closer to a European welfare state. In fact, Dr. Lucas notes that these European economies have incomes that are 20 to 30 percent less per capita because of these differences in the size of government.

It is clear it would even further increase unemployment if we continued to move along this path. We cannot continue with the status quo. We already know the size of our debt is costing us 1 percentage point in growth every year which, according to the White House's own economists, is the equivalent of 1 million jobs. In other words, when we sustain the kind of debt load we have today—our gross debt as a percentage of our GDP, our entire economic output, is over 90 percent—that means we are losing economic growth and that means we are shedding jobs as a consequence of this high level of debt and high level of spending.

We need to grow the private economy, shrink government spending, and cut our debts and deficits. This is the path that will help us on a recovery, help our economy to recover, and create the jobs that are necessary to lower that unemployment rate.

We know we can do this. There are a number of reforms and spending cuts we are pushing to attach to the deadline that is under discussion right now so we can make it easier and cheaper for individuals to create the jobs that are so necessary to get our economy back on track and get people back to work. There are a number of things that can be done and should be done.

Obviously, as I noted, as we continue the debate about spending and debt and doing something about this year-over-year $1.4 trillion, $1.5 trillion, now $14.3 trillion debt that is hanging like a cloud over our economy, we have to deal with that. We have an opportunity, as has been noted by the leader earlier this morning, to do that in the context of this debt limit debate we are going to have. We should view this—both sides—as an opportunity to do something meaningful about spending and debt and to put our country on a more sustainable fiscal path for our future.

But there are a number of other things that impact the economy today that should be done. One is we have three pending trade agreements that were negotiated 3 to 4 years ago. They have been languishing here because the White House will not send those trade agreements up here for Congress to act.

To give an example of what that means to an agricultural State such as South Dakota, Colombia is one of those three trade agreements—Colombia, Panama, and South Korea, all of which present markets for South Dakota agricultural markets. But agricultural exports are a big part of our trade relationship with Colombia. In 2008 we had an 81-percent market share in Colombia. Today that is a 27-percent market

share. We need those trade agreements approved to create jobs and to grow this economy. I hope the White House will send those, follow through on their rhetoric and actually send those trade agreements up here so we can act on them.

It has been 771 days since we passed a budget in this country. We and the administration talk about doing something about spending and debt, and yet here we are having gone 771 days without even having passed a budget, the most fundamental responsibility we have to the taxpayers of this country. If we are serious about spending and debt, we need a budget that sets a blueprint for a more fiscally sustainable future for this country. We need energy policies that allow us to develop American energy to get fuel costs under control, which also impacts in a very direct way our economy and our ability to create jobs.

The solutions are out there, they are very straightforward and simple. We need to have the will to move forward and address these issues and I hope we will because the American people expect and deserve that we will. As Dr. Walker pointed out last week, in my State of South Dakota, if we do not, we are headed for a fiscal train wreck.

I yield the floor.

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

Mr. HATCH. Mr. President, I ask for enough time to give my remarks this morning and I ask for an equivalent amount of time for the other side.

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

Mr. HATCH. I hope I can stay within the time constraints, but I am not sure.

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

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the submission of S. Con. Res. 23 are located in today's RECORD under ''Submission of Concurrent Senate Resolutions.'')

HONORING OUR ARMED FORCES

TECHNICAL SERGEANT KRISTOFFER M. SOLESBEE

Mr. HATCH. Mr. President, I rise today to pay tribute to TSgt Kristoffer M. Solesbee of Hill Air Force Base's 75th Civil Engineer Squadron. Technical Sergeant Solesbee was killed in action near the city of Shorabak, Afghanistan.

Technical Sergeant Solesbee was a brave and courageous man. Not only did he volunteer to serve his country, returning to the field of battle three times, twice in Iraq and this final tour in Afghanistan, but he volunteered for one of the most dangerous assignments in the war on terrorism; he was an explosive ordnance disposal technician.

This is not the first time a member of Hill's EOD flight had been killed while protecting his fellow servicemembers from improvised explosive devices. In early 2007, three other members of the 75th Civil Engineering Squadron were also killed. Yet, despite this tragedy, Technical Sergeant Solesbee always returned to duty. I believe one of Utah's largest newspapers, The Standard Examiner, paid him the highest tribute when it stated ''Kristoffer M. Solesbee died doing what he loved: saving lives.'' I cannot think of a better definition of a true hero.

From those who knew him best, his family, friends and fellow servicemembers, described him as smart and highly energetic. Growing up he loved model rockets and radio controlled cars and airplanes. During his 11-year career in the service, his fellow airmen came to rely upon him and his professionalism. Indeed, there is broad consensus among Hill's EOD technicians that he was the benchmark by which others were judged.

His distinguished service also did not go unrecognized. Technical Sergeant Solesbee was the recipient of the Bronze Star Medal with Valor device and second oak leaf cluster, the Air Force Meritorious Service Medal, Purple Heart Medal, the Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal with one oak leaf cluster, and the Air Force Combat Action Medal.

I know God will be watching over the family of this admirable man. He gave his life so that others may live. TSgt Kristoffer M. Solesbee will never be forgotten.

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

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

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

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

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

HONORING RAFAT R. ANSARI

Mr. WARNER. Mr. President, once again, I come to the floor to celebrate and recognize the contribution of our Federal employees. I do this on a regular basis because while we debate the issues of the day and grapple with issues around the debt and deficit and the circumstances that will require us to cut back on government spending, I think it is important to remember the literally millions of Americans who work in one form or another for our Federal Government day-in and day-out. From our armed services, to folks who work within this Capitol Complex, to folks who work within Health and Human Services, to those who work in research, to those who make enormous contributions to our Nation, we should not lose sight of them as we grapple with the debt and deficit and a host of other issues we deal with in this body.

So today I rise to honor another great Federal employee, Rafat Ansari. Mr. Ansari is a senior scientist and leading innovator at NASA's Glenn Research Center in Cleveland. He has been recognized for developing a safe, noninvasive laser device that could drastically improve the early detection of cataracts and improve people's lives in the process.

Cataracts are the leading cause of vision loss and blindness in the United States and in the world. They affect over 22 million Americans over the age of 40, and over $6.8 billion is spent annually in the United States on cataract treatment.

Mr. Ansari was motivated to help cataract patients after his father was diagnosed with the disease. He began researching the disease and realized that cataracts are caused by proteins in the lens that cluster abnormally, a process similar to what he was studying in his space experiments.

Lacking the necessary financial resources, he began conducting research in his home kitchen using a light-scattering device which was able to identify clustered proteins in the eye lens. These kitchen experiments ultimately led to Mr. Ansari's invention of an innovative eye-scanning device and procedure that is at least two or three times stronger than any device on the market.

His invention also has the potential to significantly improve the ability to detect early signs of Alzheimer's, Parkinson's, diabetes, and many other diseases. The procedure is currently used by NASA to study the long-term consequences of space travel on the vision of astronauts.

Mr. Ansari's personal story is a testament to all that continues to make our Nation great. Born in Pakistan, Mr. Ansari always dreamed of working for NASA. Not only was he able to realize his dream of working for our government, working for NASA, but in the process he has made discoveries that could have a big impact on the lives of millions of people not only here in the United States but around the world.

I hope my colleagues will join me in honoring Mr. Ansari and those other great scientists and engineers at NASA for their excellence and service to our Nation.

So, again, I wish to acknowledge not only Mr. Ansari but all of our Federal workers. I think it is important. As somebody who has been very involved—and hopeful to do more—on this issue of debt and deficit, I know we will have to make substantial cutbacks in how government spends and operates. But I think we need to remember, as we talk about some of these cuts, that we are affecting the lives of literally millions of good Americans who try to keep the functions of this government working on an efficient, honest, and ethical basis day-in and day-out.

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

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

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

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

The legislative clerk read as follows:

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

Pending:

McConnell (for Snowe) amendment No. 390, to reform the regulatory process to ensure that small businesses are free to compete and to create jobs.

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

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

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

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

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

AMENDMENT NO. 390

Mr. REID. Mr. President, if I called for regular order, which I am, that would mean the Snowe amendment would be pending; is that right?

The ACTING PRESIDENT pro tempore. The amendment is now pending.

Mr. REID. OK. Mr. President, first of all, I appreciate the cooperation of Senator SNOWE, Senator COBURN, and others. It is important we move along with this legislation. So for the next 3 hours we will be able to debate the Snowe amendment. The time will be equally divided during that period of time.

We have a number of amendments others want to offer. We already have four in addition to hers that have been offered. We have time agreements on those. I appreciate everyone's help in moving forward in this regard.

Mr. President, I ask unanimous consent that the time until 2:15 p.m. be equally divided between Senators SNOWE and BOXER or their designees; that at 2:15 p.m. the Senate proceed to vote in relation to the Snowe amendment; that no amendments, points of order or motions be in order to the Snowe amendment prior to the vote, other than budget points of order and the applicable motions to waive; the amendment not be divisible; that the amendment be subject to a 60-vote threshold; and that the motion to reconsider be considered made and laid upon the table.

I would also say, before the Chair rules, we have Senator MCCASKILL who wants to offer an amendment on the same subject matter. We will do that at some subsequent time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, as I understand it, I will have an hour and a half to present our side on the amendment and Senator SNOWE will have an hour and a half. Could the Chair please give me the exact timeframes.

The ACTING PRESIDENT pro tempore. Under the order, 1 hour 37 minutes for each side.

Mrs. BOXER. Thank you very much. I was close.

I wish to let Senator SNOWE know what my plan is at this time. First, I am going to yield some time on another subject—but it will be used on our time—to Senator WHITEHOUSE, who has something very important pertaining to his State, and then I am going to come back and take as much time as I might consume and it will not be that long. I wish to lay out where we are in this debate, why this bill is so important, and I am going to make some remarks about Senator SNOWE's amendment. So I do not know exactly how long it will take, but I will do it as quickly as I can and retain the remainder of my time.

But at this time, I yield 10 minutes of my time to Senator WHITEHOUSE.

Senator WHITEHOUSE is coming back into the Chamber with his charts, and I reiterate, I will yield the first 10 minutes of my time to Senator WHITEHOUSE.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank Senator BOXER.

COMMEMORATING GASPEE DAYS

Mr. President, my time in this Chamber often gives me cause to reflect on our history and on the brave patriots who went before us, many of whom risked or even gave their lives to create this great Republic. Today, I would like to talk about a group of men who, 239 years ago tonight, engaged in a daring act of defiance against the British Crown.

For many, the Boston Tea Party is one of the first events on the road to our revolution. Growing up, we were taught the story of painted-up Bostonians dumping shipments of tea into Boston Harbor, to defend the principle: ''no taxation without representation.''

Conspicuously missing from history books is the story of the brave Rhode Islanders who challenged the British Crown far more aggressively more than a year before Bostonians dumped those teabags into Boston harbor. Today, on its anniversary, I would like to take us back to an earlier milestone in America's fight for independence, to share with you the story of a British vessel, the HMS Gaspee, and to introduce you to some little-known heroes now lost in the footnotes of history.

In 1772, amidst growing tensions with American colonies, King George III stationed his revenue cutter, the HMS Gaspee, in Rhode Island. The Gaspee's task was to prevent smuggling and enforce the payment of taxes. But to Rhode Islanders, the vessel was a symbol of oppression.

The offensive presence of the Gaspee was matched by the offensive manner of its captain, LT William Dudingston. Lieutenant Dudingston was known for destroying fishing vessels and confiscating their contents, and flagging down ships only to harass, humiliate, and interrogate sailors. But on June 9, 1772, an audacious Rhode Islander, Captain Benjamin Lindsey, took a stand.

Aboard his ship, the Hannah, Captain Lindsey set sail from Newport to Providence. On his way, he was hailed by the Gaspee to stop for a search. The defiant captain ignored the command and continued on his course. Recently, Dr. Kathy Abbas, director of the Rhode Island Marine Archaeology Project, has suggested a motivating factor for Dudingston to have sought to seize the Hannah: she may have been carrying 250 pounds sterling onboard. As Dr. Abbas told the Providence Journal, that was ''an enormous sum'' in those days.

In any event, Captain Lindsey and his Hannah sought to evade the Gaspee. Gunshots were fired, and the Hannah sped north up Narragansett Bay with the Gaspee chasing behind in pursuit.

Outsized and outgunned, Captain Lindsey drew courage and confidence from his keen familiarity with Rhode Island waters. He led the Gaspee into the shallow waters off Namquid Point, where the smaller Hannah cruised over the sand banks. The heavier Gaspee ran aground, and stuck. The Gaspee was stranded in a falling tide, and it would be many hours before high tide would lift her free.

Arriving triumphantly in Providence, Captain Lindsey visited John Brown, whose family helped found Brown University. The two men rallied a group of patriots at Sabin's Tavern, in what is now the East Side of Providence. The Gaspee was despised by Rhode Islanders who had been too often bullied in their own waters by this ship, and the stranding of this once-powerful vessel presented an irresistible chance.

On that dark night, 60 men in longboats led by Captain Lindsey and Abraham Whipple moved quietly down Narragansett Bay. They encircled the Gaspee, and demanded that Lieutenant Dudingston surrender the ship.

Dudingston refused, and instead ordered his men to fire upon anyone who tried to board.

The determined Rhode Islanders took this as a cue to force their way onto the Gaspee, and they boarded her in a raging uproar of shouted oaths, gunshots, powder smoke, and clashing swords. Amidst this violent struggle Lieutenant Dudingston was shot by a musket ball. Right there in the waters of Warwick, RI, the very first blood of what was to become the American Revolution was drawn. Victory was soon in the hands of the Rhode Islanders.

Brown and Whipple took the captive Englishmen back to shore. You can go today down behind O'Rourke's Tavern in Pawtuxet Village, down Peck Lane toward the water, and see the bronze plaque commemorating the spot where the captured crew was brought ashore.

The Rhode Island patriots then returned to set the abandoned ship on fire and rid Narragansett Bay of this nuisance once and for all. As the Gaspee burned, the fire reached her powder magazine and she exploded like fireworks. The boom echoed across the bay, as the remains of the ship splashed down into the water. The Gaspee was gone: captured, burned, and blown to bits. The site of this historic victory is now named Gaspee Point.

The wounding of Lieutenant Dudingston and the capture and destruction of the Gaspee occurred 16 months before the so-called Boston Tea Party. Perhaps this bold undertaking will one day show up in our history books, alongside pictures of the blazing Gaspee lighting up Narragansett Bay. Perhaps American children will memorize the dates of June 9 and 10, 1772, and the names of Benjamin Lindsey, Abraham Whipple, and John Brown.

I do know that these events will never be forgotten in my home State. Over the years, I have often marched in the annual Gaspee Days Parade in Warwick, RI, as every year we recall the courage and zeal of these men who risked it all for the freedoms we enjoy today, and drew the first blood in what became the revolutionary conflict.

I would add, in the context of fires and disasters, we have lost one of the signature buildings of Woonsocket, RI, last night. It was called the Woonsocket Rubber Company. The building was known as the Alice Mills, named after the mother of the president of the company who built it, and it existed for—I do not know—100 years or more. It burned in a fire so great that 12 municipal fire departments had to answer it last night; fire departments all the way from Wrentham, MA, down to Warren, RI.

I want to express my sympathies of Woonsocket on this loss and my pride in the firefighters who responded from so far and wide to tend to this fire. Unfortunately, the mill could not be saved. These mills are very hard to prevent fires in once they get burning. We have lost something very precious in Rhode Island. I just wanted to note that in addition to my remarks about the Gaspee.

Let me thank very much my chairman on the Environment and Public Works Committee. I know she has important business on the Senate floor. It was very kind of her to give me those few minutes to talk about this historic day in Rhode Island and American history.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I just want to thank my colleague for his remarks. I offer my deepest sympathies to these impacted by that terrible fire. Unfortunately, in this country we are witnessing so many disasters. It is so difficult for the people to deal with this, but we have to always respond. I am glad he paid tribute to the firefighters, the first responders, because they are the ones who put everything on the line to help us.

We have before us a bill called the Economic Development Revitalization Act of 2011. It is S. 782. It is a good bill. It is a bill that is needed for our economy because it is a bill that is focused on one thing, jobs. When people are asked what our focus should be—and we all know we need to reduce the deficit and the debt—they all say No. 1 is jobs because without jobs, deficits only get worse, debts only get worse, as people have to turn to the safety net that is provided in this great Nation for their very survival. So when we have an opportunity to come together across party lines with a jobs bill, one would think we would be delighted to do it.

This EDA, the Economic Development Administration, was reauthorized back in 2004 when George W. Bush was President. Let me tell a story because everybody came together, and that EDA reauthorization passed by voice vote and was signed into law by President George W. Bush. So it is a bit perplexing for me to note that we have dozens and dozens of amendments that are absolutely nongermane to this reauthorization. We have one amendment that is pending that my colleague, Senator SNOWE, is offering, which has never had a hearing. It has never had a markup, and it is absolutely going to change the way we can protect our people from pollution, from danger.

I think it is unfortunate that rather than work on this together, we are seeing this offered as an amendment. It is Senator SNOWE's complete right to do this. I respect it. I honor it. I understand how strongly she feels. But I feel just as strongly that something that would ignore public health and safety and not even put that in the benefits column is something that is a danger to the people we serve.

So we are going to have a debate about it, and the votes will come at 2:15. I am pleased we will get to vote. I do hope at some point we will be able to look at regulatory flexibility, we will be able to work to make sure that as we assist our businesses—and we all want to do that. That is what this bill, the EDA bill, does. It is assisting businesses. It is jump-starting business development. We have example after example of that—we also can work to ease their burden a bit while not endangering the life and the health of the people. That is pretty straightforward, and I would be very happy to work with my colleague. But this bill has never even had a hearing. This bill she is offering has never been marked up. I have had no opportunity, other than this one, to basically say how I feel.

I know it is in contrast to the way Senator SNOWE feels, and Senator COBURN. I have lots of respect for them. I hope they have respect for me as chairman of the Environment and Public Works Committee because my view is, my obligation is, to protect the health and the safety of our kids.

How many kids have asthma? If I asked a group here, I bet one-third of the hands would go up. If I asked how many people know someone with asthma, I bet more than half would raise their hands. So I think we cannot willy-nilly just support an approach that would take away the ability to put the benefits of protecting health into any formulas before we say regulation should be thrown overboard. I think there are ways to definitely work together. Unfortunately, today we are going to have an up-or-down vote on the Snowe amendment without that opportunity.

I want to go through the fact that the bill that is before us, the underlying bill, S. 782, has strong bipartisan support. It was reported out of our EPW Committee by voice vote, only one objection, and that is because this EDA has operated for 50 years. It has a very good tradition of creating jobs and spurring growth in economically hard-hit communities nationwide.

This bill is going to ensure that EDA can continue to create jobs, thousands of jobs, protect existing jobs, and drive local economic growth. It is distressing to me to see, for example, an amendment by Senator DEMINT. He is very proud of his amendment. What would it do? It would do away with the EDA. So on a bill to reauthorize the EDA, he has an amendment to eliminate the Economic Development Administration.

Now, again, I respect his view, but I do not understand it. Why do I not understand it? Because in 2005, Senator DEMINT sent out a press release congratulating local leaders for securing an EDA grant for the City of Dillon, SC. So we have Senator DEMINT proposing to eliminate an agency which he lauded not once but more than once.

Senator DEMINT was quoted in the press release as saying:

> This investment in Dillon County will save and create hundreds of South Carolina jobs. And I am pleased that the EDA has awarded these funds.

So what planet are we on? We have a Senator who sends out a press release lauding an agency he now wants to

eliminate. So you would say, well, maybe that was 2005 and he has suddenly changed his mind. No. One year ago, Senator DEMINT's staff held a workshop in Myrtle Beach to highlight competitive funding opportunities available to local communities and businesses through EDA and other Federal agencies.

June 16, 2010. Here it is:

Workshop to Highlight Competitive Funding Opportunities.

The office of U.S. Senator JIM DEMINT and the Myrtle Beach Chamber of Commerce will provide a workshop—

It goes on to say that the staff of Senator DEMINT will be there.

I don't get what is going on. How do you send out a press release lauding an agency and then say: Let's do away with it. I don't get it. If jobs are our No. 1 priority—and I certainly know the occupant of the chair is fighting 24/7 for jobs, for outsourcing jobs, and for job creation.

For every dollar spent in EDA, $7 of private investment is attracted. Historically, $1 of EDA investment attracts nearly $7 in private sector investment. Now, you say: Well, for our investment with Federal dollars, how much does it cost for us to create one good job? The answer comes back: EDA creates one job for every $2,000 to $4,600 invested. That is a good investment. EDA is a job creator. That is why it is perplexing to me to have a host of amendments that are distracting us from jobs, jobs, jobs.

Between 2005 and 2010, with an investment of $2.4 billion, total jobs generated were 450,000 and total jobs saved were 85,000. At the $500 million funding level authorized, if that was spent, EDA would create 87,000 to 200,000 jobs every year and 400,000 to 1 million jobs over the life of the bill. We don't know that that $500 million will stay, but historically that is what we have authorized through EDA.

Here are the people who are supporting an authorization of the EDA: U.S. Conference of Mayors, American Public Works Association, National Association of Counties, AFL–CIO, American Planning Association, Association of University Research Parks, Educational Association of University Centers, International Economic Development Council, Association of Development Organizations, National Business Incubation Association, State Science and Technology Institute, University Economic Development Association, and National Association of Regional Councils.

We have a letter from an arm of the U.S. Chamber of Commerce lauding this program, citing how well they work with the EDA. They say:

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

This is the chamber of commerce arm:

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

They talk about the unique capability the EDA can and does support. They say EDA staff members displayed a high degree of professionalism and technical expertise. They say they have engaged with them on multiple levels, from consultation to sharing valuable field experience at the State and local level.

We have tremendous support. The AFL–CIO, dealing with the loss of construction jobs, says:

EDA has established an admirable track record in assisting economically troubled low-income communities with limited job opportunities by putting their investments to good use in promoting needed job creation and industrial and commercial development.

The last chart is the American Public Works Association, which builds public works and the water and sewer systems we need. This is from Peter King, executive director of American Public Works Association, dated this month:

I write on behalf of the 29,000 members of APWA in support of the Economic Development Revitalization Act, S. 782. We urge the Senate to pass this legislation, which will create jobs, stimulate economic growth in distressed areas, and improve the economic growth of local communities.

After Senator SNOWE speaks and others speak, I will reserve my time to go into specifically what programs we have seen flourish because of that little spark that gets lit when EDA gets in there. The private sector loves this program, and local governments and State governments love it. It has worked since 1965.

I urge my colleagues, if you have amendments, let's get time agreements and dispose of those amendments. Let's get to a final vote on this very important program, which has flourished under Democratic Presidents, Republican Presidents, Democratic Congresses, and Republican Congresses. For goodness' sakes, does everything have to be a battle royale around here? We ought to be able to reach across the aisle when there is a bill brought up that deals with jobs. If we don't do that, we honestly fail the people.

My very last point is that Senator INHOFE has worked very hard on this bill. Republicans have added a lot of reforms to the EDA. I think those reforms are important. One would eliminate a duplication of effort, and others would give the private sector the ability to buy out the EDA interests. So I think, clearly, at this time, we should get these amendments done.

I am pleased Senator SNOWE is here, and she is anxious to speak. I will conclude at this time and reserve the remainder of my time.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. There are 76 minutes remaining.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, before I begin to address the pending amendment I have offered along with a number of Senators in response to regulatory reform, I am going to yield to the Senator from North Dakota, who is a cosponsor of this legislation. I am delighted that he is a cosponsor, and that he recognizes and acknowledges the importance of changing the regulatory environment in America if we are going to have job creation and economic growth.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to be here with Senator SNOWE and to rise in support of her legislation, the Freedom Act of 2011. I will be brief in my comments. I know she has comments to make. I also appreciate Senator BOXER's comments in regard to Republican and Democrats coming together on this legislation. I think that is exactly what needs to happen with the Snowe-Coburn amendment, the Freedom Act of 2011.

I am pleased to be a cosponsor of this legislation. I draw on 10 years of experience as a Governor in our State in expressing how very important it is that we create the kind of legal tax and regulatory structure at the Federal level that will help us to stimulate private investment and get this economy going and growing and get people back to work. I know that is exactly what Senator SNOWE hopes to achieve with this amendment, and will. That is why we need to pass it.

Just this morning, jobless claims came out. New jobless claims were higher than anticipated, at 427,000. Last week, we got the employment numbers, and we gained only 54,000 jobs. Unemployment is 9.1 percent. At the same time, we face a more than $14 trillion debt, and our deficit is more than $1.5 trillion. We are spending $3.7 trillion a year and only taking in $2.2 trillion in revenue. Clearly we need to get a grip on spending, but to get out of this deficit and debt and to get people back to work, we need to get this economy growing. That doesn't mean the Federal Government spending more; it means the Federal Government spending less and creating the kind of progrowth, jobs-oriented economy and legal tax and regulatory structure that will help us grow.

If you look back at the 1990s, when we had a deficit, and even before, when we had stagflation, it was a combination of a growing economy and better fiscal management that got people back to work and got us out of the deficit and to a surplus. We need to do that again. We need this kind of legislation that will help us create a regulatory environment that stimulates business investment, creates jobs, gets

people back to work, and gets the economy growing, and then, with good fiscal restraint, will help us get on top of this huge deficit and our debt. It is vitally important for us now, and it is vitally important for future generations.

This is an important step in the right direction. I am pleased to cosponsor this legislation with the Senator from Maine. I look forward to hearing her remarks.

Ms. SNOWE. Mr. President, I thank the Senator from North Dakota, Mr. HOEVEN, for his excellent remarks. As a former Governor for 10 years, he knows the impact of regulations on small businesses and how detrimental they can be to job creation, particularly at this time where we have a very difficult economy. We have persistent high unemployment and subpar economic growth. We are at a consequential moment in our economic history, frankly, that deserves the attention of the Senate. So, again, I thank the Senator for his comments in recognizing the effect regulatory reform will have on the performance of small business and, ultimately, job creation in this economy.

I am very pleased to have many colleagues cosponsoring this amendment. I am pleased to have worked with Senator COBURN from Oklahoma, and this amendment is also cosponsored by Senators MCCONNELL, AYOTTE, BARRASSO, BROWN of Massachusetts, COATS, ENZI, ISAKSON, KIRK, HOEVEN, JOHNSON, MORAN, THUNE, and VITTER. It is clear to me that many of the Senators understand the value and imperative of reforming our regulatory system. It is absolutely vital that the Federal Government consider the small business economic impact of the rules and regulations that agencies promulgate.

The question might be asked, Why do we need regulatory reform? We had a bill on the floor last month, in early May, wherein I was denied a vote, which was regrettable because it is clear that many people don't understand how important this is and how central it is to small business job creation, how vital it is to the survival of small businesses and the cost of doing business across America. But I keep hearing from certain colleagues, ''Yes, we understand it is important; however'' or ''but'' or ''at some point.'' Let's define ''at some point.'' When?

When I was denied a vote on regulatory reform, on May 4 in the Senate, I heard that we are going to have hearings on the issue. Well, that obviously has not occurred. So it becomes the politics of obfuscation, not the reality. As I heard from a small business owner yesterday, ''When I come into Washington, it is a walled city—walled off from reality, detached from the real world on Main Street.''

I have been told that a concern with this amendment is that we have not had hearings. We had a hearing in the Small Business Committee on regulatory reform, but that is not enough for the Senator from California, who is saying we have not had hearings. She has offered plenty of amendments that haven't had hearings in the Senate. We had a major issue yesterday that was very important to small business—the interchange fee—which didn't have hearings. It didn't have hearings the first time it was offered to the Dodd-Frank legislation last year, and yesterday's amendment didn't have a hearing. So is there a new standard, in the Senate, when it comes to regulatory reform? Do you think there have been any overtures by anybody who opposes my legislation to work with us on this right away?

What is happening on Main Street America is that we are not creating jobs. Why? Because of what is failing to happen in Washington, DC, in the Senate. There is a clear detachment from the real world. Small businesses keep asking me what is going on. I say I can't explain it, other than it is clear that people don't understand what is going on because if they did, we would be working on it.

I heard the Senator from California say, ''at some point.'' But tell that to the person who is running a small business and trying to keep their neck above water and keep their business afloat during these very difficult times. What do these small business owners talk about? They talk about the regulations that are suffocating their ability to survive in a very tough economic climate.

We are dithering. That is what this is all about. It is all a masquerade, a facade, just bringing up bogus arguments. I have been in the legislative process for the better part of four decades, and I know when there is a serious purpose about working together and solving a problem. It appears to me that there is no interest in solving this problem here in Washington. Everybody has their own agenda, but people are wondering why there is this unemployment rate of 9.1 percent.

When I raised these concerns to the Secretary of the Treasury back in early February in the Finance Committee, when he was testifying—I described the concerns about what was happening on Main Street because I take Main Street tours, and I invite people to do that and to actually listen to what people are saying—he said: ''I think your view of the economy is dark and pessimistic.''

I said: Well, maybe I wasn't hearing it right. Maybe I wasn't hearing it right on Main Street. So when I meet with small business owners, I mention the Secretary's comments to them, and they cannot believe it. They cannot comprehend that the Secretary of the Treasury doesn't understand what is going on on Main Street; that the administration doesn't, the Senate doesn't, and the Congress doesn't. If they did, we would be working here day and night.

I was told I had to have a vote on this amendment right now. Why? Because it is Thursday, and certain members of this body are smelling the jet fumes while people are suffering on Main Street. Our fellow Americans are losing their jobs. Have my colleagues heard the stories about what people are facing? Time and time again I hear the same old refrains: ''We don't have time. We have to rush it. It hasn't had hearings. We will do it sometime.'' Well, tell that to the average American who is struggling to keep a job, to find a job or to keep the doors open to their business. That is what this amendment is all about. That is the reality.

We can pretend it is something else, but the macroeconomic numbers are demonstrating time and again there is a desperation out there. Yet, we take 2-week recesses, then we come back and have morning business and chat along, but it does nothing to resolve the consequential issues facing this Nation. There was a time when the Senate used to work, where we could sit down and solve a problem. Now it is all a facade, a few talking points and we move on. In the meantime, people are suffering and they are handicapped by our inability to work together. Regulatory reform is central to that agenda, make no mistake about it.

Let's look at what we are talking about and why we need regulatory reform. The analysts have lowered their forecast for the second quarter growth this year. The first quarter growth was already abysmal at 1.8 percent of GDP. Manufacturing recovery has slowed. Housing remains in shambles. New claims for jobless benefits, as the Senator from North Dakota indicated, exceeds 400,000—again. Growth of consumer spending is sluggish.

The President talks about job creation and stimulating the economy, but the results speak louder than words. Since the President took office, unemployment has dipped below 9 percent for only 5 months. Even that data is skewed because it doesn't account for the millions of workers who have exited the workforce altogether. Just last week, the unemployment rate for May increased to 9.1 percent. We are experiencing the longest unemployment period in American history since data collection started in 1948, surpassing even the 1982 double-dip recession for the length of unemployment.

Despite the President's promise, and an $800 billion stimulus package, a $700 billion TARP program, up to $600 billion in quantitative easing by the Federal Reserve, and over $2 trillion in overall government spending, we are years away from where we need to be in terms of job or economic growth. Mr. President, 40 months after the start of the four deepest postwar recessions our economic output averaged 7.6 percent higher than pre-recession levels. Yet since December 2007, when the most recent recession commenced, our GDP has only increased 0.1 percent. That is why we need regulatory reform. We need to bolster job creation, and the only place we can do that is through small businesses.

The Senator from California says we need hearings on this amendment. Then we should change the rules of the Senate and require that every amendment offered on this floor has a hearing, and every bill. That must be a new standard, Mr. President. We have had hearings on this question in the Small Business Committee, and the focus is that we desperately need reform.

In a small business regulatory reform hearing in November 2010 we heard a witness note if there was a 30 percent cut in regulatory costs, an average 10-person firm would save nearly $32,000—enough to hire one additional person.

When President Reagan entered office in 1981, he faced actually much worse economic problems than President Obama faced in 2009. I know because I served in the House of Representatives at that moment in time. With unemployment soaring into double digits, at a peak of 10.8 percent, huge chunks of industrial America shut down in the recession of 1981–1982 and never reopened. Yet once the recovery began in earnest in the first quarter of 1983, the economy boomed. It exceeded 7.1 percent for five consecutive quarters and kept growing at a 4-percent pace for another 2 years.

The contrast in results between the current recovery and the Reagan years is instructive because the government's response was so different. As a recent Wall Street Journal article reiterated, in the 1980s the policy goals were to cut tax rates, reduce regulatory costs and uncertainty—which is what these regulations are producing day in and day out—let the private economy allocate capital free of political direction, and focus monetary policy on price stability rather than on reducing unemployment. That is the type of policy mix we need to rediscover if we are going to climb out of this economic downturn.

Let's look at the first chart—small business job creators in my State and across America because they are the ones that create 70 percent of all the net new jobs in America. That is why regulation reform becomes so essential and imperative. The total cost of regulation is at $1.7 trillion—that is with a ''t''—and small firms with fewer than 20 employees bear a disproportionate burden in terms of those costs. It is $10,585 per employee, which is 36 percent higher than the regulatory costs confronting larger firms.

I know some people like to dispute numbers and say: Oh, no, that is not really a true number. Oh, really? Just add them up. There was a study that was done by Crain and Crain. They added the estimated cost of four categories or types of regulations—economic regulations at $1.2 trillion; environmental regulations at $281 billion; task compliance, $160 billion; and regulations involving occupational safety, health, and homeland security, $75 billion.

Some studies omit independent agencies. Some even omit the Internal Revenue Service from the calculation cost of regulations. Well, ask a small business or any business in America about whether IRS regulations have a cost for them. Of course they do. We have to include all agencies of government that have an impact directly on small business or any business in America.

Even a separate White House finding acknowledges that the estimated annual cost of major Federal regulations reviewed by the Office of Management and Budget this past decade cost between $44 billion and $62 billion.

The point is, the principal impediment to job creation in this country is a broken regulatory system. We have repeatedly talked about it. It is a top priority for the small business community across America. Every major organization that is a key voice for small business echoes this repeatedly: Federal regulations have placed a tremendous burden on them.

I know many of my colleagues and I understand the critical nature of all of this. We have heard the message loud and clearly. Even the President, interestingly enough, issued an Executive order in January to begin the process of reviewing Federal regulations, citing the need for ''absurd and unnecessary paperwork requirements that waste time and money.'' So in 4 months the administration's preliminarily findings uncovered over $1 billion in savings in 30 agencies. They ran the gamut. They included even environmental regulations.

So, obviously, there is some recognition and acknowledgment that regulations are a barrier and an impediment. The President is making eliminations at the Occupational Safety and Health Administration and the Environmental Protection Agency. And yet, I don't think anybody would suggest he is trying to eradicate all environmental protections in America by identifying some that just aren't worthy of support because they are onerous. He would eliminate the requirement that States install a system to protect against fuel polluting the air at gas stations since modern vehicles already have these systems. That would save up to $67 million a year. But no one in this Chamber is going to accuse the President of saying, well, we are undermining all environmental regulations in the country.

It is as if we can't be discerning and discriminating in evaluating what is worthy and what isn't, what is too costly and complex and what isn't, what makes sense and what doesn't in this current context of this economic environment. Can we spend time doing that, since I was denied the time on May 4 and an ability to vote on this amendment? Could we have worked that out? Absolutely not. So why can't we become involved in this effort?

It seems we are turning a blind eye to it. There is no recognition because I don't think there is a full understanding or an appreciation of what is going awry in the economic landscape in every community across this country and why there is that despair, that anxiety.

By the way, about 80 percent of the American people believe we are moving in the wrong direction when it comes to our economy. That should be a Paul Revere wake-up call. It should be a message on which we might want to realign our focus in the Senate.

Maybe we should spend some time in the Senate working out the issues to solve the problems so we can create jobs for Americans who are unemployed, because we know that 9.1 percent doesn't capture all unemployed Americans. There are many who have dropped out of the workforce entirely. You could have, underemployed or unemployed, as many as up to 25 million Americans. That is staggering. That is breathtaking.

Since the time I was denied a vote, we could have been moving ahead on this legislation, or in the interim from when I was denied that vote on May 4, working out a solution, working through these issues. And during that time, the chairman of President Obama's own Council on Jobs and Competitiveness, General Electric CEO Jeff Immelt, announced the top four priorities. This just happened on May 10. Understand, on May 4 I was prevented from having a vote on regulatory reform. That is preposterous. We have not had hearings. Hearings sometimes are a path to nowhere; leading to nothing. But since then, have there been hearings called for? No, of course not.

But 6 days later, who is speaking on regulatory reform? The President's own Council on Jobs and Competitiveness chairman, that is who, and he is noting a number of priorities. Guess what. One of them happens to be regulations to support a pro-growth environment and strengthen U.S. competitiveness. He listed improving and innovating education and bolstering exports to the world's fastest growing markets as three of those priorities. Then he called for ''collaboration between government and business with regard to regulation'' as a top priority, noting that ''Decades of overlapping, uncoordinated regulations create unnecessary hurdles and increased burdens for entrepreneurs and businesses, large and small, across the country.''

Let me repeat, this is from the President's hand-selected chairman of a council dedicated to create American jobs and boosting our competitiveness. He made this pronouncement less than a week after the Senate failed to consider my regulatory reform amendment to the SBIR Reauthorization legislation that we were considering for nearly two months, with a mere three days of votes over that time.

You might think that if there were some reasonable concerns about my amendment, the other side would try to work with me since then. Nothing. Nothing. We might have had a recess or two. We had days without votes, days without debating key issues—actually not just days, weeks. Nothing. Nothing is connecting.

What is connecting, though, unfortunately for small businesses and people who depend on them for jobs, is that there is a cause and effect and that is why you are seeing the deleterious effects of our inability to work on the issues that matter, that we have basically relegated all of this to the backseat, we have substituted other things without purpose. It is truly regrettable because of what it is doing to the average American and for those who are struggling. People, rightfully, know it. The American people understand what is happening here—or what is not happening here, I should say.

The breadth of regulations is truly punitive on businesses in America. The Heritage Foundation reported last year that ''[t]he burden of regulation on Americans increased at an alarming rate in fiscal year 2010,'' with a record 43 major new regulations costing $26.5 billion alone, ''far more than any other year for which records are available.''

That is just in 1 year, $26.5 billion. That is on top of the $1.75 trillion in already existing total regulatory costs. That is just 1 year, $26.5 billion.

It is clear the administration and the agencies have gone on a regulatory rampage. Again, it is that detachment from the real world. What does this mean? What are the real, practical implications for the person running a small business and trying to calculate the costs or anticipate future costs? Why are they going to hire a new employee and take on new costs? Why should they make investments? They don't dare. They can't take the risk. They say: We don't know.

I meet with small businesses regularly and talk to them and they say it is the uncertainty with regulations that continues to limit their decisions. This demonstrates it.

The Heritage Foundation reports that ''[r]egulatory costs will rise until policymakers appreciate the burdens that regulations are imposing on Americans and the economy, and exercise the political will necessary to limit—and reduce—those burdens.''

That is exactly what our amendment will do. This is a clarion call for regulatory reform. There should be no political or philosophical boundaries. There should not be philosophical differences. You might have some arguments about what approach you take, but those things could be worked out. In fact, that is exactly what I did with the amendment I offered on which I was denied a vote back on May 4.

From the other side there were some issues. We made five major modifications to my proposal because it is important to build bipartisan support. I have certainly reached across the aisle on so many occasions. I would have thought we could have had a corresponding response to work out these issues. That is what I do not understand. I cannot understand. There should not be any debate. If they talk to their small business community, they will get the same response.

What can we do to make it better? That is the key. The key is making some changes. One, I called for a small business review panel to be required for every agency so they can review the regulations before they are promulgated, before they are implemented, so we find out beforehand what might be of concern to small business, what might have potential costs or risks, or will not work out, and know it beforehand. I hear from some: Oh, no, we will work it out later, afterward. You ask the small business person how you are going to work it out afterward, after they paid astronomical costs to comply with that regulation.

Let's set up the small business review panels. This is not a new model. There are such panels for OSHA and EPA. And due to an amendment that I offered to the financial regulatory reform bill, one also now exists at the Consumer Financial Protection Bureau, and it is part of that mechanism now. There was a model that we adopted from OSHA and EPA, from 1996, when we had a Democratic administration, and it worked exceptionally well. So I thought, Why not apply it to every agency?

But we heard, absolutely not.

So I said OK, what can we do to work it out? I talked to those on the other side of the aisle and we changed it and said for the 3 years that this bill will be authorized we will do it for nine agencies, three a year, to see how it works for the nine agencies who's rules have the most effect on small businesses. I did that. I made that change to address the concerns that were expressed on the other side of the aisle.

Then we said we should start requiring the agencies to do what they are supposed to do by law. You think it is a little redundant to ask them to do what they are required to do already, which is to review the rules? They are supposed to review the rules every 10 years but, guess what, they do not. So I said: If they are not reviewing a rule every 10 years, then that rule cannot be that important. So let's take it off the books. That is what I proposed. If an agency cannot be bothered to review the regulations as they are required to do under the law every 10 years, if they are not doing it, then it must not be that important so let's take them off.

There was some resistance on the other side so I made the change in response to the concerns. What I incorporated is that they would lose 1 percent of their operating budget. That is fair. We have to give them incentives to do what they should be doing by law but we will now give them some greater impetus to comply with the law. It is amazing that we are in that position, but that is where it stands. So I made that change because I thought it was important.

We have tasked inspector generals with assuring that these reviews are taking place and they can do so in consultation with the chief advocacy counsel at the Small Business Administration. It is not unusual for an IG to determine that the agency they are overseeing complies with existing laws. After all, isn't that what they precisely do? Would anybody argue that outdated and ineffective regulations hurt the environment or harm small businesses? The administration's own preliminary review of regulations at 30 agencies in 4 months identified $1 billion worth of savings. Why would we not want to start having those reviews become the norm rather than the exception? I do not understand it. Are we that busy here that we cannot do it? Maybe we could forfeit a few recesses and do some work for America to connect what is going on in Main Street—getting back to Main Street because that is where the jobs are created.

Maybe we could spend more time here doing that instead of deferring to sometime down the road.

I made some other key changes in hopes that we could build that bridge in response to the concerns that were given by the other side. I made five major modifications because I thought it is important to build bipartisan support. Again I was denied that opportunity.

Now we are being told that the main concern is that it has not had a hearing. Does that mean that we ought to change the rules of the Senate, as I said earlier, to require a hearing for every amendment? Perhaps that would slow the train down even more here. Maybe we could get back to achieving some results.

Another provision I have in my Regulatory Reform Act that I have introduced with Senator COBURN and so many others here, is a basic commonsense approach: incorporating the indirect economic effects of regulations on small businesses so we make sure they anticipate the foreseeable indirect economic effects in addition to the direct effects, because we know there are a multiplicity of effects that resonate and reverberate with other industries. That needs to be calculated and incorporated and factored into the equation in terms of cost. And let's be clear. This is not a radical or partisan proposition. In fact, the language was taken directly, word for word, from the President's Chief small business regulatory watchdog, the head of the SBA Office of Advocacy.

I also recommend that we expand the judicial review requirement so we make sure that when an agency proposes a rule, it has complied with its existing legal requirements to consider the economic impact of the rule on small businesses, that it has contemplated less costly alternative ways to make the rule less burdensome.

That is important because they ought to listen to diverse options, in terms of the rule they are proposing, to make sure that they have incorporated the views of small businesses in understanding the implications, being more exact and precise in the process—not waiting until months and years down

the road, after you go through a very extensive, complicated rulemaking process, to try to make your case. Small businesses do not have the resources to do that to begin with, let alone the time or employees to do it. That is not a good use of their capital, by the way, to be spending their time arguing with a government agency time and again.

For 30 years, small businesses have had the ability to seek judicial review of an agency's small business impact statement after the rule has been made. In this entire time period, for over 30 years, even with the ability to obtain judicial review, we know of only two rules that were remanded by the courts. One was a mining regulation that did not account for the number of small businesses that had gone bankrupt under bonding requirements. The other was fishing restrictions issued without realizing the impact on fishermen. This means that waiting until the rule is final is simply too late; the damage is done.

To correct this injustice, our amendment would provide small businesses the ability to bring legal action earlier in the process so we can avert mistakes at the outset so we do not force small businesses to go through this onerous, complicated, costly process, and then find out we made a mistake, the agencies made a mistake, and they say: You know what. You are going to have to fight it and go through another rulemaking process which takes months if not years. It is not going to happen. That is why we are not stimulating economic growth; we have thousands of regulations.

As a result, we have provided small businesses the ability to bring legal action, to seek judicial review prior to the rule becoming finalized, whether an agency failed to comply with its existing small business review requirement. This is a commonsense approach, to ensure agencies abide by the law prior to a rule being made final. It is not a partisan measure. It is just practical sense. If somebody has not run a small business, they probably do not understand it, do not appreciate what it takes to start or run a small business, the ingenuity and the cost involved.

If you take a small operation with 5 employees, 10 employees, 20 employees, they are the majority of small businesses in America. And small businesses account for up to 70 percent of the net new jobs in America. Remember, in the last 2½ years other than 4 months, we have had 9 percent or higher unemployment rates. I mean, that is a dire commentary of where we stand today after we have spent $2 trillion, and the deficit is growing, the debt is growing. We are facing the potential of a debt crisis if we do not deal with this massive accumulation of debt. That is why job growth becomes such an imperative. This is why regulatory reform is urgent and why we must do something about it.

We could work across the aisle instead of making broad accusations that this is going to decimate the environment, and workplace safety, that this is going to decimate health care. If that is the case, the President must be doing the same thing because he has just proposed revoking more than $1 billion worth of regulations from agencies in 4 months. We cannot even have a hearing in 4 months on the issue if hearings are so important to the outcome. I would be more than happy to have hearings to get it done, but we cannot even get hearings, cannot work it out. It is just talk, talk, talk.

Many of my proposals have bipartisan support. In fact, interestingly enough, this proposal regarding judicial review was a provision that actually the Small Business Committee chair, the Senator from Louisiana, proposed and Senator CARDIN from Maryland, in a nearly identical fashion as section 605 of the Small Business Investment and Innovation Act of 2010 in the 111th Congress. They obviously agreed with the approach. There is nothing partisan about this. We ought to be able to work this out. There is nothing complicated about it. There is nothing complicated about addressing a fundamental issue facing small business.

I just want to set things straight so it is clear and we are not misunderstood. Some are making generalized mischaracterizations. People have not read the amendment, or taken the time and effort to understand it. Reason it out, and if you disagree, come up with something so we can move with urgency, with dispatch because we are losing jobs in America. We are losing businesses. This would help enormously.

That is why the legislation I have introduced, and the Senator from Oklahoma and others, has broad support from major small business organizations across America. They understand. They are hearing from their membership. And speaking of this, Mr. President, I ask unanimous consent to have printed in the RECORD two letters of support, one from 32 major business organizations and another from the Chamber of Commerce.

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

JUNE 8, 2011.

Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.
Hon. TOM COBURN,
U.S. Senate, Washington, DC.

DEAR SENATORS SNOWE AND COBURN: As representatives of small businesses, we are pleased to support Freedom from Restrictive Excessive Executive Demands and Onerous Mandates (FREEDOM) Act of 2011. This legislation puts into place strong protections for small business to help ensure that the federal government fully considers the impact of proposed regulation on small businesses.

In an economy with high unemployment, and where almost ⅔ of all net new jobs come from the small business sector, we appreciate that your legislation would require regulators to further analyze the impact of certain proposals on job creation. The annual cost of federal regulation per employee is significantly higher for smaller firms than larger firms. Federal regulations—not to mention state and local regulations—add up and increase the cost of labor. If the cost of labor continues to increase, then job creation will be stifled because small businesses will not be able to afford to hire new employees.

The Small Business Regulatory Freedom Act expands the scope of the Regulatory Flexibility Act (RFA) by forcing government regulators to include the indirect impact of their regulations in their assessments of a regulation's impact on small businesses. The bill also provides small business with expanded judicial review protections, which would help to ensure that small businesses have their views heard during the proposed rule stage of federal rulemaking.

The FREEDOM Act strengthens several other aspects of the RFA—such as clarifying the standard for periodic review of rules by federal agencies; requiring federal agencies to conduct small business economic analyses before publishing informal guidance documents; and requiring federal agencies to review existing penalty structures for their impact on small businesses within a set timeframe after enactment of new legislation. These important protections are needed to prevent duplicative and outdated regulatory burdens as well as to address penalty structures that may be too high for the small business sector.

The legislation also expands over time the small business advocacy review panel process. Currently, the panels only apply to the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Financial Protection Bureau. These panels have proven to be an extremely effective mechanism in helping agencies to understand how their rules will affect small businesses, and help agencies identify less costly alternatives to regulations before proposing new rules.

We applaud your efforts to ensure the federal government recognizes the important contributions of job creation by small business, and look forward to working with you on this important legislation.

Sincerely,

Air Conditioning Contractors of America; American Bakers Association; American Chemistry Council; American Farm Bureau Federation; American Trucking Associations; Associated Builders and Contractors; Food Marketing Institute; Hearth, Patio & Barbecue Association; Hispanic Leadership Fund; Independent Electrical Contractors; Institute for Liberty; International Franchise Association; National Association for the Self-Employed; National Association of Home Builders; National Association of REALTORS; National Association of the Remodeling Industry (NARI); National Automobile Dealers Association (NADA); National Black Chamber of Commerce; National Federation of Independent Business; National Funeral Directors Association.

National Lumber and Building Material Dealers Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Small Business & Entrepreneurship Council; Snack Food Association; Society of American Florists; Society of Chemical Manufacturers & Affiliates; U.S. Chamber of Commerce; Window and Door Manufacturers Association.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 8, 2011.

Hon. OLYMPIA J. SNOWE,
U.S. Senate, Washington, DC.
Hon. TOM COBURN,
U.S. Senate, Washington, DC.

DEAR SENATORS SNOWE AND COBURN: As a longstanding advocate for reducing excessive regulatory burdens on small businesses, the U.S. Chamber of Commerce strongly supports S. 1030, the ''Freedom from Restrictive Excessive Executive Demands and Onerous Mandates (FREEDOM) Act of 2011.'' If enacted into law, this legislation would expand the responsibilities under the Regulatory Flexibility Act (RFA) of federal agencies during the rulemaking process so that a more thorough economic impact of proposed regulations on small businesses would be taken into account by regulators.

One provision in the bill would force agencies to take into account the foreseeable indirect economic impact of rules on small entities when analyzing potential burdens. As a result, regulators would have a better picture of the downstream implications of a proposed rule on other businesses that might not otherwise be considered.

Another section of the bill would subject agency guidance documents to the small business safeguards contained in the RFA. In many cases agencies have circumvented their rulemaking responsibilities by issuing informal guidance. Requiring agencies to perform small business economic analyses before publishing informal guidance documents would help prevent regulators from subverting their rulemaking duties under the law.

The U.S. Chamber of Commerce is the world's largest business federation, representing the interests of more than three million businesses and organizations of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses with 100 or fewer employees. On behalf of these small employers, we applaud your leadership on introducing this important piece of legislation and look forward to working with you on its passage.

Sincerely,

R. BRUCE JOSTEN.

Ms. SNOWE. Our amendment includes a number of other provisions that would be important. For instance, we asked the Internal Revenue Service to consider small business impact on rulemaking, and that agencies review their rule penalty structures. I think we should ask the Internal Revenue Service to consider small business impact as well. It is reasonable. They obviously have a broad effect on small businesses across America.

I have spoken on this issue at great length because I think it is that important. I have been a ranking member of the Small Business Committee. I have been chair of the Small Business Committee, since 2003 in either capacity. My State of Maine is a small business State with over 97 percent small businesses, so I fully understand and appreciate the magnitude of the situation, the circumstances in which they find themselves and struggle to survive. The interchange fee amendment to this bill, was an important issue that consumed a lot of time in the Senate. I certainly did not complain because I understand that. It did not have a hearing. It is a new proposal—that did not have any hearings. I did not complain, but it is important to understand—I just want everybody to understand not every amendment offered on the Senate floor, every proposal, has a hearing. Far from it. Very few ever do.

We had a hearing on small business regulations last fall. That is why I am working this out, but we cannot work it out. There is no process or mechanism. It is all talk. No action for where it matters most, and I feel the despair and anxiety of my constituents. I feel it intuitively. I wish we could do better.

I have been in the legislative process, as I said earlier, for the better part of four decades. My whole reason for serving in public office is to rise to a higher level. I believe it is my responsibility to solve the problems on behalf of people I represent and, hopefully, the country. There are only 100 United State Senators. It matters for our States, and it matters for our country. I would hope we could aspire to a higher level than this; certainly, in the aftermath of the last election, where there was an indisputable, unequivocal message from the American people begging and pleading with us to solve problems.

We have an individual and a collective responsibility. We know how to do it, and we can do it. The genius of America has always been working together to solve our problems. It has been the hallmark of the innovation and the can-do spirit of America. I happen to believe in that can-do spirit. I know it is possible if we have a process and a procedure in the Senate that allows for it.

When I get up every day, it is about what I can do for the people I represent and for this country at a very trying and anguishing moment, where the uncertainty is permeating the American psyche; to feel and to understand the fear that people get up with every day wondering if they are going to find a job or keep a job. Even if they get a job, it is about one-third of what they were making before. I heard that story yesterday from some constituents, about the hundreds who apply for a job for one-third of what they were making. How are they going to keep their families afloat, their homes? If they can keep it. That is what it is all about.

Why is it we cannot replicate it here in actions and speak to the American people and give voice to those fears and say we are going to do it, we are going to do it right here, and then systematically tackle those issues one after the other and just do it and do it as long as it takes, even if we have to work weekends? Americans are working weekends, two and three jobs. They are doing everything. We take recesses. We do this. We ''obfuscate'' is the word that comes to mind, sort of create a confusion, a masquerade that we are doing something to mix it up.

The practical impact in the absence of what we are doing is directly felt at home on the average American. I know we can do better. There have been soaring moments in this Chamber and there can be again. This is one of the most consequential times in our economic history, and we have an obligation to lift up the spirits of the people by working together on the issues that matter, and this is one issue that matters because there are 30 million small businesses in America. They are the job generators and creators, and if we do not recognize the reality of this type of reform and we cannot get it done, then we have failed to do our jobs. And I regret that.

I believe we can do it, and working it out instead of talking about hearings at some point, some ambiguity, as if we cannot appreciate or understand what is happening in the real world and households every day on our Main Streets. If you do not, then I suggest you take a few Main Street tours and talk to small businesses and talk about their fears. These are Americans who are working mighty hard to make a difference in this world. All they want is a better life for themselves and their families and their children and, in fact, we are retreating.

We have an obligation to stand up to do what is right. I hope we can find our way somehow, somewhere. This is a great place to start to make a difference.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the passion with which my colleague spoke, and I could not disagree more with her when she says we are masquerading as if we are doing something.

Were we masquerading when we brought the small business jobs bill to the floor, and Senator LANDRIEU, who chairs the Small Business Committee, stood here day after day after day and only faced a filibuster from the Republicans? We could not get that bill done, and millions of jobs were in the balance. Were we filibustering? No, they were. Were we masquerading?

Were we masquerading when we brought the FAA bill to the floor, in which my colleague, Senator SNOWE, played a huge role? Thank God, we passed it. Were we masquerading? That bill is held up because the House Republicans have not chosen conferees, and we are waiting to have a 21st-century aviation system in this great Nation where we are using radar that was used in the last century—practically the century before. Come on. We are trying to do our job.

She talked about the last election. I will talk about the last election. I was on the ballot, so I can talk about it. It was about jobs. I told my people when I get back here: Jobs, jobs, jobs. I am proud to say we have on the floor right now a bill to reauthorize the Economic Development Administration, a program that has been around since 1965 and one which has a stellar record of attracting $7 of private capital for

every $1 we spend. The cost of each job created is approximately $3,000 per job, and they are good jobs. The Chamber of Commerce arm is supporting this and the AFL–CIO.

We are dealing with amendment after amendment after amendment, and it is fine. It is everybody's right, and I appreciate the fact that we will be voting on this amendment at 2:15. We even have an amendment to do away with the very agency we are trying to reauthorize by Senator DEMINT, even though in 2005 he had a very big press release lauding the EDA and, as recently as last year, his staff attended a workshop where they were working with the EDA and praising the EDA for their work to reinvigorate jobs.

I appreciate being lectured—and it is everybody's right to do it—and I will do anything to defend my colleagues' right to say whatever they want. It is just not true. The masquerading here is being done by Republicans who filibuster almost every single thing we do.

I hope we are going to get to the series of amendments. We are being very cooperative with our colleagues. We are going to take some of these—some of these amendments are for show. Fine. Everyone has that right. It is fine. But let's get it done, and let's get going with authorization of a bill that is going to create jobs. That is the whole idea of it. The last time we voted on it, we had a unanimous vote. Since 2004, we had a unanimous vote, and George Bush signed this into law.

I just want folks to know I have another couple minutes of remarks, and then I will yield such time as he may require to Senator BROWN of Ohio.

Mr. THUNE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. What are the rules of discussion or debate right now? When the Senator from California wraps up her remarks, would it not be appropriate to have someone from the other side speak at that time?

The PRESIDING OFFICER. There is no order for speakers. The Senators from Maine and California control the time, and they yield.

Mrs. BOXER. Mr. President, I am happy to propound a unanimous consent request so that at the conclusion of my remarks Senator BROWN will speak for, say, 10 minutes and then it would go to Senator THUNE; is that all right?

Ms. SNOWE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I appreciate that, Mr. President. I don't know if there is any time agreement, but I think it is appropriate to go back and forth.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I have said I would offer a unanimous consent agreement. We are dividing the time between the two of us. It is my decision to yield to Senator BROWN because Senator SNOWE has spoken for a very long time and I want him to have some time and I am wrapping up my comments. I would be happy to propound a unanimous consent request that after Senator BROWN's remarks for 10 minutes, we then turn to Senator THUNE for 10 or 15 or 20 minutes or whatever it is he wishes.

Mr. THUNE. Mr. President, point of clarification. My understanding is the Senator from California cannot yield time to another Senator.

Mrs. BOXER. I am not yielding time.

The PRESIDING OFFICER. The Senator can yield time but not the floor.

The Senator from California.

Mrs. BOXER. Thank you. So is there objection to my unanimous consent request that Senator THUNE be recognized immediately after Senator BROWN for as long as he wishes?

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Reserving the right to object, the Senator from California has been addressing the Senate, so wouldn't it be appropriate for the Senator from South Dakota to speak?

Mrs. BOXER. My unanimous consent request is that I have the right to call on Senator BROWN. I can yield to Senator BROWN is my understanding.

The PRESIDING OFFICER. The Senator can yield time but not control of the floor.

Mrs. BOXER. I wish to yield time to Senator BROWN.

The PRESIDING OFFICER. It does not give Senator BROWN the floor.

Mrs. BOXER. So then I will yield to him for some questions. I can do that under the rules; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. All right. So that is what we will do, unless my colleagues would rather do it the way I said before. If not, I will just yield for questions. Either way. It is up to my colleagues.

Mr. THUNE. Mr. President, the request was that at the conclusion of the remarks of the Senator from California, the Senator from Ohio would have how many minutes?

The PRESIDING OFFICER. Ten minutes.

Mrs. BOXER. Then Senator THUNE would be recognized for as much time as he wishes.

Mr. THUNE. I don't have any objection to that.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. SNOWE. Reserving the right to object, I wish to include the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. At the conclusion of Senator THUNE?

Mrs. BOXER. Reserving the right to object, and I will not object, could we have some indication of timeframe? It is all fine.

Ms. SNOWE. Fifteen.

Mrs. BOXER. All right. I think I have the time; is that right?

The PRESIDING OFFICER. Let's make sure. Up to 10 minutes for Senator BROWN of Ohio, then Senator THUNE to follow, and then Senator COBURN will follow.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I have one more question. I still have the floor?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. I said at the conclusion of my remarks we would turn to Senator BROWN. How many minutes remain on each side?

The PRESIDING OFFICER. There is 68 minutes for the majority and 47 minutes for the minority.

Mrs. BOXER. Thank you very much. I will wrap up in a couple minutes and come back later.

I think it is very important to reiterate what I said before. I don't think we are masquerading around here; I think we are trying to do our work. The bill before us was voted out of the committee. It had hearings. It had a vote. It was bipartisan, unlike the amendment offered by my friend who never had a hearing. Let's be clear. We are not masquerading; we are doing our work.

I only hope this bill gets better treatment than the small business bill. My friend is speaking for small business. We all know small business is the engine of jobs, and that is why it was shocking to me that the Republicans filibustered the last small business bill that was on this floor. It is outrageous, when we say we want jobs.

The reason I am going to vote to table the Snowe amendment or against the Snowe amendment—there are many, but one is process. We haven't had a hearing. It is very far-reaching. But I also wish to speak as chairman of the Environment and Public Works Committee. One of our biggest laws and regulations that stem from it has to do with the Clean Air Act. The way my friend has put forward her amendment, there would be no benefit put into a regulation because of its impact on the health of us and our families.

The Clean Air Act has been attacked by those who want to say let's not have regulations for this segment of business and that segment. We just had a vote in California and 60 percent of the people—Republicans, Democrats, Independents—more than 60 percent said we want to see our health protected.

Here is what has happened. In 2010, the Clean Air Act prevented 160,000 cases of premature deaths—premature deaths. Now we are going to come in with some regulation that has never had a hearing, never had a vote, that is not going to take into account the benefit of a health regulation such as that. By 2020, that number is projected to rise to 230,000 cases of premature deaths.

In 2010, the Clean Air Act prevented 1.7 million asthma attacks—1.7 million fewer attacks. We want jobs. We want

people healthy. They can't go to work if they can't breathe, because if you can't breathe, you can't work. So let's not get up here and pass something that hasn't had a hearing, hasn't had a vote, and suddenly say we are no longer going to take into account the benefits of some of the regulations we have.

In 2010, the Clean Air Act prevented 130,000 acute heart attacks. In 2010, the Clean Air Act prevented 3.2 million lost days at school.

So my point is, yes, we want regulations to be sensible; yes, we want them to be flexible; yes, we should work together to make sure our businesses aren't facing undue delays and all the rest and I am very willing to do that. But what I am not willing to do is pass something that has far-reaching impacts. We don't even know what it would mean to the health and safety of our families, and it would absolutely ignore the benefits of regulations that protect our children's health, their safety, their well-being and our working families because a lot of these regulations are meant to protect them.

I hope we will vote down the Snowe amendment. I appreciate the passion on all sides. I truly believe we are not masquerading. We have a bill with real impacts, a bill that I have shown has made a major difference in job creation, in business creation, and in bringing hope to our most ravaged communities. It is such a good program that even Senator DEMINT, who says he doesn't like this program, certainly throughout his career has praised the progress it has made in his State.

With that, I yield the floor.

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

Mr. BROWN of Ohio. Madam President, I thank the Senator from California, and I thank the Senator from South Dakota also for his indulgence. I will be no more than 10 minutes.

I listened to Senator BOXER. This EDA issue is important for job creation. I know when it comes to something such as this, there is a whole array of issues that EDA is involved with in job creation. Just one of them is what EDA does with incubators and accelerators.

Last week, I was in Shaker Heights, OH, at a place called the LaunchHouse. It used to be an auto dealership, and there are now 40 entrepreneurs working there. We know EDA investment, public dollar investment, in these incubators pays real dividends. The EDA estimates a $10,000 investment creates 50 or more jobs. We are seeing that in places such as Shaker Heights and Youngstown, one of the best incubators in the country. Athens, OH, is the home of the National Association of Incubators, and they know what that means.

Before the Senator from Alaska was presiding, I was in the chair presiding and listening to some of this debate. I am a bit amazed by it. First of all, let's remember a little bit of history. I hear the talking points, apparently distributed to all 47 of the Republican Senators, all coming to the floor and blaming government regulation for every problem known to humankind. They are forgetting government regulation is seat belts, airbags, safe drinking water, prohibition on child labor, the Food and Drug Administration so our food is pure and our pharmaceuticals are safe. But they lump it all together and say get rid of all this government regulation. I think the history they need to think about is the last time they preached on the Senate floor about deregulation, they were successful in deregulating Wall Street, and look what happened to that.

When I hear this sort of preachy: ''We have to get rid of government regulation,'' let's be a little more specific. There are some regulations, to be sure, that we should do away with. But when I hear them talk about trillions of dollars of regulation, a lot of that is what keeps our food pure, our drinking water safe, our workplaces safe, our quality of life better for the broad middle class. Let's not forget that.

I wish to speak for the last 5 or 6 minutes about something my colleagues and I will be debating fairly soon; that is, the pending trade agreements with South Korea, Colombia, and Panama. It is a bit of deja vu—as Yogi Berra said, deja vu all over again. The promise of jobs is an echo we hear about every 3 or 4 years: Time to do a new free-trade agreement; time to promise lots and lots of new job creation; promise more exports for the United States. We heard it with NAFTA, the North American Free Trade Agreement, almost 20 years ago. We heard it with PNTR with China in the late 1990s. We heard it with the Central American Free Trade Agreement in the last decade—2003, 2004, 2005, 2006—and now we are hearing it again with Colombia and South Korea and Panama.

I recall both Republican and Democratic administrations saying 200,000 new jobs created by NAFTA. I heard proponents of PNTR promise a more balanced trade relationship with China, and new, increased exports. We have seen increased exports to China but nothing like the number of—there were jobs created because of that, I acknowledge that, but nothing like the export of goods from China to the United States, which, in essence, is outsourcing jobs in the United States.

There is a company in Bryan, OH, called the Ohio Art Company. They make something we are all familiar with, and that is the Etch A Sketch. We all played with it as kids. Walmart went to that company—the biggest retailer in the history of the world—and said: We want to sell your product for less than $10 at Walmart. Do my colleagues know what they did? They basically shut down production in the United States and moved to China so they could sell it for $10, costing hundreds of jobs in that northwest Ohio community.

Before PNTR, before these promises about increased jobs, we had a $68 billion trade deficit in goods with China. Last year, it was $273 billion. About $600 million or $700 million every single day we bring in—we buy from China, then we sell to China. I hear this word ''unsustainable'' in this body all the time about Medicare, whatever they are talking about. But this is what is unsustainable. We can't keep adding to that trade deficit and think we are going to have good jobs.

In April alone, our trade deficit with China was $21 billion—in 1 month, $21 billion. So when I hear, this year, the Korean Free Trade Agreement—and the President of the United States is going to submit it to Congress fairly soon, I assume, depending on what happens with the trade adjustment assistance; and this President has made this agreement with Korea, significantly better than the last President's trade agreement with Korea but not all that good yet—the Congressional Budget Office estimates this agreement will cost—in addition to the jobs issue, but hold on to that for a second—about $7 billion over the next 10 years—$7 billion.

My conservative friends on the other side of the aisle are going to say: How are we going to pay for $7 billion? They want to offset cuts, they want to offset any other kind of spending, but they do not seem to want to offset spending on this trade agreement. So this trade agreement is costing us $7 billion. So free trade simply is not free.

The administration says this agreement is expected to support—not create—70,000 jobs. Do the math. It is about $100,000 for every job supported. But do another piece of math, if I could ask the indulgence of the Presiding Officer. George Bush the first said for every $1 billion trade deficit or surplus, that translates—these are his numbers—into about 13,000 jobs. So when I mentioned that trade deficit with China a minute ago—$21 billion in just April alone—for every $1 billion, 13,000 jobs are either gained or lost. If it is a trade deficit of $21 billion, that means 13,000 jobs for every $1 billion of loss. So you can see, without belaboring this point or putting too fine a point on it, there is significant job loss from these trade agreements.

The Obama administration sought to address the Bush administration's neglect of American automakers, which the free-trade agreement the Bush administration negotiated with Korea did. But I fear we have not gone far enough. Korea is the most closed automotive market in the world to America and other foreign autos. No manufacturer can export vehicles in significant volumes into Korea—not Toyota, not Volkswagen, not Ford, not Fiat. U.S. vehicle exports to Korea in 2010 were 7,500 units. In a country approaching perhaps 90 million people in Korea—80, 90, 95 million people—we sell them 7,500 cars? Imports currently make up about 6 percent of the Korean auto market.

Six percent of the cars driven around in South Korea are made somewhere other than South Korea. That is not quite fair trade.

This bill, this Korean Free Trade Agreement, does not get us there. The Obama administration approved it, but nothing like it needs to be. So I just caution my colleagues, the Korea Free Trade Agreement is a permanent agreement. If we pass this agreement in a couple months, what we pass in establishing that formalized trade agreement with that major industrial country in East Asia is a permanent relationship.

It does not sunset like a so-called authorization. It does not sunset the way many of my colleagues have recently let the trade adjustment assistance lapse for service workers and for workers who lose their jobs to countries we do not have a free-trade agreement with. Some of my colleagues insist trade adjustment assistance needs to be reauthorized in the short-term, little baby steps, year-by-year intervals, while they press for more permanent trade agreements.

Here is the deal. Madam President, I know you in North Carolina have shown real leadership on these trade relationships. Here is the deal conservative politicians in the Senate and in the House of Representatives want. They want us to pass permanent trade agreements, but then they may want to take care of workers for just 1 year at a time, 6 months at time—6 weeks at a time the last time they reauthorized this.

This does not make sense. The trade agreement with Korea is a significant problem for job growth in our country and for protecting jobs in our country. There is nothing wrong with the word ''protecting'' jobs in our country. But at the same time, before we even consider that, we need to make sure we pass the trade adjustment assistance. We should have learned our lessons from NAFTA, from NPTR with China, from CAFTA, and from these other trade agreements that the promises coming from an administration on job creation, when it comes to trade agreements, are mostly empty promises.

I yield the floor.

I thank Senator THUNE from South Dakota for his indulgence.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise in support of the amendment that has been proposed by my colleagues from Maine and Oklahoma, Senators SNOWE and COBURN, the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011. This is a very commonsensical piece of legislation. It is something that certainly responds to a concern I hear from small businesses all across this country about the need for relief from burdensome, one-size-fits-all Federal regulations.

We hear a lot of discussion—in the Senate and around this town and around the country, for that matter, because that is where it truly matters—about creating jobs. Yet for all the rhetoric about job creation, it seems there is very little that is actually being done with regard to the substance of putting the right kind of policies in place that will make it cheaper and easier for small businesses to create jobs. It seems as if everything we do makes it harder, more difficult, and more expensive for our small businesses to create jobs.

As the Senator from Maine very correctly pointed out, 70 percent of the jobs in our economy are created by small businesses. I think there are a whole range of issues that impact small businesses in this country and their ability to create jobs.

My colleague from Ohio just talked about trade. I happen to have a view on trade that you ought to have trade agreements that are fair, that are enforceable, obviously, but that we are a country that benefits enormously from the opportunity to export the products we grow and make to other countries around the world.

To just give you an example of one particular country, one of the bilateral trade agreements that is under consideration—or at least I wish was under consideration; it has been negotiated and has not been submitted by the White House yet to the Congress for consideration—is the one with Colombia. I mentioned this earlier today in some remarks on the floor, if you look at it and its impact on agriculture in this country: In 2008, in the commodities of corn, wheat, and soybeans, our country had 81 percent of the Colombian market when it comes to those three agricultural commodities. In 2010, that was down to 27 percent. Why? Because a lot of other countries that had negotiated free-trade agreements with Colombia have stepped in to fill the void because we do not have that kind of agreement.

This has very direct and profound impacts on the American economy. Because when you lose that kind of market share—81 percent in 2008, down to 27 percent in 2010—that is a significant number of jobs that are impacted in industries in this country. The same would be true with Panama and South Korea, all of which would be trade agreements that are teed up that have been sitting and languishing for 3 or 4 years now without action in the Senate. It is absolutely insane for us not to be moving trade agreements that could benefit our economy and create jobs at a time when job creation—certainly, at least rhetorically around here—is stated to be the No. 1 priority we deal with.

When it comes to jobs and the economy—and I think there are a number of things, as I said, that impact that, trade being one—there are a number of policies coming out of Washington that impact small businesses and their ability to create jobs. Clearly, tax policy is one. Tax policy is something I think needs to be reviewed. We need tax reform. It is long overdue. It is making us noncompetitive with other countries around the world because our tax laws are outdated relative to other countries, our takes rates are higher relative to every other industrialized country in the world, with the exception, perhaps, of Japan. That is something we need to be looking at. If we are serious about being competitive and about growing our economy and in the global marketplace creating the kind of jobs we need here at home, we have to have trade policies, tax policies that are conducive to economic growth and job creation.

The other area, however, on which we can be impacted by what happens in Washington is regulation. That is what this particular amendment is all about. It is about making regulation coming out of Washington, DC, reasonable, making it based upon common sense, making it based upon science, making it where any objective bystander or person out there—an observer who looks at these regulations—would say: They are trying very hard not to make it more difficult for small businesses to create jobs in this country.

But I think what happens too often is the exact opposite. It looks like what is coming out of Washington are heavy-handed, burdensome requirements, mandates, and regulations which drive up the cost of doing business in this country. Frankly, I do not disagree with what some of my colleagues on the other side have said about regulations that are important to public health and safety. What I am talking about are excessive, overreaching regulations, which in some cases go beyond the congressional intent, the statutory purpose that Congress, when they enacted the laws, wanted to see take place. So you have regulatory agencies that go way beyond the congressional intent and the statutory purpose with regard to many of these policies that are being put in place.

I have to say that when I travel in my State of South Dakota—and, for that matter, outside the State of South Dakota—and I talk to small businesses, I talk to agricultural producers, the overriding theme, the consistent theme I hear over and over and over again is: You have to get these out-of-control regulatory agencies under control. They keep spinning and kicking out more and more regulations that are making it more difficult for us to grow our businesses and to create jobs.

Maybe that is a function of the fact that we have a government that has gotten too big and out of control. If you look at government today relative to historical standards, we are looking at government, as a percentage of our entire economy today, of being somewhere in the 24- to 25-percent range. I mentioned earlier this morning in some remarks on the floor that back in the year 1800, the government was actually 2 percent of our entire economy. For our entire economic output at that

time, 2 percent represented what we spent on the Federal Government. Today we are spending one-quarter—one-quarter—of every dollar of our entire economic output in just the Federal Government. That does not include State and local governments. When you add those in, you get up over 40 percent. The trajectory we are on today will take us up to 40 percent of spending on the Federal Government to GDP in the not-too-distant future. If you look at 2035, 2040, that is where we are headed if we stay on our current path.

So it necessarily follows, I suppose, that when government keeps getting bigger and more expansive, more government regulations, more government redtape, more bureaucracy is a natural outgrowth of a growing government. What I think makes the most sense is for us to be creating jobs in the private economy. What we have seen here in just the last few years is that the government economy is growing relative to the total economy. The private economy, thereby, is shrinking. We have seen, over the last 40 years, the average of the Federal Government, as a percentage of our entire economy, being 20.6 percent. So 20.6 percent of our entire economy spending has been by the Federal Government. As I said, now it is 24 to 25 percent.

So we are on a path where we are rapidly ramping up, we are rapidly growing the size of government relative to our entire economy. That is not where we want to go if we are serious about creating good-paying, permanent jobs for people in this country. Those jobs originate and come from the private sector. They come from small businesses. That is where we want to create the jobs.

So I would say the amendment that is being proposed by the Senator from Maine and the Senator from Oklahoma is a very reasonable one because all it is simply saying is, before these new regulations go into place, the small businesses ought to have access to some review and perhaps even, if necessary, to the court system, to make sure those regulations are consistent with the legislative intent and not overly burdensome and putting an unnecessary and excessive burden on our small businesses.

I think it is common sense. If we are serious about job creation, if we are serious about economic growth, getting the economy back on track, this is the very type of legislation we ought to be supporting. Too often around here we end up off on these tangents, working on things that do not have an impact on job creation. I will say that one of the things we should be working on—and that we are not—it has now been 771 days since Congress passed a budget. Think about that: $3.8 trillion, $3.7 trillion, $3.8 trillion in annual spending, and it has been 771 days now since Congress passed a budget.

It strikes me, at least, that if we are serious about getting our fiscal house in order and sending signals to the economy and to the market that we want to create jobs, the first thing we could do is get the fiscal house in Washington, DC, in order. Yet we have had 771 days now without a budget.

If you are really serious about getting the economy back on track, you have to also restrain spending. You have to grow the economy, you have to restrain Federal spending, because when you have a government that is growing at the rate ours is, it does crowd out private investment. It makes it more difficult for small businesses to get access to capital and create jobs because they are competing with the government.

Back to the issue at hand here—that is regulations—I think that whether it is a farmer or rancher in South Dakota—by the way, I spoke yesterday with someone who is in town representing a livestock organization in my State—the No. 1 issue is overreaching government regulation driving up the cost of doing business.

You look at some of the proposals and suggestions that are out there, and sometimes they fall into the category of ''you can't make this kind of stuff up.''

There was a proposal under consideration here recently at the EPA—which they have not, to be fair, promulgated regulations on yet or proposed regulations on yet—that would regulate fugitive dust. I mean, imagine and think about what that means in an agricultural. What it essentially means is you could not have dust from your property drift over onto someone else's property.

Some of this stuff borders on insanity. I think that is the point that is being made by the amendment of the Senator from Maine. Let's use some common sense. Let's use some reason. If we are going to have these regulations, let's at least put them forward in a way that does not disproportionately adversely affect small businesses and make it more difficult for them to create jobs.

Here is another example. Just last month, the DOT started seeking comment on the need for commercial driver's licenses for individuals who are driving off-road farm equipment such as tractors. Well, where I come from, that is a pretty important part of our economy. You have a lot of young people working in farm operations, a lot of people, period, who are out there who grow up learning or knowing how to drive tractors, how to handle farm equipment, and this particular requirement would force them to get a commercial driver's license.

I mean, some of this stuff, as I said, falls into the category of ''you can't make these kinds of things up.''

The EPA recently threatened ranchers in the Flint Hills region of Kansas to stop or limit the controlled burn of their prairie pastures, which is a practice that allows for the new growth of grass to feed cattle, or to be faced with EPA-mandated regulations.

The list goes on and on.

It strikes me again that when you have as many of these studies that are out there, and a lot of data supports these arguments, we ought to be responding in a way that recognizes that science, data, and input from people who are impacted by these regulations ought to have more of an influence on the regulations that are imposed by these agencies. What this does is it simply puts in place a way in which small businesses can get access to that kind of a review.

I hope my colleagues in the Senate will support the Snowe-Coburn amendment and move us in a direction where we are dealing fundamentally with the issues that are important to our economy right now because, for all of the rhetoric, as I said earlier, about wanting to grow the economy and create jobs, it seems as though every policy coming out of Washington, DC, is contrary to that objective, whether that is tax policy, trade policy, energy policy, but perhaps more important now than ever, regulatory action coming out of the executive branch of the government and running amok by creating all kinds of roadblocks and hurdles and impediments to job creation in this country.

Again, when you are at 9.1 percent unemployment, when you have as many people out of work as we have and who have been out of work for as long as they have, you would think that, first and foremost, we would be looking at policies that make it easier and less expensive to create jobs in this country. And what is happening is we are making it more difficult and more expensive to create jobs by these excessive, overreaching, runaway regulations that are coming out of Federal agencies every single day.

It is hands down the thing I hear more than anything else from people in my State of South Dakota. As I said, whether that is the Farm Bureau or a livestock group or a small business organization, right now government regulation is the thing they state most often as the biggest impediment to them going out there and creating jobs.

So this is a very commonsense amendment. It is something our small businesses are all supporting. We saw the list of small business organizations the Senator from Maine put up earlier. This is something this Senate ought to act on and act on today. I hope we will get a strong affirmative vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Would the Senator yield for a question? Is the Senator aware that there are at least four other bills—Senator VITTER, Senator ROBERTS, Senator COLLINS, and Senator PORTMAN—and, in addition, that Senator LIEBERMAN is developing a comprehensive bill on reg reform? Is the Senator aware of those other bills?

Mr. THUNE. Well, I would say through the Chair that there may be

many efforts, as there typically are here in the Senate, to address some of the issues, and a lot of our Members have different ideas about how best to do that. I happen to believe the proposal put forward by the Senator from Maine is, as I said, a very reasonable, commonsense approach to this.

The Regulatory Flexibility Act is something that is in need of some revisions, particularly in light of the fact that we have so many regulations coming out of these agencies that are so costly, so difficult, and so burdensome for small businesses in this country. I think we ought to be, at every opportunity, looking for ways to lessen the cost and the difficulty for our small businesses to create jobs.

Ms. LANDRIEU. Through the Chair, I understand Senator COBURN, under the UC, has the next 15 minutes. But, through the Chair, I would end my question by saying that I think the Senator is right. There are some regulations that are coming fairly fast and furiously. But I think the Senator would also understand that the normal process is reviewing the bills at the committee level, comparing and contrasting, and then bringing the best approach to the floor. And that is what some of us are objecting to. It is not the goal of reducing regulations; it is the process.

Thank you.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened to this debate all morning, as an original cosponsor with Senator SNOWE on her bill. I wish to talk about the EDA first, and then I will talk about what most of us do not realize because most of us have not taken the time to look.

There are 80 economic development programs in the Federal Government through 4 agencies that spend $6.6 billion a year. Not one of them has a metric on it to see if it is successful.

We have heard all morning about $3,000 per job. That is all self-reported stuff. No oversight on it. No committee oversight on it. No hard work to see—there is not a metric on one of these programs to see if it is working. Now we have a bill on the floor to spend another $500 million a year on something we have no idea what—we have anecdotal evidence, but what does the OIG say? The OIG says, first of all, this program has been used as a congressional slush fund to direct money to friends of Members of Congress. That is what they say. Fully one-third of the projects never come to completion. So the money that was spent on it ends up being totally wasted. We are reauthorizing a bill that nobody can show the statistics that it is, in fact, effective. It is not just that we are reauthorizing this bill, we have 79 other programs.

Ask yourself a question. We are $14 trillion in debt. We are nearly bankrupt. We are running a $1.5 trillion deficit. And we have a bill on the floor to spend $500 million, and we do not know whether it works. We claim, anecdotally, we see positive things every now and then. Well, you know, there are positive outcomes to illness too. But the fact is, we do not know what we are doing.

What the Congress ought to be doing is saying: If, in fact, it is a role for the Federal Government to have economic development activities, then we ought to center it in 1 area, and we ought to have 1 or 2 programs, not 80 with 80 sets of administrators, 80 sets of commissions, and $6.6 billion a year, with half of it not accomplishing any purpose for the American people other than make the Senators and Congressmen feel good because they think they may have done something.

So the whole idea that we would put forward a bill that has never truly been oversighted in terms of the way everybody else would oversight the way they spend their money to see if it is effective in the whole, not anecdotal evidence of one company or one benefit—put it all together, and if we have a role, let's put together a program that will work, No. 1; No. 2, that has metrics on it so we can measures whether it is effective when we are actually borrowing the money to do this. By the way, if we actually pass this bill and $500 million gets spent, we are going to borrow $200 million from the international financial community to do it. When we know one-third of it is wasted, that just does not make any sense.

So the whole idea of Congress passing this EDA bill, in light of not doing oversight on the other 79 economic development programs under the other 4 agencies, is the definition of insanity. We don't know what we are doing.

Now, let's talk about regulation for a minute. There is well over $2 trillion in the United States sitting in small, medium, and large businesses right now that is not invested for jobs. Why is that? Why are people afraid to go out and invest and get a return on capital? It is because they do not see any clarity in the future. The administration we have today has issued 40 percent more regulations—40 percent more regulations—than any administration in history in the first 2 years. One of the reasons people do not have confidence is they cannot handle the regulatory framework that is coming at them so fast.

The other thing I have observed is that when regulations are written, they are oftentimes written without people with the real knowledge of what they are writing the regulations for. Eighty percent of the regulations written in this country are written by lawyers within the agency in which they are doing it. Now, I like lawyers. That is good enough. But how about having someone who has real experience in the area in which they are writing the regulation rather than a lawyer write a regulation for it?

A great example is that one of the good things about the new health care bill was going to be where we combine things into accountable care organizations, where we end up putting hospitals and doctors and physical therapists and mental health workers all together, and then we work as a team so we can cut the costs and not have duplication and get better outcomes. The regulations on that were 220 pages long, with 65 things you have to do every day on every patient to report back to the Federal Government. Well, that is just idiotic. It is asinine. Yet that is the regulation that came out on what I view as one of the few positive things about the affordable care act.

The Senator from Maine outlined the cost of business regulation to small businesses and large businesses. It is $1.7 trillion a year; that is, fully 12 percent of our GDP is the cost of regulations that are coming from the Federal Government.

All this bill says is—it is a way to force the administration and the agency—it does not matter if it is a Republican or Democratic administration. They are both the same. It does not have anything to do with what party is in power in the administration, but to hold the agencies accountable, that they will look at the impact of the regulations they write so they are not counterproductive to our country.

We are at a time period where we are at great risk as a nation—great risk—because we are so overly exposed on our debt and our deficit. For every 1 percent increase of interest rates that we are going to see next year, it is going to cost us, the taxpayers of America, $150 billion additional. And there is no question we are going to see interest rates rise in this country. So we do not create the confidence of the small and medium businesses to go out and build that next production line or build a way to produce this next new idea, because what they are seeing is so much blowback from an unaccountable, misdirected Federal Government.

So what Senator SNOWE wants to do is totally connected with common sense. But you know what, we don't want to do that. We don't want to do that. And the excuse is that we have not been through committee. Well, let me tell you, one-third of the bills that come to the floor of the Senate have never been through the committee, and now we are saying an amendment has to come through the committee. It is ludicrous. It is also false. It is that we really don't trust the American people. That is what it really says, we really don't trust the American people to use common sense. The reason we don't is because we have no connection with common sense whatsoever in this body, and because we can't figure it out, we don't think they can. So Big Brother has to tell you every time, every location, at every situation what you can do.

The thing that has changed in my adult lifetime is when I was a medical device manufacturer in the seventies,

the presumption was on the government to prove that I was doing something wrong.

With our regulatory framework now, the presumption is on you, the American citizen, to prove you didn't do something wrong. That is why this overregulation, this attendance to detail matters to nothing, except a gnat on the top of a pin. It is out there and is so costly, in terms of the cost of compliance, it makes no difference in terms of somebody's outcome. But, mainly, it is costing us jobs. It is costing us the very thing that built this country—the premise that you can put together an idea and build on that idea with hard work and minimal capital and make it a success.

The thing that is blocking that is the regulation coming from the Federal Government. This is a straightforward bill. Let's hold the bureaucrats accountable. If they will not be held accountable, you will have a way to hold them accountable.

I don't get it. I don't get why anybody would object to this because it is not stopping regulation; it is saying you have to figure out whether it is prudent. If you are not following the Regulatory Flexibility Act, then we are going to make you do it because, we will give you a basis in a court of law to be able to do that.

What is wrong with that? Nobody has addressed what is wrong with that. They have just said, no, we don't like it, we don't want it. So we are going to do everything we can to make sure an amendment, which will fix the problems in this country and start creating jobs, and will actually move money into investment to create new opportunities for jobs for Americans, when we have 17 million Americans who want to work but can't, we are going to defeat it. We are so disconnected with what is important in this country, and it is so frustrating. I am surprised I still have hair on my head.

Senator SNOWE knows more about small business in this Senate than any other Senator. She has worked on it for years. She knows the problem. She has offered a solution that is common sense, that will work, that won't cost a lot of money, but will rein in the bureaucracy when they do the wrong thing or they don't follow the law.

For us to say, no, we are not going to do it because there may be a small amount of risk that something might go wrong, that is exactly the same way the bureaucracies work. Let me tell you how they work. They never do what is best for the country, they do what is safe for the bureaucracy. That is why we have so much regulation, because they don't want to be criticized. You can't walk through life without being criticized. Nobody is perfect. No action is perfect. So let's hold them accountable and help them be better. Let's be uplifters to them and put some tools there that will enable us to have a good regulatory framework that actually accomplishes the purpose of the regulations but doesn't destroy what small amount of manufacturing business we have left.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I understand our side has about 50 minutes left in this debate on the Snowe amendment and we will vote at 2:15. I will speak for the next 15 or 20 minutes. There is nobody else on the floor on our side. I will continue to try to answer some of the issues raised in the last few minutes about this particular amendment.

First of all, I have a great deal of respect for the Senator from Oklahoma, and nobody has worked harder on trying to bring more efficiency to the Federal Government. He has spent hours and hours and hours in meetings, official meetings, informal meetings, on budgets, efficiencies, and regulations. I have a great deal of respect for the Senator from Oklahoma personally. But I do take offense at some of the—not just the suggestions but accusations and specific attacks made on the floor against the government. Two or three were issued in the speech he just gave—statements like this: ''The bureaucracy never takes risks.''

I wish to ask him, what bureaucracy did he think supported the elimination of Osama bin Laden? Does the Senator from Oklahoma believe there were no risks taken by this bureaucracy that he so routinely wants to degrade—to no good end? I would ask him, if he were still on the floor, were no risks taken by anyone when they launched the strike against Osama bin Laden that eventually killed him?

Would the Senator from Oklahoma suggest we have no regulations on Wall Street; that we should trust the big international bankers of the world to do what is right every day for the people of Oklahoma? I know the people on Wall Street wake up every morning and think to themselves while they are eating breakfast: What can I do today to help the people in Oklahoma or in Louisiana?

Of course, that is absurd. There is a place for appropriate regulation, and bureaucracies aren't always bad. When George Washington led the creation of this country, he most certainly had in his mind a government that worked for the people, by the people.

Let's fix the government. Let's not tear it down by statements that have no basis in fact, that do not uplift people, do not encourage people. They numb people. They make people angry. They make people think there is no hope, when there is. There are thousands of people who put on a uniform every day and go to work for this country. They are mothers, fathers, grandparents, aunts, and uncles. They work hard and they do not deserve the disparaging remarks that come too often from the other side of the aisle.

If you don't like government—you have made it plain—then fix it. One of the ways to fix it is to take a bill—and this is not an amendment that Senator SNOWE has, it is a bill. I have seen it. She asked me to cosponsor it, and I have declined. It is a bill—a major bill—that has jurisdiction that will find its jurisdiction not in one committee—the Small Business Committee—but in five committees that have jurisdiction over the aspects of Senator SNOWE's bill. One of the reasons we should not vote favorably is not because we are not for regulatory reform but because this bill has ramifications that go far beyond the Small Business Committee, which I chair, and five or six other committees need to look at the provisions in her bill. That is one reason we have asked to go through the committee process.

No. 2, there are, at least to my knowledge, four other bills that attempt to fix this overregulatory reach which, I agree with Senator THUNE, with Senator COBURN, and I agree with Senator SNOWE, needs to be tapped down and harnessed—not eliminated—and made less onerous for all business, not just small business. There are at least four other bills I know of that are attempting to do that. One is by Senator VITTER, one by Senator ROBERTS, one by Senator COLLINS, and one by Senator PORTMAN. I have not had the opportunity to review in detail all of these other bills, but I am sure they have some very excellent points to them.

The committee process allows a chairman such as Senator LIEBERMAN, who is not here today, whose committee would have primary jurisdiction over this, to bring all five bills before his committee, hear the best aspects of each, potentially combine them into a bill, and bring them to the floor. Do you know what. Senator LIEBERMAN, I know, has offered to do that in his committee. That bill could potentially come out of committee—potentially with Senator SNOWE as lead author, with other cosponsors—a bill that both Democrats and Republicans can agree to, which could give relief to reg reform.

This is not about finding a solution. This is about public relations, campaigns, and Republican rhetoric about the election. That is what I object to. If this were about regulatory reform and finding a solution, the five Senators who have bills, and other Senators—Senator MCCASKILL, for one, who is here today, is developing a bill, and Senator CARPER, who has spent years on this subject and is quite the expert—they would all come before the Homeland Security Committee, on which I have the privilege of serving, and in a short amount of time—just a few weeks—figure out something the majority could support.

This is not about fixing the problem. This is about bumper stickers for elections, and I am very tired of it. I am not the only one. As chair of the Small Business Committee, I can promise you that our committee, with Senator

SNOWE as ranking member, has worked every day very hard through this recession to put forward bills on this floor that could help create jobs, bring relief. In fact, regarding one of the most burdensome regulations that the business community was screaming about, our committee was very aggressive in helping to eliminate that. That was section 1099, which would have required every business to report to the IRS any purchase they made for goods over $600. It would have brought many businesses to their knees, buried in paperwork.

Did our committee sit around and twiddle its thumb? No. We worked hard. We had, I think, the only hearing in Congress on 1099, and we repealed it. It took us a while to find the right offset. The minute the business groups brought it to our attention, we said we made a mistake and it will take us a while to find the $20 billion to offset it, but we will look at it before it goes into effect and repeal it. We did that.

When Republicans say Democrats don't care about regulatory burdens, I find that offensive. It is not helpful. This bill is not on the floor on regulatory relief. This bill is on a small but effective economic development program that has worked beautifully in my State. Contrary to what the Senator from Oklahoma and others have said, this program—in Louisiana, as far as Louisiana is concerned—actually works. One of the reasons it works so well is because many of the decisions about the grants are not done in Washington but at the regional level. Our office happens to be in Austin, TX. When the Chamber of Commerce comes to visit me—and they are not always huge supporters of the Democratic caucus—they say to me: Senator, one of the best programs that our members like and feel the Federal Government does a very good job with is the EDA grants, because they are not that bureaucratic. They make quick decisions and help us fill gap financing in programs that make a meaningful difference to people in our communities. I didn't raise this subject to the Chamber of Commerce; they raised this subject to me.

Maybe the Senator from Oklahoma is correct that some of these moneys were earmarked. But we don't allow earmarks anymore. So this program is going to go on without earmarks directed by Members. It is going to be done on a regional basis, and these programs have been—at least in Louisiana's experience—quite effective. Louisiana Tech, one of my universities, received a $2 million EDA grant. I will submit this for the RECORD: Our ongoing partnership with EDA has greatly enhanced the university's overall economic development efforts. We are creating the EDA University Center.

This is from the mayors of both cities. You know, I do trust my local elected officials. I do trust the people I represent. When they say a program works, I like to believe them.

There is a list of projects and recent investments in Louisiana—$1.2 million to Tulane University.

Can I tell you one thing about Tulane University, since it was damaged significantly after Hurricane Katrina? We have over 45,000 applicants to this school. Why do people want to come to Tulane? They want to come because not only is it a great school, but it is in a great city that is rebuilding itself. An EDA grant—that some people wish to eliminate—is helping to rebuild our city. So $1.2 million to Tulane University. It is a microloan program.

I believe the people at Tulane University. I have a great respect for Scott Cowen and their board. Everywhere I travel around the United States as a Senator I could not be more proud when people come up to me and comment what a great university Tulane is. I don't need somebody in Washington telling me how good this program is. I have the people I represent at home telling me.

We have $75,000 given to the downtown development district which was underwater after Katrina for the Idea Village. You know where the Idea Village was recently advertised? Maybe on the front page of Enterprise Magazine; maybe in Time magazine. This Idea Village is one of the best ideas in the whole country. You know who funded it? The program Senator BOXER is trying to reauthorize.

We have $400,000 for a startup fund for the creation and development of stimulus funds to support fledgling enterprises in the greater New Orleans region. Our seafood industry went completely—no pun intended—underwater after the BP oilspill. This agency stood up, when no one else would—BP wouldn't give them a penny, Ken Feinberg wouldn't give them any money—and gave them $350,000 to keep their head above water—the Seafood Promotion Board. That is why, in large measure, people are eating gulf coast shrimp today.

So I don't know what report Senator COBURN is looking at, but the May 19 GAO report states they have not concluded that duplication exists among programs, and plans to address these issues in their future work on overlap and duplication.

I don't know if the Senator has asked his Chamber of Commerce from Oklahoma, but I am going back to my office and I am going to call them myself, because I wish to find out. Maybe their program works differently in Oklahoma than it works in Louisiana. But when I call my people at home—and they will tell me: Senator, some of these programs aren't worth a hill of beans and you should eliminate them; these programs are too difficult. I have that all the time about some programs. Not all the time, but some programs. This isn't one of them.

The reason I am a little exercised is because this is like deja vu. I came to this floor 4 weeks ago to try to get a similar program in size—a $1.2 billion program that has worked so well. Senator Warren Rudman had created it. It is a great program. It is the country's best venture capital program for all small business. It makes money. It doesn't lose money. We got the same thing done to us by the other side of this aisle that says we don't care about small business over here because we have to talk about X, Y, and Z.

So this is the second time for one of our chairmen. I was the first, and now Senator BOXER is trying to bring to the floor a program that is not that complicated. It is a little program but it has big bang for the buck. It gets rave reviews from the people in my State—Republicans mainly but Democrats as well—and we can't seem to get this program approved until we take bills that Members want to put on this bill that have nothing to do with it and that haven't gone through committee.

I am going to be voting against Senator SNOWE's bill. But to make clear, I support Senator SNOWE's efforts to reduce regulation. My people in Louisiana are screaming about this. I have tried to communicate this to the administration in many ways, whether it is EPA or the Corps of Engineers, or the more recent one coming out of one agency that wants all my oilfield workers to put on HAZMAT suits to go to work. If you put on a HAZMAT suit in Louisiana when it is 100 degrees, you won't get to the oil rig because you will faint before you get there.

I am not unaware—I want the Senator from Oklahoma to understand—of some ridiculous rules and regulations that come flying out of some of our agencies. But the way to fix them is not to bring a bill to the floor that has not had a hearing when six different committees have jurisdiction, when Senator LIEBERMAN, who has the lead jurisdiction as chair of Homeland Security has indicated a complete willingness to take this on.

There are enough bumper sticker printing operations in America today. There is only one U.S. Senate. I suggest we start acting like the U.S. Senate and stop acting like a bumper sticker operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to make a couple of comments. I said in my earlier comments there are some good things about the EDA. But the fact is, they are all self-reported. There is no data. There are no methods. Any time you send money to the State of Oklahoma, I guarantee you the people who are going to get the money are going to like it. But there isn't one metric, one set of metrics that measures the effectiveness of the money that has been spent through EDA in terms of job creation. Fully one-third of the dollars don't get through to completion over the history of the program.

The very idea we would defend the bureaucracy—the bureaucracy didn't help us on 9/11 because they were

stovepiped and they didn't communicate. The bureaucracy failed to ensure the safety of the levees in New Orleans—this same bureaucracy that doesn't need to be controlled. The bureaucracy didn't protect us from the financial crisis of 2008 because we didn't do the oversight. The bureaucracy didn't protect the gulf from the Deepwater Horizon. We had a bureaucracy that was supposed to be in charge of that, but they didn't do their job.

The SBIR—you had my full support on SBIR; the Senator from Louisiana knows that. She had my support on that because that is one of the proven programs inside the SBA that actually has metrics on it that works. So the debate is whether we hold back the regulatory framework.

I find it ironic that you agree with us in principle but won't vote with us on this amendment because it didn't go through a committee. It is amazing.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. COBURN. I want to finish my points and then leave the floor because I have something else I have to do.

It is amazing the negative effects we all are hearing from all across the country. Every Senator is hearing how regulation is drowning out opportunity for investment that creates jobs in this country. Every program has some positive aspects to it. The question isn't whether they have positive aspects, it is what is our priority now that we are bankrupted. Where should we be spending the money so we get the best bang for the buck. How do we pull back the regulatory framework so that it is common-sense oriented rather than bureaucratic oriented? That is what Senator SNOWE is trying to do and to give some type of power to the very people who are being regulated. Because we certainly won't do the oversight. We haven't done the oversight.

It is interesting that when the GAO put out this last report on duplication, they are right, they didn't say in these particular programs. But I put out a report 9 months before that detailed the duplication in these programs, and it was published, so you can find the duplication.

The important point is we are strangling business and job development—small and medium. The big guys can take all this regulation, and they are already staffed up. The small- and medium-sized businesses can't. We have to give them a way to force common sense onto the bureaucracy. That is all this does. Everybody hears it from all of their constituents, that regulation is killing business formation and job creation. Why would we not want to put in some balance? I don't understand it.

The real problem with the regulatory agencies is us, because we won't oversight them. There was no oversight hearing on the EDA. Nobody ever asked the question: Where are the metrics? We hear all this anecdotal evidence about how great it is when we give money to the States that they can do things, but where are the numbers that show the job creation for every thousand dollars that gets spent? It is self-reported, but there is nothing that looks at it that says statistically here is the proof.

If the EDA is the best way to create jobs in this country, I am all for it. But I want to see some data that says that right now. We have job training programs, 47 of them in this country, and we spend $18 billion a year on them. We have 104 science, technology, engineering, and math programs across nine different agencies we are spending $16 billion on a year. We have no data on any of those programs anywhere, but we have it out there. We have no idea what we are doing because we won't ask the hard questions and we won't study it. Nobody would have 104 science, technology, engineering, and math programs. We have 64 programs—and 20-some of them are outside the Department of Education—to improve teacher training quality.

The reason we are in trouble is because we haven't done our job on oversight. So anyone can claim anecdotal evidence that something is good, but you should know that when we spend $1,000 of the taxpayers' money—money we don't have today because we are borrowing it from China—we ought to be certain that it is actually going to create something because our kids are paying the bill. The next generation is going to pay the bill, and they will pay that bill through a markedly lower standard of living.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. Thirteen minutes.

Ms. SNOWE. Thirteen minutes. Thank you, Mr. President.

I want to make a few points. It is about solving problems. That is what this is all about. It truly amazes me that we have an amendment here on regulatory reform that everybody agrees with in principle and everything else, that goes to the heart of the issues concerning the economic well-being of small business and, hence, America's well-being in these desperate times, yet we can't manage to get it together and to work on these issues.

I made a number of good-faith changes in my legislation, and I would have done more if I had heard any response from the other side to working those out. I made five major changes to the proposition back in April to respond to this. But there is no response. Then I hear about these hearings. Can somebody please tell me where it is in the rules of the Senate that every amendment has to have a hearing?

We had a major vote yesterday on interchange for the second time. That is important to small business. But even the committee of jurisdiction didn't have a hearing. So this is, again—as I describe it—the politics of obfuscation. Let's get to the heart of the matter and solve the problems for America. It isn't about who authors it and who is doing it. Let's do it. That is the point: We are not doing it. We are just sitting here talking, recessing, going home today, going to do something else, going to have recesses.

We have five committees that have jurisdiction over this issue. We are going to need a roadmap pretty soon. I don't want to go home and tell my constituents this is what happened on regulatory reform. So let me get this straight. Let me get this straight. We have five committees, there are a number of bills, time is running out, people have to leave, and we can't have enough time to debate this.

That is what I was told this morning. All of a sudden I was given a call saying: Sorry, you have to do it right now. I said: Well, is the bill over? We just started. There are a number of pending amendments that haven't even been addressed yet. Let's vote on those. This is an important issue. Let's give this the equivalency of the interchange amendment. Let's do something that is important for small business. Absolutely not.

This is about jobs at a very difficult time in America.

Let me repeat, 40 months after the start of the four deepest postwar recessions, our economic output averaged 7.6 percent. Here we are, our GDP has only increased .1 percent. Those are terrible numbers. But behind those numbers are people and human beings because it means we are not creating jobs.

We heard here today that sometimes bureaucracy is good. Well, bureaucracies, by definition, and I read, mean ''excessive multiplication of, and concentration of power in administrative bureaus or administrators'' Absolutely. They are unelected. We are elected. We understand the problems. Even the President—let's read this headline, ''Obama to scale back regulations in an effort to spur economic growth.''

What is interesting about all this—nobody is accusing the President of decimating the environment or workplace or health care. Understanding that, 6 days after I was denied a vote on this very amendment where I made five different adjustments to respond to the other side, you have the President's Economic Competitiveness Council coming out with four major priorities, one of which is a need to improve the regulatory process because there are decades of overlapping and uncoordinated regulations.

Even by the administration's estimate, this White House's own estimate, that regulations last decade cost anywhere from $44 to $62 billion, last year's alone with a $26 billion. This is a serious issue.

Can we work it out? Can we do it? Do we have the capacity to work on issues anymore, thoroughly and deliberatively? It has been almost 2 months

and we have not gotten any further. We haven't even had a hearing. Somewhere, somebody has bills. Great. Bring them up. Let's debate them. Let's compare them. Let's do something. Let's do something for small business. They desperately need it. Now I will be glad to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I would like in this context to focus on the economic policy, to look at where we are right now, the state of the economic union and the State of Illinois.

If we look at basic numbers we see we will take in about $2.1 trillion in tax revenue, but our government is currently projected to spend $3.4 trillion in tax revenue, yielding a deficit of approximately $1.3 trillion. We will have to borrow from the American people, from China, and other foreign powers.

Total unfunded liabilities of the Federal Government are $61 trillion, yielding a debt of $196,000 per American, currently. When we look at economic growth and the way to expand the available pie for the United States, our economy last year grew at a 2.8-percent rate. China, on the other hand, grew at 10.3 percent, and Libya—currently under attack by NATO—grew at 4.2 percent. In fact, quiz question: Which economy grew more last year, the United States or Iran? The answer: The Iranian economy grew at a faster rate than the United States.

The situation probably is even more bleak in the State of Illinois. For the State of Illinois, we are going to take in about $27 billion in revenue, spending $33 billion, for a $5.8 billion gap. This is for a State whose credit rating is deteriorating quite rapidly, having not funded its pensions to a greater degree than almost any other State, the unfunded liability of the State of Illinois of $62 billion for a per-citizen debt on top of the Federal debt of $4,800.

When we look at our State and its economic growth, the State of Illinois is at just 1.9 percent growth. Other States, Wisconsin, even with its highly controversial Governor now rapidly improving its business climate at 2.5 percent; the State rated No. 1 for creating jobs in America, 2.8 percent, and the State that is on fire, the State of Indiana at 4.6 percent. This is clearly a sign that things are going well in Indiana, things are going well in China, things are even going better in Libya than in the United States, and it shows that we need to change course for our country economically, to back the amendment of the Senator that she has here, and to make sure we can lay out better, more pro-productive policies like the small business bill of rights that represents 10 new policies to accelerate economic growth.

On behalf of that entity, which represents half of all the jobs in the United States, and my own State—these are private sector jobs. They are sustainable. They do not depend on a failed stimulus which is now running out of gas—given the records, I think we can see it is clear we ought to go back to economic fundamentals to correct the system and look clearly at the state of economics where we are now.

With that, I yield to the Senator from Maine and thank her for the time.

The PRESIDING OFFICER. Who yields time? The Senator from Maine.

Ms. SNOWE. I now yield to the Senator from Massachusetts, Mr. BROWN.

Ms. LANDRIEU. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maine has 4 minutes, and the remaining time for the Democratic side is 35 minutes.

The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent for additional time on the bill, since the vote is not going to occur until 2:15, and that time be equally divided.

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Maine.

Ms. SNOWE. I yield the remainder of the time to Senator BROWN. It is regrettable, since this is an important issue, that we couldn't have more time on this key issue.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I want to begin by expressing my support for what Senator SNOWE has been doing and for the EDA Reauthorization Act. I applaud the committee for producing a good, comprehensive bill. These EDA grant programs provide vital resources, not only for Massachusetts economic development and its businesses, but also other States throughout the country to help communities get back on their feet in this tough economic climate. For that reason, the reauthorization of this bill is incredibly important, and I encourage that it be done.

I rise to speak about two amendments to this bill that affect the stability of our small businesses. Senator SNOWE and Senator COBURN's FREEDOM Act, to reform the small business regulatory system, is one that I have consistently supported because it is a commonsense solution. When I am traveling around my State, no matter where I go and no matter with whom I speak, from CEOs all the way down to the worker who is just doing the everyday work, one thing I hear over and over is a plea to get rid of the one-size-fits-all Federal regulations that are limiting businesses.

Businesses need certainty and stability in order to create an economic climate for jobs not only to be created but to be retained, not only in Massachusetts but throughout the country.

This amendment would require that Federal agencies conduct comprehensive analysis on the potential impact of regulations on small businesses. It has the support of the NFIB and the U.S. Chamber of Commerce. Simply put, burdensome regulations are hurting our small businesses and job creators and are preventing them from growing and hiring. It is a shame this amendment got caught up in partisan volleying in the SBIR reauthorization. I am happy to have an opportunity to speak about it today.

I also want to turn the Senate's attention to amendment No. 405 to repeal the 3 percent withholding tax, a malignant and business-threatening provision. It is based on S. 164, the Withholding Tax Relief Act, which enjoys bipartisan support and is critically needed now. Senator SNOWE is a cosponsor, as well as 14 of my colleagues.

We need to repeal once and for all this onerous and costly unfunded mandate. This is a jobs amendment, plain and simple. It would repeal a part of our Tax Code that promises to kill jobs.

As you know, Mr. President, we have had many comments about how this bill would, in fact, cost potentially as high as $75 billion to actually implement. The moneys received back to the Federal Government would be about $8 billion over that same period. It is absurd. Any program that costs more to implement than it brings in revenues should be repealed immediately.

Two months ago I received a letter from the Massachusetts State secretary of finance, Jay Gonzalez, warning Congress of the inevitable threat to the ability of small businesses to survive in this economic climate if we allow the continuation of this stealth tax.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN of Massachusetts. I encourage colleagues to also adopt that amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, the Senator from California was on the Senate floor this morning, Mrs. BOXER, advocating passage of this bill and urging colleagues to vote against the Snowe amendment. I am here to support that position.

I would like to respond briefly to Senator COBURN's last couple of statements about where the bureaucracy failed. He didn't have to remind me, of course, the bureaucracy failed to respond to Katrina and Rita, the largest disasters by far in the history of the country. But we have spent 6 years fixing that bureaucracy, not printing bumper stickers for reelection campaigns. You know what. It has worked because our efforts to fix the bureaucracy have helped the people of Missouri and Arkansas and Tennessee and Montana and Indiana who are currently experiencing terrible disasters as we speak.

The bureaucracy that showed up at the Superdome is a lot better today in many ways—it is better today than the bureaucracy that showed up at the Superdome. That is because we had hundreds of hours of committee meetings, where this hard work is done, to bring

significant and important bills and changes that take debate, not on the Senate floor but take debate in the work of the committee. When you are working on major pieces of legislation that have major impacts, that is where it is done.

Besides the FREEDOM Act that is on the floor today, there is the Regulatory Responsibility For Our Economy Act, sponsored by Senator ROBERTS with 46 cosponsors. I am assuming—I don't have the list, but I am assuming they are Democratic and Republican cosponsors. That is a major regulatory relief bill.

There is a bill by Senator COLLINS called the CURB Act, Clearing Unnecessary Regulatory Burdens. The CURB Act has two cosponsors.

Then there is a smaller bill by Senator PORTMAN that has no cosponsors, but he is the lead sponsor. That looks to me like it is a smaller bill and has limited scope but nonetheless on regulatory reform.

There could be 12 other bills filed in the Senate—I don't know—and hundreds of other bills filed in the House. Forget the House bills. When bills like this are filed in the Senate, the usual route and the most effective route is to go through the committee of jurisdiction. You can understand in this topic, which is so broad—regulatory reform—it is regulatory reform in the Department of Commerce and regulatory reform in the Department of EPW, Environmental and Public Works, regulatory reform for the Department of Homeland Security, regulatory reform in the Department of Defense. There are many committees of jurisdiction.

What everyone has agreed to is to have the hearing in the Homeland Security Committee, which has broad jurisdiction, and get the work done. Senator LIEBERMAN is not here today because he is on Jewish holiday. He has said time and time again he will have this hearing in the committee and that is the appropriate place so we can come forward with a bill on regulatory relief.

There are a couple of reasons why this particular approach is flawed. I would like to read the comments from the administration. I would like to read three specific reasons why this particular FREEDOM Act is not in the proper position it should be. But the way to fix it is not debating on the floor of the Senate on a bill that is not really germane to the bill that we are debating, that we are trying to pass. It is to have this kind of debate in committee so we can work out these details. Senator SNOWE has shown herself to be in the past, and still today, willing to work in a very cooperative manner, and the place to do this is in committee.

No. 1: The bill as currently drafted would allow judicial review before the completion of rulemaking. That provision in the Freedom Act would undermine regulatory certainty, making it harder for businesses—

not easier, harder—

for businesses to plan for the future and compete in the marketplace. It would also invite excessively costly and unwieldy litigation.

We don't want to have more lawsuits. We want to have less lawsuits. That is one of the problems small businesses are facing today—lawsuit after lawsuit after lawsuit. The last thing we want to do is encourage more of them. Many people have reviewed the technical writing of the bill in its current form and believe it will result in more lawsuits, not less. We wish to fix that in committee.

The amendment would make it harder, not easier, to see the actual cost of regulation, by expanding the Regulatory Flexibilities Act definition to include indirect effects.

I can understand why she wants to do it, but in interpreting the language as the Senator has written it, this legislation would likely undermine any reliable and meaningful economic analysis of regulation, thereby distracting the agencies from focusing on what the actual impacts of the rules would be.

Finally, the amendment inappropriately links regulatory decisions to budget cuts. Decisions about regulation should be based on sound economic science and not on the threat of budget cuts.

This is a preliminary review of some of the current problems.

Senator SNOWE is right, I guess. We could stay on the floor for the next 2 or 3 or 4 weeks and the other Senators who are not on the floor could agree to come and debate their bills on the floor, which is highly unusual. But why not just go to the Homeland Security Committee, have all of the sponsors of these major pieces of legislation present their bills and have that committee work through these technical difficulties? Because it is an important issue. Many of us support regulatory reform. We know there are some burdens, particularly on small business. We want to get it fixed, so let's fix it instead of continuing to rail on this subject on every bill that comes before the Senate, whether or not it has anything to do with regulatory reform.

One thing I wish to point out to the Senator, and I point this out with the greatest respect, about 6 months ago or longer now, we were both on the floor trying to pass the small business jobs act, a very significant bill that would actually help to bolster this economy and help provide literally billions of dollars of loans to small businesses that couldn't get them anywhere. Their credit card companies had raised the rates so high or their banks had shut down their lines of credit. Senator SNOWE and I worked together to bring a bill to the floor—and we did, and passed it, unfortunately, without the support of the other side of the aisle. But in that debate, the Senator from Maine said—because I included in that bill, with a 60-vote margin—I got Senator Voinovich and Senator LeMieux to vote for the small business lending fund, which was a little unusual. She said:

. . . not included in the overall. First and foremost, it has not had a single hearing with respect to this issue, and in my view, it certainly does resurrect the controversial TARP program . . . and because it hasn't had a hearing, this should not pass.

Yet, within a year, she is back arguing against that argument—that her bill, which hasn't had any hearing in the committee—should pass.

So there is some inconsistency here. I say this with the greatest respect to the Senator from Maine. But if we want to be serious about regulatory reform, we have to have this debate in the committee of jurisdiction, which is right now Homeland Security, and then have the other chairmen of the committees try to cooperate with that committee and bring something to the floor. We will be happy, many of us, to vote for it. But doing this in this way is not helpful. It is not going to fix the problem. It is only going to make the burden on small business worse. We have to move past it.

I wish to refer my colleagues to the floor remarks Senator SNOWE made on July 22, 2010.

Can these be fixed? Yes. But this is not the place, on the Senate floor, when there are many other bills as well. Senator SNOWE could remain the main sponsor because she has put in the most work. She has been a tireless advocate. She should get tremendous praise for bringing forth this issue and keeping the fires burning and pushing the Senate to this end, and that would be terrific. Many of us would join that effort. But this is not the bill to do it on. This is not the place to do it. I would suggest that, again, taking this to the committee of jurisdiction, working it out, bringing the administration forward so we can actually make some real progress on curbing regulatory overreach by the Federal Government would be welcomed by all.

I see the Senator from Vermont is here on the floor. I am assuming he wants to talk.

How much time do we have remaining?

The PRESIDING OFFICER. There is 24 minutes remaining.

Ms. LANDRIEU. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I ask unanimous consent that the final 10 minutes be equally divided and controlled between Senators SNOWE and BOXER, with Senator BOXER controlling the final 5 minutes.

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

Mr. SANDERS. Mr. President, I yield myself 10 minutes of majority time.

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

THE DEFICIT

Mr. SANDERS. Mr. President, there are a number of huge issues facing our country. Our middle class is collapsing. Poverty is increasing. We are in two wars. We are concerned about global warming, the quality of our education, and massive unemployment. So this country today has its share of serious problems we have to address.

Right now, a whole lot of attention, not inappropriately, is on our very large deficit and a $14 trillion-plus national debt. This is an issue which is perhaps going to come to a head over the next few months as it becomes tied to whether we raise the debt ceiling. I wish to say a few words on this issue.

No. 1, when we talk about deficit reduction, it is important for us to understand how we got to where we are today. How did it happen? How do we have a $1.5 trillion deficit this year, and a $14 trillion-plus national debt? Let's remember that not so many years ago, at the end of President Clinton's tenure, this country had a significant budget surplus and the expectation was that surplus was going to grow in the years to come.

But then a number of things happened during the Bush years. No. 1, we became engaged in two wars. No. 2, we passed a Medicare Part D prescription drug program. No. 3, we bailed out Wall Street. And No. 4, we gave huge tax breaks to the wealthiest people in this country. Then, as a result of the Wall Street-caused recession, revenue dropped, and the result was that we now have a very high deficit and a very large national debt. But it is important to remember how we got to where we are today.

It is also important when we talk about deficit reduction to take a look at American society today in order to determine what is a fair way—a fair way—to address deficit reduction. When we look at American society today, the trends are very clear. The middle class is, in many ways, disappearing as a result of stagnant or, in fact, lowered wages for millions and millions of American workers. Median family income over the last 10 years has gone down by about $2,500. The middle class is hurting. Many millions of Americans, in fact, have left the middle class and entered the ranks of the poor. Poverty is increasing. But at the same time as the middle class is shrinking and poverty is increasing, there is another reality we cannot ignore—or I am afraid many of my colleagues choose to ignore it—and that is that the people on top are doing phenomenally well. Over a recent 25-year period, 80 percent of all new income went to the top 1 percent. The top 1 percent now earns more income than the bottom 50 percent. When we talk about distribution of wealth, we have the top 400 Americans—the 400 wealthiest Americans—owning more wealth than the bottom 150 million Americans.

That gap between the very rich and everybody else is growing wider. It is important to discuss that issue about what is happening to the middle class, to lower income people, and the growing gap between the wealthy and everybody else when we address the issue of deficit reduction.

My Republican colleagues in the House came up with an idea that I think most people almost can't even believe they would pass; it seems so incomprehensible. At a time when the middle class is hurting and things are getting worse as a result of a recession, our Republican colleagues say, Well, what we want to do is move toward deficit reduction by making savage cuts in Medicaid, in education, in infrastructure, in nutrition, in virtually every program that low- and moderate-income Americans depend upon. Furthermore, what we want to do in the House—what they have done—is to end Medicare as we know it, convert it into a voucher program, giving seniors a check for $8,000 and have them go out and get a plan from a private insurance company which clearly will be totally inadequate for most seniors and end up raising their out-of-pocket expenses.

Then when it comes to the wealthiest people who are doing phenomenally well, not only do our Republican colleagues not ask the wealthiest people or the largest corporations to pay one nickel more in taxes to help us with deficit reduction, they come up with this brilliant idea that we are going to give $1 trillion in tax breaks over a 10-year period to the wealthiest people in America. So the rich are getting richer, and they get tax breaks. The middle class is shrinking, and what they are asked to do is to assume huge cuts in programming which will impact them very strongly.

This is clearly the Robin Hood proposal in reverse. We are taking from working families who are hurting and giving it to the wealthiest people who are doing phenomenally well. The Republican plan is clearly absurd, and I think most Americans understand that.

The question is, What will the President do? What will the Democrats do? It is my very strong hope Democrats will be strong on this issue. The President has to be strong on this issue. The President has to go out to the American people and win the support that is there for a deficit reduction package of shared sacrifice. We need to say very clearly to the American people: No, we are not going to move toward deficit reduction solely on the backs of the most vulnerable people in this country. No, we are not going to decimate Medicare so elderly people will not be able to get the health care they need when they are old and sick. No, we are not going to throw millions and millions of people off of Medicaid and endanger families who have their parents in nursing homes. We must have shared sacrifice. The wealthy and large corporations must be involved and contribute toward deficit reduction.

There is a lot of responsibility on the President, but let me make it very clear. I, personally, as a member of the Budget Committee and as a Senator from Vermont, will not be supporting any package that does not call for shared sacrifice.

Mr. LEVIN. Mr. President I have supported regulatory reform since before my election to the Senate in 1978, to make regulations more sensible and efficient while protecting the public's health and well-being. The Snowe regulatory reform amendment would amend the Regulatory Flexibility Act, RFA, to require that Federal agencies consider all potential direct and ''indirect economic impacts'' of proposed regulations. I will vote against this amendment because it is so broad and undefined. Also, the Snowe amendment would give standing to seek judicial review and seek injunction of a rulemaking while the rule is still in its draft form and still receiving public comment. I am concerned that such a change could paralyze the regulatory process, not reform it.

Mr. MCCONNELL. Mr. President, as cosponsor of the Freedom Act, I would like to add my voice to those who have spoken in its support.

But first I would like to thank Senator SNOWE for her dedication and hard work in support of the many small business owners across her state and across the country who would benefit from this legislation.

As we all know, America's job creators are suffocating under regulations and redtape.

The administration doesn't seem to realize that all its interference has a human cost.

Businesses want to create jobs and help communities recover, but they can't.

Whether it is new financial requirements, health care mandates, energy mandates, onerous new fees, burdensome tax filing requirements, or threats of higher taxes, businesses today are faced with so many new rules and requirements from Washington that they can hardly see straight.

The Freedom Act says enough is enough.

This regulatory reform amendment would help give small businesses much-needed relief from the Federal government and its one-size-fits-all approach.

Specifically, it would modernize the Regulatory Flexibility Act to require that from now on, Federal agencies conduct a comprehensive and careful analysis of the potential impacts—both direct and indirect—of regulations on small businesses. It would make sure that the voices of small business owners are heard in government agencies that frankly don't seem to be listening to them.

This amendment has broad support from the small business community.

The U.S. Chamber of Commerce and the National Federation of Independent Businesses have issued strong letters of support.

At a time when nearly 14 million Americans are looking for work, this is exactly the kind of legislation that would help America's job creators.

When I ask business owners what they want us to do to help them create jobs, they usually have a simple five-word response: get out of the way. That is what we are doing with this legislation.

And the only people who could possibly oppose it are those who think the needs of bureaucrats in Washington are more important than the needs of job creators everywhere else.

I thank Senator SNOWE and Senator COBURN for their strong advocacy on behalf of small businesses.

I intend to vote for this important amendment. I urge my colleagues to do the same.

AMENDMENT NO. 390

Mrs. BOXER. Mr. President, we are working on a bill that is a jobs bill, plain and simple. It does not have any fancy parts to it. It is a reauthorization of a program that was set up in 1965. The purpose was very clear: to go into areas in our States where the communities are hurting for jobs, where the communities are hurting for business. It works in a way that every $1 we put into the program attracts $7 of private investment.

I will show you the job creation on some of these charts that we see. At the $500 million funding level that is authorized in the bill, the EDA is projected to create up to 200,000 jobs a year and over the life of the bill up to 1 million jobs. It is done at a very low cost per job. Mr. President, $3,000 per job is what it costs the Federal taxpayers because of all the leverage that comes in as cities join in, counties join in, and so on.

I have a list of projects we can talk about today. I have talked about a number of projects that have been funded through the EDA over the course of this debate in the last few days. I have talked about them in California and Minnesota and I wish to add just a couple other recent projects from across the country.

In California, EDA awarded $3 million to the Inland Valley Development Agency in a county that is going through some tough times, San Bernardino, to support the renovation of an existing building at the former Norton Air Force Base. This project is going to help the conversion of that base into a commercial and light industrial area, attracting new companies that are interested in locating there.

This investment, funded by the Department of Defense Office of Economic Adjustment and administered by EDA, is part of a $3.6 million project that will create 100 jobs and generate $20 million in private investment.

So here you have a $3 million investment that is going to be leveraged to $20 million. It is pretty extraordinary, and this is the bill we are talking about.

In Florida, the EDA awarded nearly $4 million to construct a new wastewater system for western Palm Beach County. The region suffered flooding in 2008 from Tropical Storms Hanna and Fay, which caused environmental damage. It closed local businesses.

The construction is going to support three city industrial parks and a general aviation airport, as well as a major inland port and intermodal center that are being developed. That investment is part of a $5.3 million project that will create 240 jobs, save 270 jobs, and generate $48 million in private investment.

So a $4 million investment attracting $48 million in private investment.

In Idaho, we have a very good example of a $4.4 million grant to the College of Southern Idaho in Twin Falls to fund the construction of the Applied Technology and Innovation Center. This new LEED-certified facility will help the college meet the region's needs for a higher skilled workforce. They will learn to operate computer-driven manufacturing equipment, maintain alternative energy systems, and to use environmentally sound construction processes for these green buildings. This investment is part of a $6.9 million project that will create 486 jobs.

In Indiana, EDA provided $2.4 million; in Kansas, $1.4 million to the city of Hutchinson. I will go on with this in my remaining time that I will have later.

But the point is, this is a jobs bill, and it is being hijacked by a slew of amendments, and I see the handwriting on the wall. I have been here long enough to know what is going on. There is no cooperation. We have everything from the Snowe amendment to endangered species, dealing with a chicken that somebody wants to take off the endangered species list. I mean, I was not born yesterday, as you can tell. I know what is happening. This is a dance. It is a slow dance. It, unfortunately, signals to me maybe the slow death of this bill. I think that is very sad, when you have a bill that has been supported by Republican Presidents, Democratic Presidents over the years, and the last vote on this floor was unanimous, in 2004—by unanimous consent—and George W. Bush signed it. I have fought George W. Bush in a number of areas. He and I saw eye to eye on this one. This is not controversial.

I hope we can dispose of this amendment. I will have more to say on the amendment in a couple minutes.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). Under the previous order, the Senator from Maine has the next 5 minutes.

The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I would urge my colleagues to support this amendment. It is about jobs. It is about small businesses. It is about the well-being of American families. Just remember this: the stark numbers. The unemployment rate is at 9.1 percent; the average over the last 2½ years, 9.4 percent. For 23 out of the last 28 months, unemployment has been at 9 percent or higher. Housing prices are at the lowest level since mid-2002. This is the longest recession since modern record-keeping.

These are stark, grim numbers. What I am hearing here today is a bureaucratic process and response, exactly what we are trying to attack. This is not indiscriminate, as some have described on the other side of the aisle about this regulatory reform measure. It is very consistent.

I know the Senator from Louisiana was talking about several of the issues. I would like to go through them.

First of all, she mentioned about the concerns of the judicial review. But this provision is nearly identical to one that she and Senator CARDIN introduced in their own legislation in the 111th Congress.

The Senator also was concerned with our tying budget cuts to the SBA to this amendment as a way of paying for some of the costs of it. But, to avoid controversy, we specifically selected as offsets, cuts in the SBA that had been proposed by the Agency's Inspector General, and in the President's very own budget.

The Senator from Louisiana talked about the problems associated with considering indirect economic effects on small businesses when issuing rules. But, for that provision we used the exact same language suggested by the President's chief small business regulatory appointee, the chief advocate at the Small Business Administration.

So this is not indiscriminate and some are mischaracterizing the provisions in this legislation because they have not bothered to read the amendment. I made a number of changes in order to address the concerns on the other side. If there were further concerns, that we could work through, I would have addressed those as well. So I think we better make sure we get our facts straight because it is about small businesses and jobs. That is what it is about. We are just stalling, deferring, delaying.

We heard concerns that we did not have a hearing on my specific amendment. Well, the Senate did not hold a hearing on it since I was denied a vote on it on May 4. And the President came out a few days later and said regulatory reform was one of the top four issues for American economic growth and job creation.

Then we hear a bureaucratic conversation about hearings and multiple jurisdictions and committees and committees. I have to say, I have never known amendments to require hearings before they are considered on the floor. In fact, I believe the Senator from California had 19 amendments in the last Congress—19 amendments—8 of which were accepted and none had hearings. Yesterday we had a major amendment on interchange. We did not have a hearing on that major issue.

I am just making a point. This is just bringing up issues to obfuscate and obscure. I do not know exactly what the concern is, to be honest with you. If there are some issues to address, then let's address them. But to just postpone in conversation, debating—the talk goes nowhere. There are no hearings. There is nothing.

The President scaled back regulations, as I said earlier in an effort to spur economic growth, including some in the Environmental Protection Agency. He did not undercut the Endangered Species Act. Nobody is accusing him of scaling back every environmental law that has ever been on the books.

I think we ought to get away from extreme mischaracterizations, inaccuracies and untruths. Let's talk about the facts. Let's read the bill. Let's know what we are talking about and get our facts straight. This goes to the heart of economic growth. It goes to jobs.

It goes to the American people's well-being.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, in my 5 minutes, here is what I wish to say: Yes, I have offered many amendments on this floor, as have all my colleagues. But if I see an amendment and colleagues see an amendment that could hurt, we believe, the health of people, I am going to say, yes, let's have a hearing.

I wish to show you a picture of a child with asthma. She is beautiful. This is not a pretty picture.

I will show you another picture of a little boy with asthma. This is also a beautiful child and a terrible picture.

Let me tell you, we are trying to protect these children. We are trying to protect our families. We are trying to stop premature deaths. How do we do it? Yes, we have regulations. Have they worked? You bet they have. That is why I say, if you are going to change them, yes, I hope we would look at—you know, everybody is motivated in the right direction. Jobs? Absolutely. But I have to tell you, when you are sick, you cannot go to work. If a breadwinner dies prematurely, the family is destitute.

Let me show you just one act that would be impacted by this Snowe amendment and why I think we ought to have an alternative amendment. If you look at the study that was required by Congress, you find out that in just 2010 alone, the Clean Air Act prevented 160,000 cases of premature death; if you look at 2010 alone, 1.7 million fewer asthma attacks; if you look at acute heart attacks prevented, 130,000.

What happens in the Snowe amendment: All you are going to look at is the economic benefits, not the health benefits. It flies in the face of common sense and our moral responsibility.

Here is what I see wrong with this amendment: It hurts protection for families and communities. It stops or delays important protections for those people. It ignores public health and safety benefits. It only looks at the benefits of economics. Yes, we have to do that. But we also need a balanced approach. As I said, if someone is sick and they cannot go to work, they cannot keep a job.

It would also create additional, expensive litigation. The amendment allows polluters to sue Federal agencies during the public comment period on a proposed Federal safeguard that allows one polluter to hold up an important, let's say, drinking water or clean air protection standard for months, maybe years.

So I urge a ''no'' vote on this amendment. Let's get together and come up with something that balances economic growth with the protection of the health of our families.

I yield the floor and hope we would now go to a vote under the previous order.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 390.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—53

Alexander	Grassley	Murkowski
Ayotte	Hatch	Nelson (NE)
Barrasso	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Pryor
Brown (MA)	Inhofe	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kirk	Shaheen
Cochran	Klobuchar	Shelby
Collins	Kyl	Snowe
Corker	Lee	Tester
Cornyn	Lugar	Thune
Crapo	Manchin	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	Wicker
Graham	Moran	

NAYS—46

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Blumenthal	Johnson (SD)	Sanders
Boxer	Kerry	Schumer
Brown (OH)	Kohl	Stabenow
Cantwell	Landrieu	Udall (CO)
Cardin	Lautenberg	Udall (NM)
Carper	Levin	Warner
Casey	Lieberman	Webb
Conrad	McCaskill	Whitehouse
Coons	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

The majority leader is recognized.

Mr. REID. Mr. President, Senator MCCONNELL and I discussed what we should do the rest of the day. We have a number of Senators who have come to both of us wanting to offer amendments. We think we need to have people offer amendments so that we can find the universe of amendments and work through them and come up with a reasonable way to proceed forward.

Having said that, I want people to offer amendments on my side, and I think Senator MCCONNELL feels the same way on his side. We will make a determination later today as to how we will proceed on this next week. I think it would be fruitless at this stage to have a bunch of votes—well, we need consent to do it, so I don't think there will be any more votes this afternoon.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 389

Mr. KOHL. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment No. 389.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 389.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the end of the bill, insert the following:

SEC. _____. NOPEC.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2011'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' after the semicolon;

(2) in paragraph (6), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(7) in which the action is brought under section 7A of the Sherman Act.''.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 423

Mrs. HUTCHISON. Mr. President, I call up amendment No. 423.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. BARRASSO, Mr. BURR, Mr. INHOFE, Mr. PORTMAN, Mr. RISCH, and Mr. HATCH, proposes an amendment numbered 423.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows.

(Purpose: To delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits)

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

SEC. ___. EFFECTIVE DATE OF PPACA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including the amendments made by such Acts, that are not in effect on the date of enactment of this Act shall not be in effect until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

(b) PROMULGATION OF REGULATIONS.—Notwithstanding any other provision of law, the Federal Government shall not promulgate regulations under the Patient Protection and Affordable Care Act (Public Law 111–148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), including the amendments made by such Acts, or otherwise prepare to implement such Acts (or amendments made by such Acts), until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

Mrs. HUTCHISON. Mr. President, this amendment, I hope, will save our businesses and our States the millions of dollars they are now spending to implement the health care reform bill, which is in the courts.

Yesterday, the court in Atlanta—the Eleventh Circuit Court of Appeals—heard arguments from the government and the State about whether the Florida District Court ruling that the health care law is null and void because it is unconstitutional should be upheld. Since we are in this court fight and this will surely go to the Supreme Court—there is no doubt that either side that loses is going to appeal—my amendment would put a moratorium on the implementation of the law. So it would save the Federal Government and the taxpayers who are paying for it, and it would save the State governments that are trying to implement a law that may be unconstitutional and cost millions of dollars to adjust their system and the businesses across our country that are trying desperately to determine if they are going to be able to even offer health insurance or if they want to offer health insurance to their employees anymore.

We are in a time when there are unprecedented regulatory burdens on our businesses. We are facing a $14 trillion national debt in this country—trillion. We are looking at having to raise that debt limit if we don't severely cut spending and get our house in order.

In the past 2 years alone, this Federal Government has borrowed an additional $3.2 trillion. Washington passed a health care reform bill that cost nearly $2.6 trillion and a stimulus bill that cost $821 billion, which has only given us higher unemployment since the stimulus bill passed. The U.S. economy is frozen, job creators are facing new levels of taxes, they are looking at this health insurance cost going up and, on top of that, new regulations.

Heavyhanded government regulation is not what we need right now. The health care reform bill is a perfect example of government regulations hamstringing our businesses with more redtape and bureaucracy. It has been over a year since that bill was passed, and businesses are still facing unprecedented premium increases—as high as 20 percent. Employers are finding their policies being canceled because insurers are closing up shop due to new Federal regulations. Health care reform is requiring individuals and businesses to buy government-approved health care or they pay hefty fines. Health reform has discouraged businesses from hiring, because if you go over 50 employees, new Federal regulations that will be imposed on you are going to be costly.

A new study out this week confirms that health reform will not let you keep your health plan, as promised. This report found that when businesses fully understand all the new regulations required under health reform, as many as half of them say they will definitely or probably stop offering health insurance benefits to their employees. That would leave as many as 78 million Americans on their own to find health insurance for themselves and their families.

That is why I have filed amendment No. 423—to delay further implementation of health reform until the courts determine whether it is constitutional. My amendment would pause further implementation of this law so we don't spend millions more taxpayer dollars at the Federal and State levels, costing small businesses as well, when it could be struck down.

Twenty-six States have joined together to sue the Federal Government, and a Florida district court found in favor of these 26 States, saying Congress had overstepped and overreached its authority and that mandating individuals to purchase health insurance was unconstitutional. The 11th Circuit Court, as I said earlier, is considering this case as we speak and we should not burden any further businesses, States and taxpayers who support the Federal Government until we know if this law is constitutional. Let us put in place a moratorium, a pause, so that no one gets penalized for not continuing the implementation process. That is what my amendment would do. Let's clarify, and then, if the law is constitutional, there is plenty of time to go forward. But if it isn't, as I hope is the case, we will be able to start all over. We would make health care more available and more affordable in this country without cutting Medicare, overburdening our taxpayers and businesses, and maybe even get our economy going and stop this rising unemployment we are seeing in our country right now. Nine percent unemployment is too high, and health care reform is a part of the problem that is causing it.

Mr. President, I yield the floor.

AMENDMENTS NOS. 417 AND 418 EN BLOC

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that I be allowed to call up amendments Nos. 417 and 418 en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes en bloc amendments numbered 417 and 418.

Mr. PORTMAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendments.

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

The amendments are as follows:

AMENDMENT NO. 417

(Purpose: To provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.))

At the appropriate place, insert the following:

SEC. _____. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking '', but does not include independent regulatory agencies''.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

''SEC. 6. EXEMPTION FOR MONETARY POLICY.

''Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

AMENDMENT NO. 418

(Purpose: To amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means)

At the appropriate place, insert the following:

SEC. _____. UNFUNDED MANDATES REFORM.

(a) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—

(1) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.'';

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

''(a) DEFINITION.—In this section, the term 'cost' means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

''(b) IN GENERAL.—Before promulgating any proposed or final rule that may have an annual effect on the economy of $100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of $100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial regulatory impact analysis shall accompany the agency's notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

''(c) CONTENT.—The initial and final regulatory impact analysis under subsection (b) shall include—

''(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

''(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives that—

''(i) require no action by the Federal Government; and

''(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

''(C) an explanation that the rule meets the requirements of section 205;

''(2) an assessment of the extent to which—

''(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

''(B) there are available Federal resources to carry out the rule;

''(3) estimates of—

''(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

''(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

''(4)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

''(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

''(C) a summary of the agency's evaluation of those comments and concerns.'';

(D) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking ''subsection (a)'' each place that term appears and inserting ''subsection (b)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

''Sec. 202. Regulatory impact analyses for certain rules.''.

(b) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

''SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

''Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

''(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

''(2) from the alternatives described under paragraph (1), select the least costly or least burdensome alternative that achieves the objectives of the statute.''.

Mr. PORTMAN. Mr. President, today we are considering a bill intended to promote economic development, and I think it is only appropriate we also talk about regulations, because, unfortunately, regulatory mandates are stifling economic growth today and keeping us from creating the jobs we so badly need.

I hear it all over my State, and I am sure my colleagues do as well. Companies are saying they want to expand. They say: We have a good idea, we have a business plan that works, but we are deterred by the cost of complying with regulations. It is the redtape and also the uncertainty. It is not just the bureaucracy and redtape, it is the uncertainty about future regulations.

This regulatory burden on employers, by the way, is growing, and it is already a mess. There is a recent study commissioned by the Small Business Administration and the Obama administration which estimates the annual toll now of Federal regulations on the American economy is $1.75 trillion. That is more than the IRS collects in income taxes in a year. With the unemployment rate now at 9.1 percent, we can't continue to ask businesses to spend more on redtape. Instead, we want them to invest in job creation.

The current administration, unfortunately, I believe, is moving in the wrong direction on this score. We have seen a sharp increase over the past couple of years in new ''major'' or ''economically significant'' rules. These are regulations that impose a cost on the economy of $100 million or more.

According to the Office of Management and Budget, the Obama administration has been regulating at a pace of 84 of these new ''major'' or ''economically significant'' rules—costing the economy over $100 million—per year, including rules issued by independent agencies. By the way, that is about a 50-percent increase over the regulatory output during the Clinton administration, which was about 56 major rules per year.

I was very encouraged by the words of President Obama as he introduced his January Executive order on improving regulation and regulatory review, but now we need action. We need to be sure the agencies are actually taking the measures necessary to provide regulatory relief for job creators and reducing this drag on our economy.

One commonsense step we can take now is to strengthen a piece of legislation that is already in place. It is called the Unfunded Mandates Reform Act. It was passed by Congress and signed into law by President Clinton in 1995. It was bipartisan legislation. I was one of the authors of this legislation in the House of Representatives. UMRA, as it is called—Unfunded Mandates Reform Act—was a bipartisan effort basically to say that regulators had to evaluate a rule's cost and find less costly alternatives before adopting one of these so-called ''major'' rules.

The two amendments I am offering today would improve UMRA in a way that is entirely consistent with the principles President Obama himself laid out in his January Executive order on regulatory review. The first amendment, 418, would require agencies specifically to assess the potential effects of new regulations on job creation and to consider market-based and nongovernmental alternatives to the regulation. It would also broaden the scope of UMRA to require cost-benefit analysis of rules that impose direct or indirect economic costs of $100 million or more. It would require agencies to

adopt the least costly or least burdensome regulatory option that achieves the policy goal set out by this Congress. A commonsense idea.

The second amendment, 417, would extend UMRA to independent agencies. In 1995, it was imposed upon the executive agencies but not on independent agencies. Those independent agencies have grown, and so have their regulations. This would be an agency such as the SEC—the Securities and Exchange Commission—or the CFTC or even the new Consumer Financial Protection Bureau, which has gotten a lot of attention here in the Senate in the debate over the Dodd-Frank Act. Right now they are exempted from the cost-benefit rules that govern all these other Federal agencies.

Major rules issued by what is called the ''headless fourth branch'' of government are not even reviewed for cost-benefit justification by OIRA, which is the Office of Information and Regulatory Affairs at OMB which reviews regulations from all the other agencies.

Based on information from the GAO, it now appears that between 1996 and this year independent agencies issued nearly 200 regulations that had an impact of $100 million or more on the economy. So again, over 200 regulations were not subject to review under UMRA because they were from independent agencies. There is a clear need to extend UMRA to these independent agencies. Closing this loophole is a sensible reform.

By the way, this reform was endorsed by the President's own regulatory czar, Professor Cass Sunstein, who wrote in a 2002 law review article that it only made sense to require independent agencies to undertake the same cost-benefit analysis that we require of executive agencies.

No major regulation, whatever its source, should be imposed on American employees or on State and local governments without serious consideration of what the costs are, what the benefits are, and whether there is available a less burdensome alternative. That is what these amendments are all about. Both would move us further toward that goal, and I urge my colleagues to support them both.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 428

Mr. MERKLEY. Madam President, I rise to speak to amendment No. 428 on the regulation of mortgage servicing. We spend a lot of time in Washington talking about many topics but often not getting to the issue most important to American citizens; that is, getting them back to work, creating jobs. Creating jobs should be the paramount concern of every person in this town. We are not going to get job growth going again until we deal with the housing crisis that started this recession and that is blocking our recovery.

Three years ago, our economy was nearly destroyed by a combination of high-risk, high-cost subprime mortgages and reckless bets on Wall Street. Since then we fixed many of those problems in subprime mortgages. We have ended three of the key predatory practices. One of those was undocumented loans, otherwise known, commonly, as ''liar loans,'' where the information was fictionalized.

Then we had the prepayment penalty. It was a steel trap in which a mortgage document would lock people into a loan with an exploding interest rate and would prevent them from being able to get out of that loan. We knew from a Wall Street Journal study that 60 percent of the families in these predatory loans with the steel trap prepayment penalties qualified for regular, ordinary, fully amortizing 30-year prime loans.

That leads us to the third point, which was the undisclosed bonuses, otherwise known as steering payments or kickbacks, that were paid to mortgage originators when they steered families from the prime loan with a fair interest rate and 30-year amortization into the predatory subprime loan with an exploding interest rate and a steel trap prepayment penalty.

It is good that we ended those practices for the future. But for the families who have been caught up in the flood of foreclosures, it is as though we rebuilt the levees but we have not done anything to take away the water that is still flooding their living rooms.

Just last week, new reports, the Case-Shiller Index, showed that home prices have reached their lowest level since 2002. If home prices are that low, it is also hard to build new homes. Indeed, a recent report said the number of new homes being built each month had reached the lowest level since 1965—that is almost 50 years ago. Simply, our economy is not going to recover until our housing market recovers. A home is the single biggest investment that most families make, and it is the key to their financial success. It is often the key to happiness in retirement.

In addition to the impact on millions of families—and we are looking at the possibility of 5 to 8 million more families facing foreclosure stemming from this predatory lending crisis that melted down our economy in 2008 and 2009—in addition to the impact on those families, it has an impact on our communities. When there is an empty house on the street, it pulls down the value of every other home on that street by as much as $2,000 to $5,000 per home. That further drives down prices, which means more foreclosures, more families underwater, less confidence in the recovery, more inclination to hold onto every dollar rather than to spend in our economy, so the consumer spending is suppressed and our GDP is directly linked, both to the amount of money invested—and we know many companies around America are sitting on vast sums rather than investing them—and on the amount of money families spend.

These things all tie together, whether our economy is going to succeed or remain in its current paralyzed shape. Often it is important to take these big numbers and translate them to individual stories. I would like to share today a story about Tim Colette and his son in my State of Oregon. We received this article from Economic Fairness Oregon. It is titled, ''A Homecoming With No Home.'' I will read the first paragraph. Mr. Colette says:

> My biggest problem now is, my son comes home from the military in August and my home is being foreclosed on in 18 days. He's been hit by an IED, people shooting at him and he just wanted to come home and sleep in his room in his bed and be safe for 15 days . . . and I told him I'd make that happen. I don't know how yet, but I will.

Mr. Colette shared his story with Oregon lawmakers in a recent hearing on foreclosure reform, and I thank him for sharing his story. For Tim and countless others, it did not need to be this bad. We have a program in America called the Mortgage Modification Program, or HAMP, Housing Affordable Modification Program. That program has not worked very well. Indeed, it is a voluntary program. It has been more or less a nightmare for the families who have been applying.

Often a servicer will encourage families to apply because they make more money when a family is behind on their payments than when they are current on their payments. So often the servicer will say: You know, you probably qualify. What you need to do is stop making your payments for a period of 3 months or maybe 6 months or what you need to do is cut your payments in half and that will show financial distress and you will qualify for this program.

So the family follows those directions, understands they are in the process of getting a modification, and then it turns out the servicer has a different story to tell, often saying: You know what. Your credit score is not very good because you have only been making half payments for 6 months. So, you know what, you don't qualify after all, and you owe us a lot of money. If you do not pay us, we are foreclosing.

That is the nightmare of a program that was supposed to help families but has often hurt families. Mr. Colette's story is one of these stories of going through the difficulty of this program. He bought his home in 2006. At the time it seemed like a great investment for him and his son, especially considering that he was in a position to put down more than $100,000 as a downpayment. It is a situation that very few

families can emulate. He was able to afford his mortgage payments quite easily within his income.

But when Wall Street's bad bets sparked the national recession, everything changed. He lives in one of the hardest hit areas of the State of Oregon, Deschutes County, and the construction industry dried up overnight and therefore his business, his construction business, dried up overnight. He called his mortgage servicer to begin the mortgage modification process, and he did what the bank asked him to.

At the time the bank extracted partial payments, actually for years, on the false hope that Tim could receive a long-term fix. So month after month his equity, that original $100,000 downpayment, was siphoned away. It was siphoned away through bank fees, it was siphoned away through declining property values, until there was nothing left.

Had his request for a modification been processed promptly, either he would have been approved or denied. If he would have been approved, it would have been great. It would have locked in his payments, and he could have continued with that fine financial foundation. If he had been denied, he would have had the ability to say: I have to make a decision then. Do I put this home up for a short sale? Do I put it up on the market and try to sell it for what is owed to the bank? He would have had some savings left over to pick up and start over.

Tim did all that was right and he played by the rules, but he is in a precarious position today. In just 9 weeks, his son, serving our country overseas, will come home. Let's hope it is a homecoming with a home, not a homecoming without a home.

This amendment does three important things: The first is, it establishes a single point of contact so when a family talks to their servicer they do not have to start from scratch every single time, explaining their story. With that single point of contact there will be somebody who has a coherent file. So often, each time a family talked to a different person at the servicer, that person had lost the file or lost key papers in the file or was sent additional information that had been requested but did not put it into the file. So a single coherent point of contact.

Second, this amendment ends the dual track on which servicers proceed to pursue foreclosure at the same time they are talking to the customer about a modification. Very simply, this amendment would set aside that dual track, that foreclosure track, until they make a decision. They can make it over a longer period of time, over a shorter period of time, but until they make the decision and tell the customer, they set aside the foreclosure track. That would reduce a lot of the stress, a lot of the confusion, a lot of the enormous frustration that families face.

The third point in this amendment is that it requires a third-party review before a servicer sends a home into foreclosure. That simply guarantees that the law has been followed, that there was a coherent examination of the paperwork and a foreclosure is in order at the same time a modification has been approved or a foreclosure is in order at the same time a modification is on the verge of being approved or that a foreclosure doesn't proceed because a document is missing from the file. Connecticut and Maine have such a program, and it has kept 60 percent of the families who would otherwise be out of their houses in their houses. So three basic, fundamental reforms.

I wish to thank my Republican cosponsor, OLYMPIA SNOWE, who stepped forward on behalf of homeowners across this Nation to say yes to fairness. I also thank the other dozen or so Senators who in the last day have signed up as cosponsors. Many of them have been real champions in their States, and some of them have worked very hard on these issues, including Senator REID and Senator WHITEHOUSE. In fact, I would note that Senators AKAKA, BLUMENTHAL, DURBIN, INOUYE, LEVIN, MCCASKILL, SANDERS, SHAHEEN, WHITEHOUSE, and WYDEN, and I imagine many more will join us.

I encourage my colleagues to support fundamental fairness: single point of contact and a foreclosure dual track and have a third-party review so that homeowners get a chance, like Mr. Colette, to stay in their homes.

Thank you, Madam President.

AMENDMENTS NOS. 411 AND 412 EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendments Nos. 411 and 412.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Reserving the right to object.

The PRESIDING OFFICER. The unanimous consent request is pending.

Mr. MCCAIN. Madam President, I still ask unanimous consent to call up both amendments. It is my understanding amendments are allowed, but if there are some amendments that are not allowed, I think we ought to understand that. I understand the strength of the ethanol lobby, but there was an agreement that amendments would be allowed to be called up. If that is not the case, then I would obviously have to resort to other parliamentary measures.

So I repeat my unanimous consent request to set aside the pending amendment and call up both amendments, Nos. 411 and 412.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments en bloc numbered 411 and 412.

Mr. MCCAIN. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 411

(Purpose: To prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities)

At the end of the bill, add the following:

SEC. ___. PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

AMENDMENT NO. 412

(Purpose: To repeal the wage rate requirements commonly known as the Davis-Bacon Act)

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

SEC. ___. REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCE.—Any reference in any law to a wage requirement of subchapter IV of chapter 31 of title 40, United States Code, shall after the date of the enactment of this Act be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—The amendments made by this section shall not affect any contract in existence on the date of enactment of this Act or made pursuant to invitation for bids outstanding on such date of enactment.

Mr. MCCAIN. Madam President, I will be brief in discussing both of the amendments.

The first amendment, amendment No. 411, is a simple amendment that would prohibit the U.S. Department of Agriculture from funding the construction of ethanol blender pumps or ethanol storage facilities, which is the latest effort on the part of the ethanol lobby to take more and more of U.S. taxpayers' dollars.

I would remind my colleagues that taxpayers have already provided billions of dollars to ethanol producers over the last 30 years. Last year alone, the ethanol tax credit cost the taxpayers $6 billion. In the final hours of the last Congress, the ethanol tax credit was extended for an additional year and will likely cost taxpayers an additional $5 billion to $6 billion this year. Seeking to double-dip in the Federal Treasury, advocates for the ethanol industry are seeking taxpayer support for infrastructure for ethanol such as blender pumps and storage facilities.

The Department of Agriculture was happy to comply with the industry's request to fund infrastructure construction. On April 8, 2001, the Secretary of Agriculture issued a rule that—get this—would classify blender pumps as a renewable energy system. In other words, pumps are now a renewable energy system, which would qualify it for funding under the Rural Energy Assistance Program.

There is no one—no one—who believed the Rural Energy Assistance Program would apply to putting ethanol pumps and storage facilities in gas stations. When Congress created the Rural Energy Assistance Program, it didn't have any intention of paying gas station owners to upgrade their infrastructure and further subsidize the ethanol industry.

According to the USDA, an ethanol blender pump and tank could cost an average of $100,000 to $120,000 to install. With over 200,000 fuel pumps currently operating in the United States, it would cost over $20 billion to convert them all—a corporate welfare project of significant proportions.

I might point out that an amendment similar to this was overwhelmingly supported in the other body during the consideration of H.R. 1 by a vote of 261 to 158.

It is time we stop this. I am a well-known opponent of ethanol subsidies to start with because it has never been of any value. It has distorted the market, and it has been an incredible waste of taxpayers' dollars. But now they want to go further by having us pay as much as $20 billion so they can install, under the Rural Energy Assistance Program, blender pumps and storage facilities.

So the ethanol advocates today have issued a release opposing this amendment because it would enforce the foreign oil mandate over our transportation fuels marketplace by blocking a job-creating effort to promote the installation of flex pumps. So now this is all about jobs. We want to create jobs by spending taxpayers' dollars to build pumps.

I hope my colleagues will take a look at this and support this amendment.

The other amendment, amendment No. 412, basically eliminates Davis-Bacon requirements from this legislation. The issue of Davis-Bacon is well known. All it would do is, in my view, reduce costs by some 60 percent from market rates if we are indeed not imposing Davis-Bacon Act requirements.

While I am on the floor, I wish to mention to my colleagues that as we face increasing costs at the gas pump of $4 or more—there are predictions that the cost of gasoline and a barrel of oil will continue to increase—this administration continues to reject nuclear power in every possible way.

Yesterday, a House committee released the latest evidence detailing the administration's mishandling of the Yucca Mountain nuclear waste repository, providing further examples of this administration's blatantly political decision to terminate the Yucca Mountain project and close the facility.

I quote from the committee report:

> Despite the President's continued assertions that his nuclear waste management policy decisions would be driven by sound science, the administration has repeatedly refused to provide a scientific or technical justification for its shutdown decision, instead simply stating that Yucca is not a workable option.

This coincides with an April 2011 GAO study that reported:

> DOE decided to terminate the Yucca Mountain repository program because, according to the Department of Energy officials, it is not a workable option and there are better solutions that can achieve a broader national consensus. DOE did not cite technical or safety issues.

There is a simple reason that neither Department of Energy Secretary Chu nor any other member of the administration has put forth a single scientific justification on the decision not to move forward with Yucca Mountain—because there is none.

When the NRC's Atomic Safety and Licensing Board rejected the Department of Energy's request to withdraw the license application, it noted:

> Conceding that the Application is not flawed nor the site unsafe, the Secretary of Energy seeks to withdraw the Application with prejudice as a ''matter of policy'' because the Nevada site ''is not a workable option.''

In fact, according to the House report, the NRC staff review of DOE's Yucca Mountain license application agreed overwhelmingly with the Department of Energy on the scientific and technical issues associated with the site, ultimately concluding that the application complies with applicable Nuclear Regulatory Commission safety regulations necessary for the site to proceed to licensing for construction.

The political interference orchestrated by the administration comes with a very real cost. As of 2010, the taxpayers have spent $15 billion to research and develop the Yucca Mountain site.

In addition, even while the administration is attempting to terminate the place, the energy industry and therefore the ratepayers are still contributing to the Nuclear Waste Fund that was established to pay for a nuclear waste repository. According to the Congressional Budget Office, the Nuclear Waste Fund is holding over $25 billion of ratepayers' money. To date, no one has stated whether the energy industry or the ratepayers will be refunded those fees, and it is likely the taxpayer will end up footing the bill for the lawsuits filed against the Federal Government by those who have been unfairly charged.

The need for a permanent waste repository remains clear. In fact, a draft subcommittee report from the President's blue ribbon commission on nuclear waste stated that ''permanent disposal of nuclear waste is needed under all reasonably foreseeable scenarios'' and that ''we do not believe that new technology developments in the next three to four decades will change the underlying need for a storage strategy combining interim sites with progress toward a permanent facility,'' thereby completely refuting statements by the administration that technology and temporary storage sites are a sufficient replacement for permanent disposal. In fact, the administration and the Secretary of Energy himself have publicly stated that our most promising technology to lessen the burden of storage—waste reprocessing—is not even being considered as a viable option for addressing waste-storage needs. Unfortunately, it has been reported that members of the commission have been told that under no circumstances are they allowed to recommend Yucca Mountain as a permanent waste repository—regardless of where the scientific evidence leads them.

According to the Government Accountability Office, the termination of Yucca Mountain would set back the opening of a new geologic repository by at least 20 years and cost billions of dollars. Of course, these billions would be in addition to the $15 billion taxpayers have already spent to research and develop the Yucca Mountain site. It is really a sad day when we allow politics or political influence to cause us to allow at least $15 billion of the taxpayers' money to be wasted and to really doom, to a large degree, the future of nuclear power in this country.

We need to have energy self-sufficiency. I believe in wind. I believe in tide. I believe in solar. But nuclear power must be a part of any equation if we are going to be truly energy independent. And by closing Yucca Mountain and by wasting already $15 billion of the taxpayers' money, we have made that goal much, much harder to reach.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 440

Mr. MERKLEY. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 440 that is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

> The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 440.

Mr. MERKLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements)
>
> At the end of the bill, add the following:
>
> **SEC. ____. LOW-COST ENERGY EFFICIENCY LOANS.**
>
> (a) DEFINITIONS.—In this section:
>
> (1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner listed under subsection (d).

(2) PROGRAM.—The term ''program'' means the Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State.

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements listed under subsection (d).

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements listed under subsection (d);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards established by the Secretary; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) QUALIFIED ENERGY EFFICIENCY OR RENEWABLE ENERGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish a list of energy efficiency or renewable energy improvements to existing homes that qualify under the program.

(e) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(f) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (i).

(g) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(h) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (g)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements listed under subsection (d) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(i) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(j) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.''.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and the amendments made by this section such sums as are necessary.

Mr. MERKLEY. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the presentation by the junior Senator from Oklahoma I be recognized as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 436

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 436.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 436.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) BRIGHTFIELDS DEMONSTRATION PROGRAM.—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

AMENDMENT NO. 436, AS MODIFIED

Mr. COBURN. Madam President, as a matter of right, I ask that my amendment be modified with the changes I now send to the desk. Further, I make the point that I retain my right to the floor after the modification is made under the precedents of the Senate.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The amendment, as modified, is as follows:

(Purpose: To repeal the Volumetric Ethanol Excise Tax Credit)

At the end, add the following:

SEC. _____. REPEAL OF VEETC.

(a) SHORT TITLE.—This section may be cited as the ''Ethanol Subsidy and Tariff Repeal Act''.

(b) REPEAL OF VEETC.—

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

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

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

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

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

(B) by adding at the end the following:

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

(3) REPEAL OF DEADWOOD.—

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

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

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

(c) REMOVAL OF TARIFFS ON ETHANOL.—

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

''Subchapter XXIII

Alternative Fuels

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

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

(A) by striking heading 9901.00.50; and

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

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

CLOTURE MOTION

Mr. COBURN. Madam President, I now send a cloture motion to the desk on the pending amendment.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending amendment No. 436, as modified, to S. 782.

Mr. COBURN. I ask unanimous consent that reading of the names be waived.

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk read as follows:

Tom Coburn, Jim DeMint, John McCain, Richard Burr, David Vitter, Kelly Ayotte, Scott P. Brown, James E. Risch, James M. Inhofe, Bob Corker, Michael B. Enzi, Johnny Isakson, John Barrasso, Lamar Alexander, John Cornyn, Jeff Sessions.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. COBURN. Madam President, I ask my colleague, my senior Senator from Oklahoma—who I do not think is on the floor right now—to allow time for Senator BROWN to bring up an amendment.

I yield to him at this time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Madam President, I thank the Senator who spoke before me.

AMENDMENT NO. 405

Madam President, I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 405.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Massachusetts [Mr. BROWN], for himself and Ms. SNOWE, proposes an amendment numbered 405.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal the imposition of withholding on certain payments made to vendors by government entities, and for other purposes)

At the end, add the following:

SEC. _____. REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

Mr. BROWN of Massachusetts. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 436, AS MODIFIED

Mr. COBURN. Madam President, I want to discuss for a minute the modification to my amendment.

Corn prices today are at their highest level since 1974. Corn supply is at its lowest level since 1974. We have tremendous problems with food inflation in this country. What we put forward this afternoon is a modification to the blending tax credit, as well as the import tax fee on ethanol, and we look

forward to that debate as we go forward.

The Federal Government now spends $6 billion a year paying over 40 cents a gallon to have ethanol blended, which is already mandated by law that they have to blend it anyway. So this, in essence, will save $3 billion this year for the Federal Government.

No. 2 is, it will take significant pressure off corn prices, which will lower food prices both here and abroad.

With that, I yield to the Senator from Oklahoma, who wishes to speak as in morning business.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to set aside the pending amendment for consideration of the following three amendments: Nos. 429, 430, and 438.

Mr. MERKLEY. Madam President, I reserve the right to object.

I ask the Senator if he can hold off for a moment. We wish to consult with the chairwoman.

Mr. INHOFE. All right. While I am holding off, it is my understanding that some of the rest of them are getting in the queue, and I am trying to get these three in with the same treatment that has been afforded those before me.

AMENDMENTS NOS. 430 AND 438

Madam President, I amend my previous request and ask unanimous consent to set the pending amendment aside for the consideration of two of the amendments, Nos. 430 and 438.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 430.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce amounts authorized to be appropriated)

On page 27, line 6, strike ''$500,000,000'' and insert ''$300,000,000''.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. BLUNT, Mr. JOHANNS, and Mr. COCHRAN, proposes an amendment numbered 438.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. INHOFE. Madam President, I ask by unanimous consent that I be allowed to speak as in morning business, which I know the Chair will honor.

However, I want to mention one of these two amendments. I think it is very significant. It is somewhat similar, I think, to the amendment offered by the senior Senator from Maine. What it has to do with is these various regulations, and actually most of these are coming from the Environmental Protection Agency.

One of the serious problems we have in the committee on which I am the ranking member, the Environment and Public Works Committee—that is chaired by Senator BOXER from California—we have oversight over the Environmental Protection Agency, and we have been watching what has been happening in the last several months. Many of the things they have been trying to get through, they have been unable to get through legislation here on the floor of this Senate, so they are trying to do the very things they are unable to get done through legislation by regulation. And these are very expensive.

Right now, we have a problem with our economy. We have overregulation that is killing a lot of the businesses that are out there. What I am trying to do is an amendment—and that is what amendment No. 438 is—to get it into the RECORD. The bill sets up a committee to assess the effects of the EPA's regulatory mandates, including key provisions of the Clean Air Act, the Clean Water Act, and the Solid Waste Disposal Act. This would include greenhouse gas regulations, Boiler MACT, Utility MACT, ozone and particulate matter standards, coal ash disposal, and water discharge requirements.

The assessment includes an evaluation of the cumulative effects of the EPA's mandates on employment, economic development, and this type of thing.

It does not otherwise modify or affect the statute. The reason I wish to have this in here is we have now quantified what it is costing the American people in terms of employment, in terms of dollars, and just—greenhouse gas, for example. We know that the costs, if they do anything like the cap and trade that they have tried to do through legislation—and that is exactly what they are attempting to do right now through regulations at the EPA—are somewhere between $300 and $400 billion of loss in GDP per year. That is every year.

You can call that a tax increase if you want to because that is exactly what it is, the same as a loss in GDP. In my case, in Oklahoma, because it is confusing when we—and this administration has been talking about hundreds of billions and trillions of dollars. Nobody truly has a handle on what it costs.

I keep track as to how many families file tax returns. In my State of Oklahoma, if you take the number of families who file tax returns and divide it and do the math, that would be somewhere around a little over $3,000 per family if we were to pass a cap-and-trade regulation.

What is wrong with this? A lot of people are out there saying: INHOFE, you have been wrong all this time. Since you are wrong on the—you may be wrong or what if you are wrong. My response is this: We have a very fine Administrator of the Environmental Protection Agency, Lisa Jackson. I can remember talking to her about what would happen if we were to pass any of these bills where we are going back to maybe the Warner-Lieberman bill or Waxman-Markey bill or even by regulations, cap and trade, the costs would be excessive.

However, my question to her was: If we were successful in doing this, would this reduce the greenhouse gases? The answer was no. The reason it would not is because it only applies to the United States of America. So if we were going to pass a tax increase on every tax-paying family in my State of Oklahoma of $3,000 a year, and they admit we are not going to get anything for it, then we need to stop them from doing that.

I could do the same thing about the ozone, the National Ambient Air Quality Standards. That would be $676.8 billion lost in GDP by 2020; the boiler MACT rules and regulations, some $1 billion lost in GDP; utility MACT, $184 billion in compliance costs. That is just between the years of 2011 and 2030; the cement MACT, some $3.5 billion.

I am saying this because we need to have our eyes open and tell the American people what the cost is of all these things. This will be done by this amendment, No. 438, and we will hopefully be able to get a vote on that.

COTE D'IVOIRE

Madam President, I am going to take a little time on something else that has to be said, and that is what I have been on the floor six times already talking about. The only reason I am continuing to do this is because somehow the State Department, the French, the United Nations, and all of them seem to be laboring under this misconception that I will go away and I will not talk about it anymore.

I am not going to go away. I am going to keep talking about it. The problem we have right now started some time ago. I will share with you some of the new developments today.

We are talking about the rigged election that took place in Cote d'Ivoire and the fact that someone whose name is Alassane Ouattara—we have demonstrated very clearly—won the election by fraudulent means.

The President of that country is Laurent Gbagbo. He has been President now for a number of years. His wife, Simone Gbagbo, has been a gracious and great First Lady.

What I wish to do—this is the seventh time I have been on the floor talking about this—is give you the latest on this grave situation in Cote d'Ivoire. I can only say it continues to be a targeted genocide against supporters and perceived supporters of the deposed President of Laurent Gbagbo.

This will be, as I said, my seventh time speaking about this on the floor.

The last time we talked about it was on April 4. When we first started talking about this, we were hoping we would be able to stop this, the State Department and others from going along with what is going on now in Cote d'Ivoire. I know it is complicated. A lot of people do not remember the genocide in Rwanda of 1994. Now we look back and say what a horrible event that was. Sure, it was horrible.

But right now what is going on in the streets of Abidjan in Cote d'Ivoire is something that has to be raised to the surface in front of the American people. I have new information that proves what I have been saying for the last 7 weeks, that the rebel leader Alassane Ouattara is still carrying out death squads, killing people in the streets of Abidjan in Cote d'Ivoire. There they are. That is a death squad. These are the people who are murdering and torturing people in Abidjan as we speak.

I bet there are not a handful of people who even know where Abidjan is. But this is the city, the capital of Cote d'Ivoire, a beautiful country. These people, coming in from the north, under this Alassane Ouattara, are in there today. I do not know how many hundreds of people they are murdering just today, but they are doing it and they are torturing and they are raping.

Before I tell you the most recent information that came out from Human Rights Watch, I wish to remind you of what I said back on the May 27. That was when Amnesty International reported that a manhunt—I am quoting now from Amnesty International—they reported that ''a manhunt''—what I said right here from this podium. ''A manhunt was launched against Gbagbo loyalists in Abidjan and several senior officials close to him were beaten in the hours after his arrest.''

That was 2 weeks ago. I am further quoting now from Amnesty International. ''In the west of the country, thousands of people who fled their homes are still living in the forest, too frightened to return.''

Look at this. There are the burned, charred bodies of people who have been tortured to death. This just happened. This is going on today, right now. Here is a man who was severely beaten. He died right after that. Here is a small child who was put to death in the same way. Here they are in the middle of executions. That is going on right now.

Gaetan Mootoo, who is Amnesty International's west Africa researcher, said:

> Human rights violations are still being committed against real or perceived supporters of Laurent Gbagbo. Alassane Ouattara's failure to condemn these acts can be seen as a green light by many of his security forces, and other armed elements fighting with them, to continue. Ouattara must publicly state that all violence against the civilian population must stop immediately.

That is what the mandate was 2 weeks ago. That is what they were supposed to do 2 weeks ago. They went on to say from Amnesty International:

> Attacks against villages inhabited by people belonging to ethnic groups considered supporters of Gbagbo—

The legitimate President—

> continued in the first weeks of May. . . . Between 6 and 8 May several villages were burned and dozens killed. Ouattara's republican forces justified these acts by saying they were looking for arms and Liberian mercenaries.

They went on to describe this. There is an article in Guardian magazine that talked about this. This, again, was a little over 2 weeks ago. They said ''an Amnesty delegation spent 2 months in Ivory Coast, gathering more than 100 witness statements from people who survived the massacre in Duekoue. . . .''

That is what this actually is in that small town of Duekoue and the neighboring villages on March 29.

> All the statements indicated a systematic and targeted series of killings committed by the uniformed republican forces [loyal to Ouattara], who executed hundreds of men on political and ethnic grounds.
>
> Before killing them, they asked their victims to give their names, show identity cards. . . . Some of these cards were found beside the bodies.
>
> A woman who lived in Duekoue told researchers: ''They came into the yards and chased the women. Then they told the men to line up and asked them to state their first and second names and show their identity cards. They then executed them. I was present—

Quoting a woman who was watching her husband—

> while they sorted out the men. Three young men, one of whom was about 15, were shot to death in front of me.''
>
> Amnesty's report also accuses the UN mission, which has a base less than a mile from Duekoue, of fatal inertia.

''Fatal inertia,'' means they did nothing. They let this go on. We are talking about the United Nations.

People around here—there are a lot of liberals in this body who do not think that anything is worthwhile unless it comes from some big body such as the United Nations. That is what is happening right now. So I wish to go ahead—I know there is someone else on the floor who wants to speak, but I just want to be sure we are informed that what was going on then—what I talked about 2 weeks ago—is still happening today.

What happened today? The newly released report by Human Rights Watch states—this is a different group from Amnesty International and this came out today:

> Armed forces loyal to President Alassane Ouattara have killed at least 149 real or perceived supporters of the former President Laurent Gbagbo since taking control of the commercial capital of Abidjan in mid-April, 2011.

The report goes on to describe the gruesome details, barbaric episodes of torture and the deaths at the hands of the Ouattara forces. This is happening today—right now. Here are a few examples. This is from Human Rights Watch.

> Ouattara's Forces . . . sealed off and searched areas formerly controlled by pro-Gbagbo militia . . . and the majority of documented abuses occurred in the longtime pro-Gbagbo stronghold of Yopougon.

That is the town in that stronghold in the south part of the—you have to keep in mind Ouattara's forces came from the Muslim area up north.

> Most killings were point-blank executions—

You are seeing a point-blank execution. That is what it looks like right there, the gun to the head.

> Most killings were point-blank executions of youth from ethnic groups generally aligned with Gbagbo, in what appeared to be collective punishment for these groups' participation in Gbagbo's militias.
>
> One man described how Republican Forces soldiers killed his 21-year-old brother: ''Two of them grabbed his legs, another two held his arms behind him, and a fifth one held his head,'' he said. ''Then a guy pulled out a knife and slit my brother's throat. He was screaming. I saw his legs shaking after they'd slit his throat, the blood streaming down. As they were doing it, they said they had to eliminate all of the [Young] Patriots that had caused all the problems in the country.''

During the raid in Abidjan, the forces, the UN forces, the French and Ouattara, they went in—and it happens that the seated President, President Gbagbo, had not a lot of armaments, but he had a whole lot of young people. They were armed not with weapons but with baseball bats, with wooden clubs, and they surrounded the palace to try to protect him, knowing they would kill their President. This is where they are today. These are the young kids. That is in a gas station up here. They are all lined up there. They are executing some of them, starving, beating the rest of them. But look at that. There are the pictures of what is going on.

These young patriots were young supporters to President Gbagbo, who surrounded his palace in a human chain, armed with just sticks and bats against the UN and French attack helicopters, which were bombing Gbagbo's residence, now being searched out by Ouattara's forces for torture and death.

The report goes on. This report came out today.

> Another woman who witnessed the killing of 18 youths . . . was brutally raped by a Republican Forces soldier after being forced to load their vehicles with pillaged goods. On May 23, an elderly man in the same neighborhood saw Republican Forces execute his son, whom they accused of being a member of the pro-Gbagbo militia.
>
> Another witness described seeing the Republican Forces slit the throat of a youth in front of his father after finding an AK–47 and grenade in his bedroom during a 4 a.m. house-to-house search. The witness was stripped and forced to hand over his laptop computer, cell phones, and money.

And was murdered.

> Human Rights Watch documented similar pillaging of scores of houses in Abidjan.

By the way, I personally talked to these people in Abidjan who witnessed this going on.

> The witness, like many others interviewed by Human Rights Watch, wanted to flee

Abidjan to his family village, but had no money for transportation since the Republican Forces had taken everything.

Human Rights Watch says it documented 54 extrajudicial executions at detention sites, including police stations and the GESCO oil—

That is the station we just now saw. Those were the executions of the young kids taking place.

In addition to the killings—

I am reading now—

Human Rights Watch interviewed young men who had been detained by the Republican Forces . . . and arrested for no other apparent reason than their age and ethnic group. Nearly every former detainee described being struck repeatedly with guns, belts, rope, and fists . . . for alleged participation in the Young Patriots.

Those were the young people surrounding the palace.

Several described torture, including forcibly removing teeth from one victim and placing a burning hot knife on another victim, then cutting him.

Human Rights Watch reports ''witnesses consistently identified the killers and abusers as the Republican Forces'' of Ouattara, and they were ''overseen'' by Ouattara and Soros. Soros is a general of Ouattara. He is the one who is responsible for going into Duekoue. That is where they murdered all the people. The Soros they speak of is the one who was responsible for that under the supervision and direction of Ouattara.

So the Human Rights Report calls on Ouattara ''to immediately ensure the humane treatment of anyone detained'' by his forces. This is something I have been demanding for 7 weeks. I hope now this report is going to draw attention so at least the State Department knows what is going on because our State Department is going along with all of this. They had an opportunity to voice their opinions and come up with a solution. The solution is to offer amnesty or to send him to a country where he will be able to live.

I have been very critical of the State Department's handling of the situation in Cote d'Ivoire. I sent them evidence months ago that showed Alassane Ouattara engaged in massive election fraud during last year's Presidential election. I called for an election and then a new election. Of course, it was met with deaf ears. I called on the State Department to inquire as to the health and safety of President Gbagbo and his wife Simone. To date, we have heard nothing.

Last year, I urged the State Department to use its power and influence and allow the reconciliation process in Cote d'Ivoire by allowing Gbagbo to go into exile. I pointed out that at least half of the population of Cote d'Ivoire supports Gbagbo. I acknowledged one African leader who is willing to accept Gbagbo in his country—a Sub-Saharan African country. The State Department has been aware of this for over a month.

I strongly suggest that is a solution. It has been done before. It was done in Haiti with ''Baby Doc'' Duvalier. I know people are tired of hearing me talk about Cote d'Ivoire.

I had a pleasant experience yesterday. I met the nominee for the Under Secretary of State for Political Affairs, Bill Burns. I had a chance to visit with him about this and other problems. I found him to be very receptive. I am convinced he embodies the high traditions of the foreign service—selfless, nonpartisan diplomatic service. He indicated to me he will follow through with my requests of the State Department regarding the health and well-being of the Gbagbos. I appreciate that.

I will finish by letting you see a photo of the two Gbagbos. Here is the President, Laurent Gbagbo, who I believe should be the legitimate President of Cote d'Ivoire. The first photo was a happy guy I knew. This next photo was him right after they took him. This side of his face is bashed in. His wife is a beautiful lady, Simone. Here is a picture of her. I have known her for over 15 years. She is a gracious lady and everybody loves her. After Alassane Ouattara took her, here is what she looked like. They ripped her hair out by the roots and went dancing up and down the streets of Abidjan with the hair. You have to use your imagination.

This is what is going on today in Cote d'Ivoire. There they are, the death squad, and there is the First Lady, Simone.

The last thing is that I hope somebody in the State Department cares enough to intervene and allow that party to go into exile. There is already an operation for that. Almost every President of every African country who called me is in agreement to what we are trying to do.

I yield the floor.

AMENDMENT NO. 427

Mr. MERKLEY. Madam President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 427.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 427.

Mr. MERKLEY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make a technical correction to the HUBZone designation process)

At the end, add the following:

SEC. ___. IDENTIFICATION OF QUALIFIED CENSUS TRACTS BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

(a) DESIGNATION OF QUALIFIED CENSUS TRACTS.—Not later than 2 weeks after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts, the Secretary of Housing and Urban Development shall identify census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 (determined without regard to Secretarial designation) and shall deem such census tracts to be qualified census tracts (as defined in such section) solely for purposes of determining which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(b) EFFECTIVE DATE.—The Administrator of the Small Business Administration shall designate a date that is not later than 3 months after the date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a) as the effective date for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) the date on which a census tract is designated as a qualified census tract for purposes of section 42 of the Internal Revenue Code of 1986; or

(2) the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 441 TO AMENDMENT NO. 436, AS MODIFIED

Mr. MCCAIN. Madam President, I call for the regular order on amendment No. 436, as modified, and send a second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator has the right to call for the regular order.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 441 to amendment No. 436, as modified.

Mr. MCCAIN. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

Mr. MCCAIN. Madam President, I thank my friend from Illinois for allowing me to do that. I appreciate it and yield the floor.

Ms. MIKULSKI. Madam President, yesterday I voted for the Tester amendment on debit card interchange fees. This amendment would give the Federal Reserve more time to study the impact of proposed debit card fee

regulations on consumers and the community banks and credit unions that serve them.

I vigorously support the intent of the original Durbin amendment, and I thank Senator DURBIN for working to bring an end to the gouging and the profiteering at the largest banks.

My No. 1 priority is consumers. I have always made sure I was on the side of consumers and Main Street and against unfair and abusive practices on Wall Street. I have a deep suspicion of how big banks treat the little people and what they do with the little people's money.

I voted for the original Durbin amendment during the debate over the Wall Street reform bill because something had to be done to rein in these hidden fees that kept rising and rising—and getting passed on to consumers. The amendment included an exemption for banks with less than $10 billion in assets to ensure that only the largest banks would be affected.

Since then, the community banks and credit unions in my State tell me that they are afraid that the current $10 billion exemption for debit card issuers will not protect them and that they will be forced to stop services, charge consumers new fees, or risk the stability of their institution if they are not adequately protected from the debit card fee limit. I take these concerns very seriously.

In this fragile economy, we have to be very careful about the stability of our community banks and our credit unions. Often, they are the only ones lending to our neighbors and small businesses. And making sure that Americans in the middle class are not denied access to these institutions is consumer protection, too.

After careful consideration, I am voting for Senator TESTER's amendment. I want to ensure that consumers are not hurt by unintended consequences of well-intentioned regulations. That is why I call for more study. It is the prudent thing to do. But I recognize that delay can be a tool to derail, and my intent is not to derail. We must be prudent, but we also must be prompt. Let me be clear, I will not let this drag on indefinitely. If, at the end of 12 months, this issue is not resolved—I will urge the Fed to act quickly and support legislation to force action.

I have a long history on this issue. My family has fought for generations to protect consumers and expand access to credit.

Before the stock market crash in 1929, when banks in downtown Baltimore wouldn't lend to people who they regarded as on the wrong side of the tracks, my grandfather, along with small businesses in the area, got together to start a savings and loan to serve the community. They lent to small businesses that didn't have access to credit and they lent to women when no one else would.

When the tough times came in the Great Depression this savings and loan was there so people didn't lose their homes. They refused to foreclose on homes and businesses. If you paid a nickel a week on your mortgage, you were considered current.

Later, in the heart of the African-American community in Baltimore, when there was no access to credit, community members would be targeted by Happy Harry. And why was Harry happy? Because he charged 18 to 20 percent interest for a loan and knew his customers had nowhere else to turn.

So I worked with the Parish Council at St. Gregory's Church to establish a credit union so that there would be access and to end the scamming, the scheming, and the gouging.

As a Senator, I continued these fights. When I heard that innocent people in Maryland and across the country were being gouged and ripped off, I vowed to stop it. I helped create a flipping task force in Baltimore that was to be a model for the Nation.

In 2003, after hearing that the Fairbanks Capital Corporation was threatening a number of Marylanders with foreclosure, I called for a Federal investigation of Fairbanks. The company paid $40 million into a restitution fund so victims could get their money back and innocent homeowners could get their good name back.

And in 2009, I put funding in the Federal checkbook to help the FBI investigate mortgage fraud so that they can have the resources to help stop the scamming, the scheming, and the gouging.

I said during the debate over the Wall Street reform bill that we had gotten into a financial situation where we bailed out the big banks. We bailed out the whales, we bailed out the sharks, and we had left the people in the community, the little minnows, to swim upstream and be on their own.

When I traveled around my State that summer, in diners and dry cleaners, I heard anger and frustration in people's voices. They watched Wall Street mortgage brokers profit off irresponsible lending while their husbands work an extra shift to make sure they could make the monthly mortgage payment. And they watched big firms take very risky gambles with their money without any regulation.

We need to put government back on the side of the middle class. The banks got their bailout; how about we make sure we protect the middle class against fraud, duplicity, and gouging?

But we don't just need effective regulations to keep Wall Street in line. We need to make sure our community banks and credit unions—the institutions where Marylanders have savings accounts and where the teller knows their name and their family—are not swallowed up by the sharks and the whales on Wall Street.

I want to see that consumers are treated fairly in the debit card marketplace. I want to be sure that the good guy community banks and credit unions—and the customers who rely on them—are not harmed by the unintended consequences of these regulations.

That is why I voted for the Tester amendment: to give the Federal Reserve the additional time it needs to finalize its regulations so that consumers, community banks, and credit unions are protected.

Ms. SNOWE. Madam President, I rise today to discuss a bipartisan amendment I have filed to S. 782, the Economic Development Revitalization Act of 2011. This amendment, the Small Business Contracting Fraud Prevention Act of 2011, is cosponsored by Senators MCCASKILL, GRASSLEY, HAGAN, COLLINS, MERKLEY, and ENZI.

In the past year, the Government Accountability Office, GAO, has identified vulnerabilities and abuses in virtually all of the SBA's contracting programs, including the 8(a) Business Development Program, the Historically Underutilized Business Zone, HUBZone, program, and the Service-Disabled Veteran-Owned small business, SDVOSB, program. Our amendment attempts to remedy the spate of illegitimate firms siphoning away contracts from the rightful businesses trying to compete within the SBA's contracting programs.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I take very seriously our responsibility of vigorous oversight. That is why, last December, Senator LANDRIEU and I sent a letter to the SBA highlighting the recent press headlines and GAO reports of fraud and abuse that have plagued the agency's contracting programs. That letter stated unequivocally that our committee's first priority this Congress is ensuring that all of the SBA's contracting programs are running efficiently, effectively, and free of exploitation. Adopting this critical small business legislation is an effective first step at ensuring all small businesses are competing fairly and honestly within the Federal marketplace.

The SBA has begun to take positive steps to address issues of fraud, but reports continue to surface showing additional tools are needed. As recently as Saturday, March 12, the Washington Post, as part of an ongoing investigation, published an article titled, ''D.C. insiders can reap fortunes from federal programs for small businesses.'' This article states ''Government officials were not monitoring contracts for compliance with rules.'' The report exposes a glaring deficiency in contract oversight. Moreover, an SBA spokesperson is quoted as saying the SBA ''long ago transferred that authority to the Pentagon and other agencies.'' This hands-off attitude is unacceptable, and as I told the SBA Deputy Administrator at a recent Small Business Committee hearing, the ultimate authority for monitoring fraud lies with the SBA.

This amendment contains recommendations both from the SBA inspector general and the GAO for combating these reports of fraud and addresses vulnerabilities in the Service-Disabled Veteran-Owned small business program, the HUBZone program, and the 8(a) program. Additionally, the bill will work to change the culture at SBA to make the process of suspensions and debarments more transparent.

In order to effectively execute the small business contracting programs, the SBA needs a comprehensive framework to provide effective certification, continued surveillance and monitoring, and robust enforcement throughout the SBA's contracting portfolio. This bill aims to increase criminal prosecutions as well as suspension and debarments for businesses found to have attained contracts through fraudulent means, and requires the SBA to submit a report to Congress annually detailing the specific data on all suspensions, debarments, and cases referred to the Department of Justice for criminal prosecutions.

My amendment provides the SBA more stringent oversight capacity across all the SBA contracting programs. It is SBA's duty to utilize every fraud prevention measure at its disposal and this amendment puts the tools in place to punish the bad actors that have infiltrated the SBA contracting programs.

The PRESIDING OFFICER. The Senator from Illinois.

MORNING BUSINESS

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

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

THANKING BETTY HAMILTON

Mr. DURBIN. Madam President, I think most of us involved in public life realize that few people meet us and many more people meet those who represent us. That is why if you are a success as a Congressman or Senator or as an elected official, you really have to rely on the people who work for you, who time and again will represent you. Their approach, their sense of caring, their promptness, their courtesy will reflect on you.

If you are lucky—really lucky—you will have some extraordinary people working for you who cover you with glory every single day—even when you don't know it.

I started in politics and was lucky to have two early mentors. As a college student, the Senator who held this seat, Paul Douglas, inspired me to take an interest in government. Later, there was a man he introduced me to, Paul Simon, whom I succeeded in the Senate. I spent more time with Paul Simon, and he truly was my mentor. I inherited many of my good habits from him.

I also inherited something else. I inherited one of his biggest fans and hardest workers, who came on my staff. Her name is Betty Hamilton. She first had her brush with public service in 1984 when she volunteered to work on the Senate campaign of Paul Simon. Paul had a way of bringing out the best in people and bringing the best people into politics. Betty sure fit the bill.

In that first campaign, Betty used to pull her two toddlers, Will and Ben, in a little wagon as she walked door-to-door in her neighborhood, knocking on doors and dropping campaign literature for Paul Simon. She was part of an army of volunteers who helped Paul score an upset victory in a very tough year, politically. Later, she signed on as volunteer coordinator and office manager for Paul Simon's reelection campaign.

After that election, Betty joined my staff when I was still in the House of Representatives. She has been with me ever since.

Betty works in casework. It sounds simple and routine, but it is not. Most of her work is with senior citizens. If an older person in southern Illinois calls my office because they are having a problem with Social Security or Medicare or some other Federal program or agency, Betty most often takes that call.

The people she works with often have no place else to turn. They can't afford lawyers. They just need someone who cares and who is competent. Maybe they have been incorrectly denied Medicare or disability payments or some other benefits they are entitled to, and they have tried but cannot cut through the bureaucracy to resolve their problems. Many of them are desperate. Some have spent every penny they have ever saved and have nothing left. They are on the verge sometimes of even losing their homes.

Betty Hamilton listens to them and she gets to work making phone calls, writing letters, sending e-mails, trying to make the wheels of government turn the way they should. She is an advocate for fairness and good government.

Over the years, Betty has talked with more than 8,000 people in Illinois. They are the lucky ones. She has saved hundreds of people from losing their homes. She has given them hope.

I go back on Fridays to Springfield, and I usually have a couple of thank-yous on my desk, and they always relate to staffers who have done a good job. Usually Betty's name is on them. I can't count the number of people who have written me about the work she has done. They say: Thank you for helping me. I greatly appreciate it. It is good to be able to pay my bills and take care of my kids, and a special thanks to Betty Hamilton.

I know Betty worries some nights about the people she tried to help. She has come in on many Saturdays to write one more letter or make one more call she thinks might help. Just last week she helped someone in my State collect $31,000 in disability payments that had been incorrectly denied them.

Like most people who grew up in St. Louis, Betty is a die-hard St. Louis Cardinals baseball fan. So she knows what I mean when I say I consider Betty Hamilton the Stan Musial of casework. Like Stan the Man, who played for the Cardinals for 22 years, she has worked for me for two decades. Like him, she is a modest person, and like Stan Musial, Betty has compiled a long and consistent record of success that is likely to remain unbroken for a very long time.

Betty didn't take to government initially. She has a master's degree in horticulture. Four years ago, she and her husband John, then retired from the State of Illinois, decided they would buy a farm near Springfield where they could raise produce—some of the best green beans and tomatoes you ever tasted. You could find them at the Springfield Farmers' Market downtown on Wednesdays and Saturdays. I know, I have seen them there the last two Saturdays. Don't miss their stand; it is the best. That is where I am going to be able to see her from now on.

Betty is retiring from my office, and I will miss her. More importantly, the people who have had her fine public service will miss her too. We are going to miss her greatly.

BEST WISHES TO SARA FROELICH

Mr. DURBIN. Madam President, back in the year 2000, my wife Loretta and I went to the Democratic Convention in Los Angeles, and we ran into a young college coed from Illinois. She was a student at Wesleyan University in Bloomington, IL—originally from the Twin Cities of Minnesota. At that time, her name was Sara Nelson.

Sara Nelson had a class assignment to cover the convention for a weekly newspaper in Illinois. She was out there sleeping on the floor of somebody's apartment and wandering around trying to write a story for a weekly newspaper. She was a bright-smiling young woman, and Loretta and I liked her instantly.

As fate would have it, we ended up on the same plane flying back to Chicago when the convention had ended. We landed at Midway late, and as Loretta and I were leaving the baggage section, we saw Sara Nelson sitting on her bag by the curb. We said: Sara, where are you going?

She said: I missed my bus down to Bloomington—which is a little over 100 miles away—and I have to wait for one that will come later tonight.

I said: You're in luck because Loretta and I are driving down there. Get in the car.

She hopped in the car with us, and we drove down to Bloomington.

During the course of the trip, we got to know her and liked her even more.

She told us how much she loved politics and government and that she was soon going to graduate from Illinois Wesleyan University.

So I said: Why don't you call me sometime. Maybe you can be an intern in my office.

She agreed. She was not only an intern, she was one of the best. As soon as she graduated, we hired her. A year later, she was promoted to handle immigration and citizenship casework, and she did a great job. Then there was an opportunity for her to work as my deputy director for the entire downstate portion of Illinois. This was in 2006.

So Sara Nelson took off and became my representative, going all over the State and speaking for me at meetings and representing me and working on projects as important as the new courthouse in Rockford, IL, and the new bridge across the Mississippi River connecting Granite City with downtown St. Louis. There was no project too daunting for her. She took them on.

In the meantime, to nobody's surprise, she found the person she wanted to marry, John Froelich. She and John got married several years ago, and we went to the wedding—a beautiful event. Her family came down from Minnesota, and the two of them were perfect. John was in medical school studying to be an orthopedic surgeon. Lo and behold, shortly, about a year or so after that, along comes baby Naomi. I cannot tell you how much she loves that baby. She replaced politics, soccer, and the World Cup in her list of most important things. I see Sara out in the park on weekends pushing the stroller, sometimes running behind it with little Naomi giggling along the way.

There is some good news for Minnesotans and bad news for Illinois as this story comes to an end. John Froelich is a medical student and will start his fellowship at Mayo Clinic in Rochester in a few weeks, so Sara and Naomi and John are moving on. I will miss her. She has been a terrific asset on my staff and a terrific person. She is a great mom and has been a great ally in the course of the years she has worked for me.

Loretta and I wish Sara and John and Naomi the very best and thank them for the wonderful years of service they have given to me and the State of Illinois.

THE DREAM ACT

Mr. DURBIN. Madam President, 2 years ago, I embarked on a legislative mission to pass a bill called the DREAM Act. The purpose of the DREAM Act was to give to young people who came to this country as children, and who were raised in the United States, who have graduated high school, who have done a well and made a good life in this country, a chance to become legal residents in the United States of America. They are long-term U.S. residents. They have good moral character. They have graduated high school, and we say: If you will complete at least 2 years of college and military service in good standing, we will give you a chance to become legal.

There are thousands of young people who fit this description in the United States. They were brought here as kids. If their parents came to the United States and overstayed a visa or crossed the border when they shouldn't have, these children shouldn't be held accountable. They were children. We don't hold children accountable for any wrongdoing by their parents. They grew up here, they pledge allegiance to the flag in their classrooms here, they sing our national anthem, and many of them speak no other language other than English.

The purpose of the DREAM Act is that we should not punish children for their parents' actions. That is not the American way. Instead, the DREAM Act says to these students: America is going to give you a chance, a chance to continue living here and to make this an even better nation.

The DREAM Act is not just the right thing to do, it makes America a better country. The young people who would qualify for the DREAM Act are class valedictorians, star athletes, honor roll students, and ROTC leaders. They are the future doctors, soldiers, computer scientists, and engineers who will make this country even better.

The DREAM Act would strengthen our national security by giving thousands of highly qualified, well-educated young people the chance to enlist in the Armed Forces. The DREAM Act has the support of not only Secretary of Defense Robert Gates but also GEN Colin Powell.

The DREAM Act will help our economy by giving these talented young people the chance to become engineers and entrepreneurs, doctors, lawyers, teachers, small business owners, and nurses. That is why the DREAM Act has the support of business leaders from across the country, such as Rupert Murdoch and the CEOs of companies such as Microsoft and Pfizer.

The talented young people who would be eligible for the DREAM Act call themselves Dreamers. When I first embarked on this mission 10 years ago, they used to kind of hold back in the shadows of a meeting, kind of whisper to me as I went by that they would be saved if the DREAM Act were passed. Well, now they are stepping forward, and I am glad they are, so America can see who they are.

Every day these Dreamers contact my office to tell me their stories. These stories have energized me to keep up the fight. The last time we had a vote on this act on the Senate floor was last December. We had a majority. But when it comes to controversial issues, it takes 60 votes. I want to take this up again and give these young people a chance.

I want to tell you about two of these DREAM Act-eligible people.

Herta Llusho was brought to the United States from Albania when she was 11. She and her mother settled in Grosse Pointe, MI, a suburb of Detroit. Herta came here legally, but shortly after arriving, Herta's mother filed an application to stay in the United States.

Herta quickly learned English and became an academic star. She graduated from Grosse Pointe South High School with a 4.05 grade point average. In high school, she was a member of the varsity track team, won an Advanced Placement Scholar Award, and was a member of the National Honor Society.

Here is a picture of Herta at graduation. Herta is currently a junior at the University of Detroit Mercy, where she is an honors student studying to be an electrical engineer. She has a grade point average of 3.98 and has completed two internships at engineering firms.

She is also very involved in the community, volunteering at homeless shelters, tutoring programs, and her church. Listen to what one of her friends says about Herta:

> I am humbled by Herta's willingness and desire to serve. I have had the privilege of going to the same church at which she faithfully serves. She spends hours tutoring kids and volunteering with the junior high Sunday school class. It is a joy to watch so many children run up to her at church because of the love they receive when they are with her.

In 2009, after 9 years of legal proceedings and deportation proceedings, here is what Herta said about being placed in deportation.

> I was shocked. My friends are here, my education is here, my community is here. All of a sudden, I was asked to leave behind everything I know and go back to a country I barely know. When I lived there, I was little, so I don't remember much and I barely speak Albanian any more.

Herta's community rose to her defense. Thousands of people signed an online petition to stop her deportation. Last year, the Department of Homeland Security granted Herta a 1-year stay—just 1 year. The Department is now considering whether to delay it for another year. I sincerely hope they will.

Would it be a good use of taxpayer dollars to deport Herta? Of course not. There is so much discussion in America today about what we need from our young people for America to succeed in the future in the so-called STEM fields—science, technology, engineering, and math. Every year we issue thousands of H–1B visas to bring foreign workers to the United States in the STEM fields.

Herta is a straight-A student in electrical engineering, a STEM field. She doesn't need an H–1B visa. She is a homegrown American talent. Why in the world would we create a law to allow someone who has never lived in the United States to come here and legally reside to become an electrical engineer and tell Herta, who has lived

here all of the life she remembers, she has to leave? That is just plain wrong.

Herta came to Capitol Hill to speak at a briefing I sponsored for the DREAM Act, and this is what she said.

I'm a typical story. There are thousands of stories out there just like mine. Please support the DREAM Act so students like me don't have to leave. We are worth it. This is a country we have come to love.

Herta is right. She and thousands of others are worth it. They have so much to contribute to America if we just give them a chance.

Let me introduce you to one other student. This is Julieta Garibay. Julieta was brought to the United States in 1992 at the age of 1. She graduated from the University of Texas with a bachelor's degree in nursing. She was on the dean's list and the president's honor roll and volunteered more than 500 hours at hospitals in Dallas and Austin. Julieta went on to earn a master's degree at the University of Texas in public health nursing. She is a member of Sigma Theta Tau, the international Honor Society of Nursing. She has been a registered nurse since 2004.

Here is the problem. Julieta is undocumented. She cannot legally work in the United States of America. Let me tell you something else about Julieta. She is married to SSG Armen Weinrick, who serves in the U.S. Air Force Reserves. Here is a picture of Julieta and Staff Sergeant Weinrick at Julieta's graduation. Staff Sergeant Weinrick is currently awaiting deployment. He will go overseas to defend our country, but while he is gone serving America, his wife could be deported. That is just plain wrong.

Julieta sent me a letter, and here is what she said about her dreams for the future.

I desperately need the DREAM Act to pass so I can practice my beloved profession—nursing. I have been dreaming of being a nurse for the past 7 years since I earned my nursing license. Once the DREAM Act passes, I will join the military in hopes of making up the lost time and serve the country I call home as a nurse.

Do we need more nurses in America? Of course, we do. In fact, the United States imports thousands of foreign-trained nurses each year to meet the needs of our country. What is wrong with this picture? This young lady has a master's degree in nursing from the University of Texas. I am sure my colleague on the Senate floor would acknowledge that is one of the most highly regarded universities in America. She has this master's degree, and they are planning to deport her. If they do, she will probably cross paths in the airport with a nurse coming here from some foreign country on a work visa to work in our hospitals. That isn't fair, it isn't smart, and it just doesn't make sense.

The DREAM Act would give Julieta the chance to serve the America she loves, the America she calls home.

I first introduced the DREAM Act in 2001. Since then I have met so many immigrant students who would qualify, such as Herta Llusho and Julieta Garibay. They are Americans in their hearts. They are willing to serve our country and to make it a better place. We have to give them a chance.

I ask my colleagues: Please, in your heart of hearts, think about the fairness and justice behind this legislation. Let's support and pass the DREAM Act. It is the right thing to do. It will make America a stronger nation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that following my remarks, the Senator from Texas, Mr. CORNYN, be recognized.

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

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 1166 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas.

MEDICARE

Mr. CORNYN. Madam President, I wish to speak briefly today about Medicare, about the law, and specifically a law that Congress passed in 2003 which provided for something called the Medicare trigger. This provided that when the Medicare trustees would indicate that a Medicare funding warning should issue according to that law, then the President of the United States under that law must, within 15 days, submit to Congress proposed legislation to respond to that warning.

What does all this mean? We know the Medicare trustees made the situation clear that Medicare will run out of money by the year 2024. Medicare's unfunded liabilities are more than $24 trillion and growing. In other words, there is a $24 trillion gap between the promises the U.S. Government has made to seniors and the funding to pay for it. Of course, as the Chief Actuary stated, this is actually an optimistic scenario, that we can fund Medicare through 2024.

The President of the United States has failed to comply with this law duly passed by Congress and signed into law. I do not really know why the President has failed to meet this legal responsibility of the law. I hope it is an oversight, and I hope it is one he will correct shortly. Having no plan while the President has criticized the House for the plan they passed is bad enough, but failing to submit a plan when the President of the United States is required to do so by law is a violation of the law, something the President has taken an oath to uphold.

There is no doubt about it, section 802 entitled "Presidential Submission of Legislation" uses the word "shall." It is not "may," it is not "can," and it is not "it would be a good idea." It says the President shall submit to Congress, within a 15-day period beginning on the day the budget submission to Congress is made, proposed legislation responding to this Medicare funding warning. March 1 marked the day 15 since the President submitted his budget, and the Medicare trustees, as we all know, have been ringing the alarm bell for years. But, unfortunately, this is not the only provision of the law the President has neglected.

We could talk about the Greek debt crisis. On Tuesday, the President talked about the Greek debt crisis in a joint press conference with Angela Merkel, the Chancellor of Germany. This is what the President said about the Greek debt crisis:

We have pledged to cooperate fully in working through these issues on a bilateral basis but also through international and financial institutions like the International Monetary Fund.

Obviously, Greece has suffered a debt crisis. They have the International Monetary Fund, funded by various nations, to bail them out. Unfortunately, when the United States has a debt crisis, if we do nothing about it, there will be no one left to bail us out.

The problem with the statement of the President about the International Monetary Fund is that the Congress has also spoken on that issue. Senator VITTER and I sponsored an amendment last summer that was incorporated into the so-called Dodd-Frank Act or the financial services regulatory reform bill. This amendment was approved unanimously by the Senate and became law by the President's hand. This provision, included in section 1501 of the Dodd-Frank Act, requires the Treasury Secretary to determine whether IMF loans to countries that are already deeply in debt will likely be repaid and certify that determination to Congress. Furthermore, if an IMF loan will not be repaid, the Treasury Secretary is required to direct the executive director to vote in opposition to the proposed loan. These provisions became Federal law for a reason—because we sought to protect U.S. taxpayers from being used by the IMF to bail out foreign nations that have been making irresponsible spending decisions.

As I said earlier, I hope the failure of the President to comply with this mandatory requirement under the Medicare law we passed in 2003 is simply an oversight. But we know that so far the President and the majority party in the Senate have not submitted—the President has actually submitted a budget that doubles the debt in 5 years and triples it in 10 years, but he has made no response to the Medicare trustees' statement that Medicare will be insolvent in 13 years. Instead, he has attacked the only people who have been responsible enough to come up with a proposal. Admittedly, the proposal may not be perfect, but it is a responsibility of all of us to do what we

can to try to solve problems, not just attack people and use it for political advantage when other people try to step up and meet their obligations.

The issue is respect for the law, and the issue is whether the checks and balances in our Constitution are still in place. The question is whether the President somehow considers himself above the law or whether the law applies to him just as it does to each one of us.

I hope this is an oversight. I hope the President will remedy that oversight and he will submit proposed legislation to deal with this impending insolvency of Medicare forthwith.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor again today, as I have week after week since the health care law has been passed, with a doctor's second opinion about the health care law. As you know, I have practiced medicine for 25 years in Wyoming, taking care of Wyoming families.

I have great concerns about this health care law that has been passed by this body as well as the House, signed by the President. The American people continue to learn more and more about this health care law, and the more they learn, the more concern they have about this law being bad for patients; bad for providers, the nurses and doctors who take care of the patients; and bad for the payers, the taxpayers of this country who are going to get hit with an incredible bill.

The main subject I wish to talk about today is a new report that has come out that says to me that the taxpayers are going to get hit with a bill much higher than they initially thought. It is a report from the McKinsey Quarterly called ''How U.S. health care reform will affect employee benefits.''

In the debate and speeches the President had given in the runup to the election and the vote on this bill, he said that if you had care you liked, you could keep it; that the American people, if they had a plan they liked, would be able to keep it. It was a promise he made to the American people, a promise the American people wanted to believe. But now this report shows that the American people were right in being skeptical, and, as we see, the more the American people learn about the health care law, the less they like it and the more they oppose it. What this report says is that a shift away from employer-provided health insurance will be vastly greater than expected and will make sense for many companies and lower income workers alike.

When we work our way through this report, what we see is that more and more private companies that today—today—provide health insurance for their employees will be much less likely to be willing to provide that insurance in the future. Why? Because it is going to be a lot more expensive to provide the insurance. The mandates, the quality, and the high level of expense involved with providing that insurance is going to be a significant burden to those companies. And if they don't provide the insurance at all, there are going to be other chances for those employees and it will actually be cheaper for the business to not provide insurance, give the people a raise, and pay the penalty of the health care law and leave people without the insurance.

When we take a look at this overall health care law, we see it as one where this body and this President raided Medicare. They took $500 billion away from our seniors on Medicare, not to save Medicare but to start a whole new government program. With the President's Payment Advisory Board, he additionally wants to ration Medicare—ration Medicare. They have raided Medicare and rationed Medicare. Is it any surprise that people on Medicare are having a much harder time finding a doctor as doctors refuse to see patients on Medicare?

So with all of this, now we get this report. This report says—and this is a very reputable national consulting firm. This report says they did a survey of 1,300 employers across the country—different industries, different geographies, different employer sizes—and the results ought to be a huge wakeup call for all workers and all families across the country, because what this group has seen from this study is that overall, 30 percent of all employers—30 percent of all employers—will either definitely or probably—so likely—stop offering employer-sponsored health coverage in the years after 2014. That is when ObamaCare goes fully into effect.

Among employers with a high awareness of how the program actually works for health care reform—who have actually studied what the law says—in that group, those who are most well informed, they are saying more than 50 percent and upwards to 60 percent will pursue other options. They will likely stop offering their employees health coverage. At least 30 percent of the employers would gain economically from dropping coverage even if they completely compensated the employees for the change of losing their insurance. This is very alarming for our country.

There was a well-written editorial in yesterday's Wall Street Journal by Grace-Marie Turner, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BARRASSO. Grace-Marie Turner is president of the Galen Institute and coauthor of a book called ''Why ObamaCare Is Wrong For America.'' Having read the book, I will tell my colleagues a lot of the things I have been talking about during the debate leading up to the vote on ObamaCare and that I have been talking about afterwards as a doctor's second opinion are included in her book. She specifically writes that no, you can't keep your health insurance. There are about 150 million Americans who get their coverage at work. We are not talking about people on Medicare; we are talking about nonelderly Americans who get their coverage at work.

The Congressional Budget Office, when we were debating the health care law, estimated that maybe 9 million, 10 million of those people, or about 7 percent of the employees who currently get their health insurance through work, may lose their health insurance at work, in spite of the fact that the President said if you like what you have, you can keep it. But this survey of 1,300 different companies—organizations that provide health insurance—30 percent of them say I don't think we are going to follow that route. We are talking about a significantly larger number than the Congressional Budget Office had even anticipated. The numbers are astonishing.

In a study last year, Doug Holtz-Eakin, who is the former director of the Congressional Budget Office, estimated not what the current CBO said—maybe 10 million—he thought maybe 35 million workers would be moved out of employer-covered plans into subsidized coverage, paid for by the taxpayers, and he thought by getting to that number, it would add an additional $1 trillion to the estimate of what the real costs were going to be for the President's health care law. If these numbers are true, this newer, higher number of 30 percent pulling out—and maybe 50 percent once they find out what is actually in the law, in the mandates on these businesses—the additional costs, at a time when we are looking at 9.1 percent unemployment in this country, are going to go even higher with the significant subsidies that exist for families making up to $88,000 a year.

So I come to the floor to say that the more we learn about this health care law, the more unintended consequences we find; that many of the predictions made about this health care law from this side of the aisle are now coming true.

I have spoken in the past about waivers. We now are at a point where 3 million people who get their health insurance through work—3 million people covered with health insurance in this country—have gotten waivers. Whole

States have gotten waivers so they don't have to live under the mandates of the health care law, and they are going to be back for waivers again next year and the year after that.

We see additional concern with what is in this health care law. As NANCY PELOSI said, first you have to pass it before you get to find out what is in it. As more and more people find out what is in it, we are finding that more and more people who maybe had coverage they liked are not going to be able to keep that coverage and are going to lose that coverage, and the taxpayers are going to get stuck footing the bill.

That is why I come back to the floor week after week with a doctor's second opinion, because there is new information that comes out week after week, as this McKinsey & Company study and report came out this week. That is why I continue to say we need to repeal and replace this terribly broken health care law.

Thank you.

With that, I yield the floor.

EXHIBIT 1

[From the Wall Street Journal]

NO, YOU CAN'T KEEP YOUR HEALTH INSURANCE

(By Grace-Marie Turner)

A new study by McKinsey suggests that as many as 78 million Americans could lose employer health coverage.

ObamaCare will lead to a dramatic decline in employer-provided health insurance—with as many as 78 million Americans forced to find other sources of coverage.

This disturbing finding is based on my calculations from a survey by McKinsey & Company. The survey, published this week in the McKinsey Quarterly, found that up to 50% of employers say they will definitely or probably pursue alternatives to their current health-insurance plan in the years after the Patient Protection and Affordable Care Act takes effect in 2014. An estimated 156 million non-elderly Americans get their coverage at work, according to the Employee Benefit Research Institute.

Before the health law passed, the Congressional Budget Office estimated that only nine million to 10 million people, or about 7% of employees who currently get health insurance at work, would switch to government-subsidized insurance. But the McKinsey survey of 1,300 employers across industries, geographies and employer sizes found "that reform will provoke a much greater response" and concludes that the health overhaul law will lead to a "radical restructuring" of job-based health coverage.

Another McKinsey analyst, Alissa Meade, told a meeting of health-insurance executives last November that "something in the range of 80 million to 100 million individuals are going to change coverage categories in the two years" after the insurance mandates take effect in 2014.

Many employees who will need to seek another source of coverage will take advantage of the health-insurance subsidies for families making as much as $88,000 a year. This will drive up the cost of ObamaCare.

In a study last year, Douglas Holtz-Eakin, a former director of the Congressional Budget Office, estimated that an additional 35 million workers would be moved out of employer plans and into subsidized coverage, and that this would add about $1 trillion to the total cost of the president's health law over the next decade. McKinsey's survey implies that the cost to taxpayers could be significantly more.

The McKinsey study, "How US health care reform will affect employee benefits," predicts that employers will either drop coverage altogether, offer defined contributions for insurance, or offer coverage only to certain employees. The study concludes that 30% of employers overall will definitely or probably stop offering health insurance to their workers. However, among employers with a high awareness of the health-reform law, this proportion increases to more than 50%.

The employer incentives to alter or cease coverage under the health-reform law are strong. According to the study, at least 30% of employers would gain economically from dropping coverage, even if they completely compensated employees for the change through other benefit offerings or higher salaries. That's because they no longer would be tethered to health-insurance costs that consistently rise faster than inflation.

Employers should think twice if they believe the fine for not offering coverage will stay unchanged at $2,000 per worker. "If many companies drop health insurance coverage, the government could increase the employer penalty or raise taxes," according to the new study, authored by McKinsey consultants Shubham Singhal, Jeris Stueland and Drew Ungerman.

The case for repeal of ObamaCare grows stronger every year. The massive shift of health costs to taxpayers thanks to the disruption of employer-sponsored health insurance will add further to the burgeoning federal budget deficit. Congress can and must develop policies that allow the marketplace to evolve and not be forced into ObamaCare's regulatory straitjacket.

Mr. BARRASSO. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MONTANA FLOOD HEROES

Mr. BAUCUS. Mr. President, the Book of Matthew, chapter 23, verses 11 and 12, reads:

> The greatest among you will be your servant. For those who exalt themselves will be humbled, and those who humble themselves will be exalted.

I rise today to recognize five of Montana's greatest servants—five Montana heroes.

Our State has faced severe flooding, unrelenting flooding for the past several weeks. As water levels rise, Montanans across the State are stepping up to help. This is the essence of what it means to be a Montanan: stepping up to help fellow Montanans, ordinary folks doing extraordinary things for their friends and neighbors. We are all in this together.

That is why I have begun calling attention to the Montana heroes going above and beyond the call of duty in the floods we are experiencing in our State today.

I want to recognize Pastor Cathy Moorehead of the United Methodist Church and Father Daniel Wathan of Saint Benedict's Church of Roundup. Last week, Cathy and Daniel showed me the flood damage caused by rising waters from the nearby Musselshell River. Most of the town of Roundup has been underwater for days.

I remember many times I had gone to the Busy Bee Cafe in Roundup. Never in my wildest dreams did I ever think that restaurant might be underwater. A few days ago, it was. The floods have come back again. It is not entirely underwater, but so much of it is, it is virtually destroyed.

Cathy and Daniel took it upon themselves to make sure their neighbors had a hot meal, a dry place to sleep, medical care, and a shoulder to cry on—and it is food not only for those displaced by the floods but also for the National Guard so the National Guard does not have to eat all those rations they otherwise would have to eat.

I have talked to the Guard. They are so appreciative that they do not have to eat the food they otherwise had been given. Ask anyone around, and they will tell you Cathy and Daniel's outstanding efforts continue to be indispensable.

Floodwaters have returned to Roundup, and our prayers are with them all today.

This month, the Crow Indian Tribe also faced devastating floods. Rising water has severed food and water supplies. There is no drinking water. Rushing water has swept away bridges and streets.

As soon as the floodwaters struck the Crow Reservation, Crow Tribe member April Toineeta got to work. April worked with the Red Cross to set up shelter for flood victims. She made sure the Indian Health Service had the latest information about where medical care was most urgently needed. She was universally recognized as the go-to person for help. April. April Toineeta. April has been working 18-hour days, sleeping on the floor of the Crow Housing Authority, doing whatever it takes to help her community. April's hard work inspires all of us to help each other through the floods in any way we can.

When Box Elder Creek burst its banks, floodwaters destroyed the Harris family home north of Mill Iron, just outside of Ekalaka. Neighbors Charlie and Gail Brence hopped on four-wheelers and went to rescue the Harris family of seven. When they arrived, the Harris home was under 6 feet of water, rapidly rising. They offered the Harris family a warm and safe place to stay, a shoulder to cry on, and a helping hand as they worked to save their cattle and salvage personal belongings from the destroyed home. Gail Brence said: "We're Montanans. This is what we do."

Pastor Cathy, Father Dan, April, and Charlie and Gail are the best of the

best Montana has to offer. They represent our can-do attitude, our willingness to help our neighbor. Our belief is that when times are tough, we know we are the strongest when we work together.

There are hundreds of other unsung heroes across Montana. I am calling on all Montanans to share their stories of ordinary folks doing extraordinary things for their friends and neighbors, whether on Facebook or call my office. We want to hear these inspiring stories. We want to share them.

You know, some folks in our State say—and it is somewhat true—that Montana is really one big town. We tend to know each other. We are big in area, few in people. But we tend to know each other, about one or two degrees of separation. We are really one big small town. We are there to help each other.

In closing, I wish to share a humble thank-you for all Montana's heroes back home. I do not know what we would do without you. Thank you for your service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

FLOODING IN MISSOURI

Mr. BLUNT. Mr. President, Missouri has withstood a number of tremendous natural disasters this spring. In fact, the flood our good friend from Montana just talked about is headed down the Missouri River from Montana, to the Dakotas, to Missouri right now.

We have had floods along the Mississippi. We have had floods of the Black River that required the evacuation of part of Poplar Bluff, MO. We have had tornadoes in both St. Louis and Joplin and now, as I said, the Missouri River floods.

The Missouri River flood is beginning to reflect what has happened upstream with the above-normal snowpack that we do not see much of, but we see it when it melts in the spring. And high rainfall amounts this spring have made the difference in what is happening in our State.

The flooding along the Missouri River, which is about to get to crisis stage, will now join floods along the Mississippi River, the Black River, and tornadoes in St. Louis and Joplin. River levels are expected to rise near record levels and remain there until early or mid-August. This, of course, will put a tremendous pressure on our levee system. The estimates I heard this week were that between now and 2 weeks from today, there will be at least two dozen levees underwater, which means the water will have gotten high enough to come over the tops of these levees, and maybe over 50 levees on the Missouri River before it gets to St. Louis will be underwater and will have water on both sides of them until well into the summer. Of course, that begins to undermine the very basis of the levee itself when it stands in water on both sides.

The Corps and local sponsors are working to reinforce the levees along the Missouri River. We see that the Department of Agriculture and the Corps also have to get engaged to get the damaged land cleared and rehabilitated for all this levee protection to be restored.

There is some discussion on the opening of the levee in the boot heel, a place called Birds Point. That had been the plan, to open that levee in a flood disaster, since 1937, but it had not happened since 1937.

Mr. President, 130,000 additional acres of farmland means at this moment we probably have 500,000 acres of farmland—a little more than that—underwater, and that number will be much higher than that by this time next week. But that 130,000 acres at Birds Point will still be underwater most of next year unless the Corps goes back in, as they committed they would, and gets a temporary levee that becomes a permanent levee in as soon as possible.

We also cannot underestimate—and it would be hard to even overestimate—the challenges Joplin, MO, faces, a city in which the death toll from the tornadoes has now exceeded any tornado in the last 50 years. I think the mid-1950s was the last time this much loss of life occurred in a tornado.

I live about 60 miles from Joplin in Springfield, MO. I represented both Joplin and Springfield in the House of Representatives for 14 years. I had an office in Joplin. I have been there literally hundreds of times. And as a southwest Missourian, I have seen lots of tornado damage, but I have never seen anything like this damage.

I went to the area Tuesday after the tornado hit over the weekend. I think the tornado hit on Sunday afternoon late. I was there most of the day Tuesday. I was riding with a veteran police sergeant down streets that both he and I had been down many times, and neither of us could ever really tell quite where we were because the devastation was that great. Every street looked like the street next to it. The buildings were ground up. The 2 by 4s had become toothpicks. It was almost unrecognizable.

This same tornado, if it would have hit and stayed on the ground for 6 miles in an area of farmland, would have done some damage, but there would not have been nearly as much damage. As it happened, it ripped through the city of Joplin in a swath that was at least half a mile wide and in some places three-quarters of a mile wide. It stayed on the ground for 6 miles and destroyed approximately 30 percent of the buildings in a town of 50,000 people. There were 141 people killed, including those who in the hospitals from injuries since the tornado, because of the tornado. More than 900 people were injured, and 8,000 homes and apartments were destroyed. And I think here the word ''destroyed'' is the right word. Others were damaged; these were destroyed. Mr. President, 8,000 places where people lived 3 weeks ago aren't there today, and more than 500 commercial properties were demolished by this devastating tornado.

Homes, churches, the high school, the vo-tech school, three elementary schools, and the Catholic school at all levels are all gone, and then other schools were damaged. How you get back to school in August and September of this year with those schools gone is a huge challenge, one that a community would assume it would never have to meet, but the community has been meeting it, as have people from all over the country and particularly from our State.

Rescue efforts, led by groups such as Missouri Task Force 1 and other public safety officials—fire departments, law enforcement, medical personnel, the volunteers—have up until now been tireless, but I can tell you they are getting pretty tired.

People in Missouri and across America have been overwhelmingly generous with their time and resources in the aftermath of this storm, and all Missourians are grateful for it. Large corporations and small community organizations and individuals have helped. People have responded to calls on the phone by doing whatever they were asked to do to make a small donation.

The General Motors Foundation announced a $100,000 grant to the Red Cross, along with two vehicles, full-sized vans, and free access to their OnStar service after the disaster.

The Ford Motor Company donated another $50,000 to Feeding America for Joplin, and their employees in the Kansas City plant are assisting as volunteers in relief efforts.

Walmart committed $1 million.

Home Depot and Walmart both had—there was a Walmart supercenter and a Home Depot store that were totally demolished, 100-percent demolished. In both cases, they had late-Sunday-afternoon shoppers in them.

In one store was a man and his 4-year-old and 1-year-old. I am not sure they were on the way to the Home Depot, but at the last minute they were running into the Home Depot, thinking that would be the safest place to be, and those big concrete walls collapsed inward, and the mom who sent them to get lightbulbs or whatever she had sent them to get never saw those three people who were so much of her life before.

The St. Louis Cardinals donated $25,000 to Convoy of Hope.

The Kansas City Royals and Kansas City Chiefs each gave $35,000 to Heart to Heart International.

Duracell opened a Power Relief Trailer.

Tide opened a Loads of Hope location, offering laundry services for the thousands of affected families.

Heart of Missouri United Way collected over $1 million and pledged that 100 percent of those funds that were raised in that drive would go to Joplin.

Target contributed $95,000 to relief.

AT&T and Verizon both gave $50,000.

Sprint, a Missouri company, a Kansas City area-based company, gave $100,000.

TAMKO gave $1 million. Their headquarters are in Joplin. Their headquarters were not affected, but many of their employees were.

Loves Travel Shop gave $150,000.

Great Southern and Southwest Missouri Bank both donated $10,000.

The Girl Scouts in Houston, MO, were collecting toys for the children of Joplin who had lost their toys.

The University of Missouri produced a tornado relief t-shirt with the slogan ''One State. One Spirit. One Mizzou.''

The Mizzou football team and D. Rowe's Restaurant partnered to fill a semi truck of groceries and other items to send to the location.

The American Red Cross, the Harvesters Community Food Network, sent 14,000 ready-to-eat meals.

The Kansas Speedway and the Highway Roadhouse and Kitchen collected items for victims.

The Ozarks Technical Community College is collecting funds to help people.

The students in a high school in St. Louis, which had its own tornado, sent things to Joplin as well.

FEMA is doing what it can.

We need to prioritize spending.

As I reach the conclusion of my remarks and mention the people who need to be mentioned—I sent President Obama a letter. I spoke with Secretary Napolitano shortly after this disaster insisting that the Federal Government do what we did in Katrina and reimburse taxpayers for their expenses at the 100-percent level. We have gone from 75 to 90, so only 10 percent more, and I will be happy with that number. Mr. President, 75 percent was the first number discussed, but we are at 90 now. The Federal Government needs to do this. And local utility companies need to get the same kind of assistance others have had in similar disasters.

In all cases, the first responders were people's neighbors. Their neighbors will still be there 6 months later when people are still struggling.

But with thanks to everyone who has helped, with appreciation for the Federal employees who have been there and absolute insistence that we do everything we need to do to treat this disaster as it needs to be treated because it truly is a disaster, I will be working with everything we can find to make this situation a challenge the community can meet.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that after I am recognized, Senator WHITEHOUSE be recognized—we are speaking on the same topic—for up to 10 minutes and, at the conclusion of that time, Senator ALEXANDER from Tennessee be recognized.

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

350TH ANNIVERSARY OF BLOCK ISLAND, RHODE ISLAND

Mr. REED. Mr. President, I am pleased to rise today along with my colleague, Senator WHITEHOUSE, to help mark the 350th anniversary of the settlement of Block Island, RI.

Block Island sits 12 miles south of coastal Rhode Island, and for over three centuries has contributed to the economic and ecological vitality of my home State. It has a rich history.

In 1614, the Dutch merchant and explorer Adriaen Block charted the Island, which is named for him.

In 1661 colonists from Massachusetts sailed to Block Island and established a community that would later become the town of New Shoreham.

During the Revolutionary War, Block Islanders warned American soldiers of approaching British ships by lighting fires on Beacon Hill, the island's highest point. And, over the past 200 years, Block Island has constructed two lighthouses that have provided safe passage for countless sailors and travelers.

Today, Block Island is home to over 1,000 permanent residents and welcomes up to 20,000 visitors each day during tourist season.

Block Island has been graced by visits by two sitting Presidents—President Ulysses S. Grant in 1875 and in 1999 by President William Jefferson Clinton. I was pleased to have guided President Clinton as well as First Lady Hillary Clinton, who is now Secretary of State, around the Mohegan Bluffs and the historic Southeast Lighthouse, which overlooks the Atlantic Ocean, during their visit.

Throughout the years, the local community has worked hard to preserve the Island's natural beauty and landmarks. In the 1980s and early 1990s Captain John R. Lewis, a Block Island resident known to all as Rob, spearheaded a campaign to save the Southeast Lighthouse, which was threatened by an eroding shoreline. With a coalition of friends and local residents, Rob worked to secure nearly $1 million in Federal funding and he persuaded Block Islanders to help raise $270,000 through donations.

I must also applaud the efforts of John Chafee and Claiborne Pell, my predecessors—particularly Senator Chafee—who worked hard to ensure support for the movement of the Southeast Lighthouse. Their efforts, in conjunction with Federal and State leaders, saved this historic landmark, which still stands today.

Over 40 percent of the Island is now preserved land. The Island boasts dramatic bluffs, pristine beaches, and 25 miles of public hiking trails. Over 40 kinds of endangered species call Block Island home and thousands of migratory birds pass through each year making this a truly exceptional place.

Indeed, Block Island was included on the Nature Conservancy's list of ''Last Great Places.'' This honor identifies sites in the Western Hemisphere with significant biodiversity and ecosystems with rare or endangered species.

Block Island is not only unique for its rich history; it also has a beautiful landscape.

Generations of Block Islanders have preserved what the Narragansett Indian tribe called ''God's Little Island.'' As we celebrate the 350th anniversary of Block Island's settlement, it is fitting that we recognize and congratulate Block Islanders for all of their efforts to preserve one of our country's most treasured places.

I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. Mr. President, I rise today to join my colleague Senator REED in commemorating the 350th anniversary of Block Island and thank him for his leadership in this moment of recognition.

Every Rhode Islander can recall their first trip to Block Island. For most it starts with a drive down to Galilee where countless visitors have boarded the Block Island ferries—the Carol Jean, the Block Island, and the Anna C. The ride from Galilee lasts about an hour, winding out of the Pt. Judith harbor of refuge and into the open ocean. And as the mainland—with all its cares and concerns—slips away off the stern a small speck on the horizon ahead grows larger with each passing minute. Soon the great bluffs of the island come into view, followed by the friendly hustle and bustle of Old Harbor.

As the ferry pulls into dock, the full scene unfolds: the National Hotel, Ballard's Inn, the docks and moorings, and all the shops and restaurants along Water Street. As you step ashore, you can't help but feel enchanted by the scene. A mere 12 miles separate the island from the mainland of our Ocean State, but it can easily seem a world away.

Generations of young Rhode Islanders have made that trip, and most of them will continue returning, year after year, only to find with a sigh of relief that the scene is just as they left it. It is no wonder that the Nature Conservancy has named Block Island as one of the Earth's ''Last Great Places.''

Formed by a receding glacier thousands of years ago, the land was first inhabited by the Narragansett Indians, who named their home ''Island of the Little God.'' It took its modern name from Adrian Block, a Dutch explorer who charted the island in 1614. It was later settled by a group of families from Massachusetts in 1661—350 years ago this year. In the centuries since, Block Island has been occupied by British Redcoats during the War of 1812, served as home to artillery spotters in World War II, and become a favorite destination for sailors, fishermen, and families across the region.

Today the island is a mainstay of Rhode Island's tourism industry. The Southeast Lighthouse is one of the many ''must-see's'' for Ocean State tourists, right up there with historic Newport and Slater Mill. And the jobs generated by Block Island—from the ferry workers to the shop owners—are

a real help to our economy in these tough times.

Today I join with Senator REED to commemorate 350 years of history for the people of New Shoreham. Congratulations on this historic milestone.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

RIGHT-TO-WORK LAW

Mr. ALEXANDER. Mr. President, next Tuesday, the Nation's largest exporter and employer of more than 150,000 Americans will be appearing before an administrative judge in Seattle to defend itself against a claim brought by the acting general counsel of the National Labor Relations Board, NLRB. The claim is that a corporate decision to expand production of its next generation airliner in South Carolina, a right-to-work State, was a violation of Federal labor law.

Since 1947, Federal law has affirmed the right of States to enact what we call right-to-work laws, which prevent unions and employers from requiring employees to join a union, as well as pay dues or fees, in order to obtain or keep their job.

In Tennessee, for example, manufacturers such as Nissan, Volkswagen, and General Motors have built factories and increased their production of cars made and sold in the United States, in large part due to the environment offered by Tennessee's right-to-work law.

The President recently visited a Chrysler plant in Toledo, OH, where he stated that the auto bailout helped to restore the American automobile industry. I respectfully disagree. I think that what restored the American automobile industry was the right-to-work laws in 22 States, by creating a more competitive environment in those 22 States, as well as in the Midwest and other States where the laws don't exist, and permitting manufacturers to be able to make the cars and trucks in the United States that they sell in the United States.

Unfortunately, American companies and our 22 right-to-work States are under assault from a government agency that is driven by an antibusiness, antigrowth, and antijobs agenda. This may be the most important battle over labor laws in the United States today. That is why Senator GRAHAM, Senator DEMINT, and I—actually, we have 35 Senators cosponsoring the bill—introduced legislation to preserve the law's current protection of state right-to-work laws and prevent the NLRB from moving forward in their case against this company and others.

The Job Protection Act will prevent the NLRB from ordering a company to relocate jobs, will guarantee employer rights to decide where to do business, and will protect employer free speech associated with the costs and benefits of a unionized workforce.

The company that will be tried on Tuesday is Boeing—a solid and upstanding American success story. Over the last century, Boeing has built the passenger planes that allow Americans to travel the world; built the warplanes and weaponry that enable our soldiers, sailors, marines, and airmen to defend freedom; built the spacecrafts that send our astronauts into orbit and to the Moon; and built the satellites that deliver communications around the globe.

Boeing's newest commercial passenger airliner is the 787 Dreamliner. It is a shining example of American innovation and entrepreneurship. It has been designed with a paramount focus on efficiency and performance, to allow a mid-sized aircraft to travel as far as a jumbo jet, while using 20 percent less fuel and producing 20 percent less emissions than today's similarly sized aircraft, and while traveling at roughly the same speed as a 747 or 777.

It has also been a tremendous commercial success despite these difficult economic times. Since 2004, 56 customers, spanning 6 continents, have placed orders for 835 Dreamliners, valued at $162 billion.

President Obama has recognized the leadership of this company. He named the chief executive officer of Boeing, Mr. Jim McNerney, as cochairman of the President's Export Council. And more recently, he nominated Mr. John Bryson, who serves on the Boeing Board of Directors, to be the Nation's Commerce Secretary.

The Dreamliner's success prompted Boeing to decide in 2009—2 years ago—to establish a second assembly line for the airliner in South Carolina. This is in addition to its current assembly line in Washington State. South Carolina is a right-to-work State and Washington is not.

On Tuesday, the NLRB acting general counsel will ask an administrative judge in Seattle to stop Boeing from expanding production in South Carolina, arguing that the decision was made in retaliation for past strikes by union employees in Washington. That claim ignores these facts: No union jobs are being lost here; nobody is being demoted; no personnel are being moved; and no benefits, salaries, or work hours are being cut back as a result of this expansion. It further ignores the fact that Boeing's decision was announced, as I have said, nearly 2 years ago.

Down in South Carolina, 1,200 construction jobs have been created and over 500 new workers have been hired by Boeing to work at this assembly plant, which is supposed to open next month, in July. At the same time, Boeing has actually added 2,000 new jobs in Washington State since the announced expansion in South Carolina. That is 2,000 new union jobs in Washington State.

South Carolina, of course, is a right-to-work State, where employees may choose to join or not join the union. Suspending Boeing's expansion will result in billions of dollars of lost economic development and jobs to that State. But, the NLRB's acting general counsel doesn't seem to care about these facts, or the impact of this case on those jobs. Recently, several Boeing employees in South Carolina, whose jobs are hanging in the balance, asked to intervene in the case. The acting general counsel opposed the request, stating that ''these Boeing employees in South Carolina have no cognizable interest in participating in the proceeding sufficient to justify their intervention.''

It is hard to imagine anybody with a more direct interest in this than the Boeing workers in South Carolina.

Facts like these don't seem to matter when you have an agenda. This case is about more than airplanes, more than Boeing, and more than South Carolina. This case is about the future of our economy and our competitiveness as a nation. It is the latest attempt by this administration to chip away at right-to-work laws, to change the rules and give unions more leverage over employers, and to allow politically influenced bureaucrats in Washington determine the means of production for private industry in the United States.

If the acting general counsel's request is affirmed following next week's hearing, it will be prima facie illegal for a company that has experienced repeated strikes to move production to a State with a right-to-work law. The CEO of Boeing pointed out that this will not only hurt the 22 right-to-work States. It will also hurt States that do not have right-to-work laws. Those non-right-to-work States will suffer because a company that operates in their State and is unionized will effectively be prevented from growing or expanding to a right-to-work State, therefore hindering the ability of any State to attract new manufacturers and create new jobs.

So, instead of making it easier and cheaper to create jobs in the United States, manufacturers will be further incentivized to expand or open new facilities in Mexico, China, or India to meet their growing needs. Boeing and its 787 Dreamliner are shining examples of what is right in America and what is necessary to rebuild and grow our country's economy.

This new jetliner assembly plant in South Carolina is the first one to be built in the U.S. in 40 years. We need to remember that Boeing sells airplanes everywhere in the world and it can make airplanes anywhere in the world. But, we would like for Boeing and other manufacturers to make in the United States what they sell in the United States, so that jobs can stay and grow in this country, instead of moving overseas.

As this Administration's Commerce Secretary, Gary Locke, correctly observed in his March testimony before the Senate Committee on Commerce, Science, and Transportation:

> Manufacturing is essential to America's economic competitiveness. . . . [it] is a vital source of good middle-class jobs. It is a key driver of innovation.

With 9.1 percent unemployment, with a soft economy, government and Washington must allow manufacturers such as Boeing to prosper, innovate, and create jobs. We need to make it easier and cheaper for those manufacturers to make in the United States what they sell in the United States.

Expanding new production lines in South Carolina was a business decision made by Boeing's executives and board members, on behalf of their shareholders, who believed it was in the company's best interests. As I mentioned, those board members and executives are well respected, including by the President of the United States, who has invited many them to be a part of his Administration.

But under this Administration, the NLRB Acting General Counsel seems only concerned about the interests and agenda of organized labor—an agenda that has been soundly rejected by the vast majority of private sector workers in both right-to-work and non-right-to-work States across the country in recent years.

All eyes will be on Seattle next Tuesday, when one of our Nation's greatest assets and contributors to our economic future will be put on trial for investing, creating, and innovating at a time when we are in the middle of an economic recession. This will be a true test of whether manufacturers are able to make in the United States what they sell in the United States, or whether they will be encouraged to make overseas what they sell in the United States. It will test whether they put jobs over there, instead of creating them here. And it will test whether the Administration's economic policy is exporting airplanes or exporting jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. WHITEHOUSE. Mr. President, I am here this afternoon because, on May 12, 2011, the National Academy of Sciences released a significant report entitled ''America's Climate Choices.'' In 2007, Congress directed the academy to write this report. The researchers who contributed to the report include scientists, economists, and policymakers from world-class institutions such as the Oak Ridge National Laboratory, DuPont, and MIT. The list of the States from which the committee comes is very broad: California—scientists came from—North Carolina, Maryland, Georgia, Virginia, Michigan, Wyoming, Washington State, Tennessee, Arizona, Missouri, Massachusetts, New York, New Jersey, Colorado, and Texas. The report was peer reviewed.

I ask unanimous consent that at the end of my remarks the list of the committee, which is page V of the report, be printed as an exhibit.

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

(See exhibit 1)

Mr. WHITEHOUSE. The report was peer reviewed by academic reviewers from such universities as Stanford, the University of Texas, the University of South Carolina, Harvard, and Carnegie Mellon. Yet this significant report, requested by Congress, drafted by experts, peer reviewed by science, has fallen on deaf ears in our Nation's Capital. Why is this? Is it because the report addresses a problem we have already solved? No. Is it because the report tells us not to worry? No; it is not that either. The report, ''America's Climate Choices,'' adds to the body of climate science evidence and reflects the clear consensus of the scientific community, which is that carbon pollution is creating dangers across our planet and must be addressed if we are to avoid its most disastrous consequences.

These are the facts in the report:

> Climate change is occurring. It is very likely caused by human activities and poses significant risks for a broad range of human and natural systems.

Are we prepared for these significant risks? No, we are not, concludes the report. I quote again:

> The United States lacks an overarching national strategy to respond to climate change.

The report warns further:

> Waiting for unacceptable impacts to occur before taking action is imprudent because the effects of greenhouse gas emissions do not fully manifest themselves for decades and, once manifested . . . will persist for hundreds or even thousands of years.

Starkly, the report calls on us now to begin mobilizing for adaptation. The precise quote: ''Begin mobilizing now for adaptation.''

The report is an urgent call to action by a widespread group of our most responsible scientists, peer reviewed by our most responsible universities. Why, then, is it being ignored? I believe many of my colleagues are ignoring this report because they are hoping this problem of carbon pollution changing the atmosphere and the climate of our planet will go away. They are hoping that somehow, if we don't discuss it—indeed, if we deny it—climate change will not happen. If we ignore the laws of physics and chemistry and biology, those laws may cease to apply to us. We can repeal a lot of laws in this Senate, but we cannot repeal the laws of nature, and we are fools to ignore them.

Some even attack the underlying science; this is a strategy that is as old as industry reaction to science industry does not like. A recent book looked at the EPA efforts to protect us from secondhand smoke at a time when the tobacco industry wanted the unregulated ability to smoke and did not want people protected from secondhand smoke and pretended secondhand smoke was not dangerous. The writers conclude:

> Most of the science upon which the EPA relied with respect to secondhand smoke was independent, so attacks on the EPA wouldn't work alone. They have to be coupled with attacks on the science itself.

A memo from Philip Morris's communications director, Victor Han, said the following:

> Without a major concentrated effort to expose the scientific weaknesses of the EPA case, without an effort to build considerable reasonable doubt, then virtually all other efforts will be significantly diminished in effectiveness.

In other words, in order to create doubt, they had to attack the science directly, and they have done so, to the point where Mr. Han said the EPA is an agency that is, at least, misguided and aggressive and, at worst, corrupt and controlled by environmental terrorists.

So it is not a news story for industry to try to deny the science that shows the danger of what an industry is providing. But these attacks simply will not stand. The facts are too strong against them.

Over the last 800,000 years, Earth's atmosphere has contained CO_2 levels of 170 to 300 parts per million. That is solid science. That is a fact. That is not a theory. It is not in dispute. That is the range within which humankind has lived for 8,000 centuries. By the way, it is not clear that 8,000 centuries ago mankind had yet mastered the art of controlling fire. Essentially, the entirety of human history has taken place within that bandwidth of 170 to 300 parts per million of carbon dioxide in our atmosphere.

In 1863, the Irish scientist John Tyndall determined that carbon dioxide in the atmosphere trapped heat and trapped more heat as the concentration of carbon dioxide increases. That is textbook science. It has been textbook science for generations. That is not in dispute either.

Since the Industrial Revolution, our industrialized societies had burned carbon fuels in measurable amounts, usually measured as gigatons or metric tons. A gigaton, by the way, is a billion, with a B, metric tons. We now release, depending on the year, up to 7 or 8 gigatons—7 or 8 billion metric tons—each year. That is not in dispute either.

We now measure carbon concentrations going up in the Earth's atmosphere. Again, that is a measurement. This is not a theory. The present concentration exceeds 390 parts per million. Remember, for 8,000 centuries, humanity has existed in a bandwidth of 170 to 300 parts per million, and we are now at 390 parts per million—well outside the bounds we have inhabited for the last 800,000 years. That also is not in dispute. That is a fact.

''America's Climate Choices'' documents the changes in climate that have already been observed and measured in the United States. Again, not theory but documented, measured, and observed. These are also not in dispute. Over the past 50 years, our U.S. average air temperature has increased by more than two degrees Fahrenheit. Our total U.S. precipitation has increased, on average, by about 5 percent. Sea levels have risen along most of the U.S. coasts. Heavy downpours have become more frequent and more intense in the Southeastern and Western United States and the frequency of large wildfires and the length of the fire season have increased substantially in both the Western United States and in the Presiding Officer's home State of Alaska.

If we take a look at the increase in carbon concentrations in our atmosphere, they can be plotted. Today is one of the last days our pages are with us after many months, and they have been here in school in the very early mornings. They have been learning mathematics, and it wouldn't surprise me if our pages were able to take a series of points and plot a trajectory off of those points. That is not a complicated scientific endeavor. If we plot the trajectory of our carbon concentration, it puts us at 688 parts per million in the year 2095, and 1,097 parts per million in the year 2195. That is a pretty long way off, but when we think that for 800,000 years we have inhabited a planet in which the carbon concentration in the atmosphere was between 170 and 700 parts per million and in a matter of a century and a little more we will have more than doubled that concentration and another century hence another 300 points up, that is a very significant—indeed, an epic—shift. These carbon concentrations are outside the bounds not of the last 8,000 centuries but of millions of years of this planet's history.

The National Academy of Science report warns us this way as well:

> In addition to the potential impacts that we are able to identify, there is a real possibility of impacts that have not been anticipated.

Let me say that again:

> In addition to the potential impacts that we are able to identify, there is a real possibility of impacts that have not been anticipated.

When we travel outside a range that has protected our species and our planet for 8,000 centuries, we create forces that are hard to anticipate and, consequently, could create dangers that are hard to anticipate.

This National Academy of Sciences report does not just stop at cataloging the effects of climate change, however. As requested by Congress and as indicated by the report's title—''America's Climate Choices''—the report lays out the choices we have moving forward, if only we will acknowledge the facts of this problem and act responsibly.

The laws of nature, of course, do not care if we are paying attention. Climate change is happening and it poses grave risks to us and it will go forward whether or not we choose to acknowledge it. As I said earlier, we can do a lot of repealing of laws in this Senate, but we don't get to repeal the laws of nature. There are real risks we are facing, but there are also many positive reasons we should address the problem of carbon pollution. Developing clean and truly renewable energy sources and working to run our American businesses more efficiently will help us retain our economic leadership in the global marketplace, and that means jobs for Americans.

Here is the report again on the potential harm to our economy if we don't invest in a clean energy future:

> The European Union has already increased its reliance on renewable energy and put a price on CO_2 emissions from major sources without detectable adverse economic effects. China has placed low carbon and clean energy industries at the heart of the country's strategy for industrial growth, and is making large scale public investments (for instance, in ''smart grid'' energy transmission systems) to support this growth. . . . Firms operating in the United States could find themselves increasingly out of step with the rest of the world and without the same robust domestic markets for climate-friendly products. Moreover, U.S. firms in energy-intensive sectors could be disadvantaged relative to their more energy efficient foreign competitors if energy prices rise in coming decades. . . .

That is no idle speculation. We are already seeing the United States fall behind in clean energy technologies. We invented the first solar cell. We now rank fifth among the countries that manufacture solar components—fifth. The United States has only 1 of the top 10 companies manufacturing solar energy components and only 1 of the top 10 companies manufacturing wind turbines.

Half of America's installed wind turbines were manufactured overseas. Portsmouth, RI, has installed two wind turbines. One was manufactured by a Danish company. The other was manufactured by an Austrian company, its components delivered to Rhode Island by a Canadian distributor. Imagine if we drove demand for domestic manufacturing of wind turbines, of solar cells and panels, of rechargeable batteries. Imagine the people we could put back to work, the factories we could reopen, the energy this growth would infuse into our economy.

The new energy economy that beckons us has been described in congressional testimony as bigger than the tech revolution that brought us our laptops and our iPads and these BlackBerries, and the Internet services that are now such an important part of our daily lives, whether we Twitter or go on eBay or shop Amazon or do Facebook. In 15 years, that Internet grew from nothing to a $1 trillion economy—a $1 trillion economy. By comparison, the global energy economy is $6 trillion. We do not, as a country, want to fall out of the race to control that new energy economy. Yet that is exactly what we are doing.

America designed much of the underlying energy technology the world is using. But other countries have set smart policies and provided financial incentives to their industries, and now they are pulling away from us in bringing those new technologies to market. A $6 trillion market, and our foreign competitors are pulling away from us in bringing our own technologies to that market. Our competitors are seizing the advantage in the development and deployment of new energy technologies, and we are letting them.

But we can still change this trajectory. We can face up to the facts of climate change, see the opportunity in that looming threat, strengthen our economy, and create jobs. The National Academy of Sciences report is just one more reminder of this historic charge to our Congress—a historic charge at which right now we are failing in our duty.

I thank the Presiding Officer.

I yield the floor.

EXHIBIT 1

COMMITTEE ON AMERICA'S CLIMATE CHOICES

ALBERT CARNESALE (Chair), University of California, Los Angeles

WILLIAM CHAMEIDES (Vice-Chair), Duke University, Durham, North Carolina

DONALD F. BOESCH, University of Maryland Center for Environmental Science, Cambridge

MARILYN A. BROWN, Georgia Institute of Technology, Atlanta

JONATHAN CANNON, University of Virginia, Charlottesville

THOMAS DIETZ, Michigan State University, East Lansing

GEORGE C. EADS, Charles River Associates, Washington, D.C.

ROBERT W. FRI, Resources for the Future, Washington, D.C.

JAMES E. GERINGER, Environmental Systems Research Institute, Cheyenne, Wyoming

DENNIS L. HARTMANN, University of Washington, Seattle

CHARLES O. HOLLIDAY, JR., DuPont (Ret.), Nashville, Tennessee

KATHARINE L. JACOBS,* Arizona Water Institute, Tucson

THOMAS KARL,* NOAA, Asheville, North Carolina

DIANA M. LIVERMAN, University of Arizona, Tucson, and University of Oxford, UK

PAMELA A. MATSON, Stanford University, California

PETER H. RAVEN, Missouri Botanical Garden, St. Louis

RICHARD SCHMALENSEE, Massachusetts Institute of Technology, Cambridge

PHILIP R. SHARP, Resources for the Future, Washington, D.C.

PEGGY M. SHEPARD, WE ACT for Environmental Justice, New York, New York

ROBERT H. SOCOLOW, Princeton University, New Jersey

SUSAN SOLOMON, National Oceanic and Atmospheric Administration, Boulder, Colorado

BJORN STIGSON, World Business Council for Sustainable Development, Geneva, Switzerland

THOMAS J. WILBANKS, Oak Ridge National Laboratory, Tennessee

PETER ZANDAN, Public Strategies, Inc., Austin, Texas

Asterisks (*) denote members who resigned during the course of the study.

FLANDERS FIELD ADDRESS

Mr. CARDIN. Mr. President, on May 29 our colleague, the senior Senator from Vermont, commemorated Memorial Day with a visit to Flanders Field American Cemetery and Memorial in Waregem, Belgium. The Flanders region, of course, was made famous by Canadian physician and LTC John McCrae, who wrote the poem ''In Flanders Fields'' on May 3, 1915, after he witnessed the death of his friend, LT Alexis Helmer, 22 years old, the day before. While Senator LEAHY visited the cemetery, which serves as a resting place for many American soldiers killed during World War I, he made brief but eloquent remarks in honor of those brave men and women who have made the ultimate sacrifice for freedom and justice. His remarks follow and I commend them to my colleagues and everyone else who reads the CONGRESSIONAL RECORD as a most fitting Memorial Day tribute:

We are gathered in a cemetery consecrated by the sacrifice of soldiers of our countries who died in the final days of what, in their time, was called the ''Great War'' and ''The War To End All Wars.''

It was a battle so fierce that almost a century later, as we gaze across their places of rest, we can still feel their valor and their anguish. These crosses, row on row, carry remembrance forward, and so does the annual reappearance of the poppies in these fields.

Like the Vermonters who have fallen in Afghanistan and Iraq, and their numberless comrades in conflicts before and after the strife of these nearby battlefields, these brave soldiers made no appointment with death. We hail these fallen patriots for braving the violence and tragedy of war.

But more than that, we honor our fallen here because they sacrificed all for a cause larger than themselves—defending humanity, freedom, and the ties of family and friendship that irrevocably bind our countries together.

They were of a generation of Americans, Belgians, British, and French who fought, shoulder to shoulder, and gave their all so we and others could live in freedom.

Four of them were sons of the states of Alabama and Iowa, which two of my Senate colleagues, who are here today, represent.

I am the second United States senator to speak at this solemn resting place. The first was Senator Francis Ryan Duffy of the state of Wisconsin, who came to dedicate the chapel, 74 years ago.

It is worth recalling what Senator Duffy said here in 1937, as the spreading shadow of war was once again darkening Europe:

He said:

''If the boys who are buried out here could sit up in their graves and speak to us today, it would be to give voice to the agonizing question—'Cannot some other means be found to settle international disputes?' ''

Just two years later the world was plunged into the Second World War, and every generation of Americans since has known war's brutality.

Across the globe, in the century since then, innocent civilians increasingly have joined the ranks of those in uniform as the victims of war.

Over the years, standing with families from Vermont as they bid farewell to loved ones sent away to fight, I have seen the terrible costs: wives and children left alone, parents who must bury a child.

Lives with so much possibility suddenly cut short, as were those of the soldiers we honor here.

The men who sacrificed everything at Flanders Field—and who are commemorated so vividly through Colonel John McCrae's poetic tribute, heard 'round the world—believed that some things are worth fighting for.

They knew that vanquishing tyranny, and defending the ideals our countries share, were among them. Of course those same values are worth pursuing peacefully. Our obligation to our fallen, and to all of humanity, is to use every peaceful means at our disposal before committing any of our countrymen to battle.

We are here today to solemnly affirm that we remember their sacrifice, and that we will never forget.

RECOGNIZING THE CARBONE AUTO GROUP

Mr. LEAHY. Mr. President, I would like to bring to the Senate's attention the hard work, dedication, and perseverance of the Carbone Auto Group in Bennington, VT. The Carbone Auto Group is celebrating its recent showroom expansion, where they have merged their Ford, Hyundai, Honda, and Toyota dealerships.

From its first garage in 1933, to its 25 franchises currently running across Vermont and central New York, the Carbone Auto Group is an award-winning business that has garnered many regional and national accolades. Approaching eight decades in business, the Carbone Auto Group deserves recognition for its diligence in running such a prosperous family-owned business. The company's longevity and success is a testament to its dedicated staff members and management—particularly the founding partners, Joe Carbone and Phil Sacco. The hub of the auto group, Don-Al Management Company, Inc., is now managed by third-generation family members Joe, Don, Jr., Enessa, and Alex.

The Carbone Auto Group has helped hundreds of Vermonters purchase vehicles over the years, and it has created numerous Vermont jobs. I am pleased to see this local business celebrate its recent expansion, and I wish them continued success in the future.

ADDITIONAL STATEMENTS

REMEMBERING JAMES J. HAGGERTY

• Mr. CASEY. Mr. President, today I wish to pay tribute to the late James J. Haggerty of Dunmore, PA. Jim was my good friend and on Sunday, June 12, he would have celebrated his 75th birthday. He died this past February 8.

Jim and his wife Celia were married for 40 years and they were the parents of seven loving children: Jean, Mauri, James, Matthew, Cecelia, Daniel and Kathleen.

Jim was raised in Dunmore and graduated from Scranton Preparatory School. After graduating from the College of the Holy Cross in 1957, Jim graduated with honors from Georgetown Law School. He returned home to northeastern Pennsylvania to become the first law clerk to U.S. District Court Judge William J. Nealon. Jim's passion for public service led him to run for Congress in 1964 and State senate in 1966. While he was not successful in those campaigns, Jim was undeterred in his efforts to serve the people of Pennsylvania. For the next 40 years, he was a close friend and an ever-faithful supporter of my father Robert P. Casey and me in all of our campaigns for public office in Pennsylvania. Jim was a brilliant lawyer and he had a very successful law practice in Scranton for many years.

When my father was elected Governor in 1986, Jim came to Harrisburg to serve the people, first as secretary of the Commonwealth and then as general counsel. Jim's friendship and counsel served Governor Casey well during his two terms. He handled his responsibilities with integrity and a deep commitment to public service. He believed, as the Scriptures tell us, that ''to whom much is given, much is expected.''

After his years in State government, Jim welcomed me as a law partner. He mentored me in life as much as in the law. He understood the call to serve and supported me generously when I decided to seek public office.

Jim's life was a life of hard work and service, faith and family. No personal or professional accomplishments outweighed the love he had for Celia, his children and 18 grandchildren.

While we are all saddened that we cannot spend his birthday with him, we will be comforted that he leaves us his example. As his good friend Frank J. McDonnell said at Jim's funeral mass, Jim embodied the words from scripture that ''a faithful friend is a sturdy shelter; he who finds one has found a treasure.'' For my family and many others in northeastern Pennsylvania, Jim Haggerty was our faithful friend and, for his family, a sturdy shelter of caring and love.

Happy Birthday, Jim. We miss you every day.

I ask to have printed in the RECORD the Scranton Times obituary from February 11–13, 2011.

The information follows.

JAMES J. HAGGERTY

Attorney James J. Haggerty of Dunmore died Tuesday in Naples, Fla. His wife is the former Cecelia Lynett. The couple would have celebrated 45 years of marriage on Feb. 19.

Born in Scranton, son of the late James J. and Margaret Kearney Haggerty Cummings, he was a graduate of Scranton Preparatory School, the College of the Holy Cross and Georgetown University Law Center, where he was a member of the Law Review. He received honorary degrees from Villanova University and the University of Scranton. Jim served active duty in the Army Infantry and as a member of the Pennsylvania National Guard and Army Reserve. Jim served as law clerk to the Honorable William J. Nealon, chief judge, U.S. District Court, Middle District of Pennsylvania. A lifelong friend and adviser to former Gov. Robert P. Casey, Jim served as the secretary of the commonwealth and later as general counsel to the late governor. At the time of his death, Jim was a

partner in the Scranton law firm of Haggerty, McDonnell & Hinton, formerly Casey, Haggerty & McDonnell and later Haggerty, McDonnell & O'Brien. He also served as president of the Lackawanna County Bar Association and was a permanent member of the Third Circuit Judicial Conference. Jim served as chairman of the board of trustees for the University of Scranton and Scranton Preparatory School. He was president of the Friendly Sons of St. Patrick of Lackawanna County and served as director of the Greater Scranton Chamber of Commerce and the United Way of Lackawanna County. Jim was also a member of the board of directors at the Country Club of Scranton and First National Community Bank.

Jim was a loving and vibrant man, known to close friends as ''the Big Fella,'' and recognized by countless others who had the privilege to befriend him as larger than life. Jim had a renowned sense of humor and an ease with people that endeared him to all whose lives he touched. His infectious personality was outdone by his impressive professional accomplishments as a successful lawyer. He was respected by his peers and revered by fellow members of the bar for his honesty, ethics and fair dealing. He ranks among the most loyal Dunmoreans and Democrats of all time. Loyalty was paramount to his very being. Above all, Jim was a devoted husband, father and grandfather and the most positive role model to those he loved so dearly. His favorite times were spent with his sons and friends golfing at the Country Club of Scranton, and he most relished time spent with family. Summers in Avalon, N.J. with his wife, children and grandchildren brought him indescribable joy. Jim's generosity in life continued as an organ donor.

Also surviving are seven children, Jean McGrath and husband, Christopher, Dunmore; Mauri Collins and husband, Joseph, Scottsdale, Ariz.; James J. Haggerty, Jr. and fiancée, Wendy Lettieri, Scranton; Matthew and wife, Christina O'Brien Haggerty, Scranton; Cecelia O'Rourke and husband, James, New York, N.Y.; Daniel Haggerty and fiancée, Meghan Stott, Wilkes-Barre; and Kathleen James and husband, Brian, Scranton; 18 grandchildren, James, Christopher, Cecelia, Nora and Margaret McGrath; Clare, Catherine, Cecelia, Rita and Elizabeth Collins; Abigail, Caroline, Cecelia and Matthew Haggerty; Brian, Patrick, Edward and Margaret James; and several nieces and nephews. He was also preceded in death by a brother, Joseph O. Haggerty; and his stepfather, John P. Cummings.●

HONORAIR

● Ms. LANDRIEU. Mr. President, I wish to speak about a very special flight that just took place. The Louisiana HonorAir flight that came into Washington on Saturday, May 28, included a group of 77 World War II veterans from Louisiana. These veterans visited the various memorials and monuments that recognize the sacrifices of our Nation's invaluable military members.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this latest trip—its 22nd flight—to the Nation's Capital. The organization honors surviving Louisiana World War II veterans by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans visited the World War II, Korea, Vietnam and Iwo Jima memorials. They traveled to Arlington National Cemetery to lay a wreath on the Tomb of the Unknown Soldier.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there are roughly 21,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. The oldest in this HonorAir group was born in 1915 and 7 veterans on this HonorAir flight were women. These veterans served in various branches of the military—20 Army, 26 Navy, 12 Army Air Corps, 11 Marines, 1 Coast Guard, and 7 in women's services.

Our heroes served across the globe, participating in major invasions such as those at Iwo Jima, Okinawa, Guadalcanal, Leyte, the Philippines, and southern France. One was a prisoner of war who also received the Army of Occupation medal, while others fought in the historic Battle of the Bulge or at Pearl Harbor during the infamous attack in 1941. Many of these veterans have been decorated with honors such as the Purple Heart or the Bronze Star Medal.

These men and women, who have given so much for our country, truly represent our greatest generation. I ask the Senate to join me in honoring these 77 veterans, all Louisiana heroes, that we welcomed to Washington on May 28 and Louisiana HonorAir for making these trips a reality.●

TRIBUTE TO DAVID CRAIG

● Mrs. MURRAY. Mr. President on behalf of Senator CANTWELL and myself, it is with great privilege that I congratulate a hard-working Washingtonian, Mr. David Craig, on his well-deserved retirement on June 23, 2011, after forty seven years of dedicated service to the students of Highline High School.

Mr. Craig taught business in classroom 216 at Highline High School for his entire career. To put his extraordinary longevity in perspective, Mr. Craig's first graduating class were 18 years old during the 1964–1965 school year. During that same year, President Lyndon Johnson declared war on poverty and signed the 1964 Civil Rights Act; Beatlemania was sweeping the globe, and Muhammad Ali was named the heavy weight champion of the world. Today, those 18-year-old students are now senior citizens.

Over the course of five decades, Mr. Craig has touched the lives of over 10,000 students. He had the pleasure, as few teachers do, of having his children, Michael and Shelley, as students. He taught Royce Badley, now his coworker and Academic Dean of Students for the Highline High School, and Shaya Calvo, now senior prosecuting attorney for King County. He has also seen his share of tragedies, including losing students to conflicts in Vietnam, Iraq, and Afghanistan. Yet he is consistently reminded of the joy of teaching, seeing it not only in the young people he continues to help today, but also in the frequent encounters he has with former students in his day-to-day life.

It is important moments such as the retirement of a great teacher that we reflect on their impact on their school and community. In assessing the legacy of a teacher like Dave Craig, Henry Adams perhaps said it best: ''a teacher affects eternity; he can never tell where his influence stops.'' The legacy that Dave Craig leaves is one that has positively affected the lives of thousands of young people, giving them one of the greatest gifts America can bestow upon its citizenry: the gift of education. As a teacher, Dave Craig has served his school, his community, his country and most importantly his students with enthusiasm and dedication. We should all be very thankful for his selfless devotion to Highline High School.

On behalf of all Washingtonians, we commend David for his many years of commitment to our State. His knowledge, experience, and loyalty to education will be sorely missed. We congratulate David and wish he and his wife Paula the best of luck in their future endeavors.●

RECOGNIZING TOWLE'S HARDWARE AND LUMBER STORE

● Ms. SNOWE. Mr. President, while our efforts here in Washington regarding small business are often focused on how to help start new companies, our economy also relies on those small firms which have been in operation for generation after generation. One such small business, Towle's Hardware & Lumber Store in Dixfield, this week celebrates its 100th anniversary. Today I commend Towle's for its remarkable achievement and highlight its tremendous story.

Towle's Hardware and Lumber Store opened its doors in 1911 as C.H. Towle's Hardware, when Charles Towle purchased the former Stockbridge Hardware Store on Weld Street in Dixfield. At that time, Towle's offered its customers a wide variety of basic necessities, from paint, lumber, and tools, to cast iron stoves, electric and gas refrigerators, and even John Deere tractors.

The Towle family considers the company's long-term success and longevity as byproducts of its work ethic, attention to customer service, and decision

to sell quality products at reasonable prices. Indeed, over the years, the business has expanded in size, installed an elevator, and opened a package shipping operation in the 1980s. In the 1960s, Towle's joined American Hardware, one of the Nation's earlier co-operative hardware companies, and to this day it remains a member of True Value, with which American Hardware later merged. In 2008, Towle's Hardware moved into a new 6,000-square-foot location just a few yards from the old location. That same year the family also opened the Towle's Corner Store to serve the community in even more ways.

This week, Towle's is holding a week-long celebration of the company's centennial. Events include free product giveaways, raffles for Towle's gift certificates and other prizes, and a recognition ceremony for the company, which includes the presentation of a special plaque to Towle's in honor of its centennial by officials from the town of Dixfield and True Value.

Small businesses like Towle's Hardware are the heart and soul of our Nation's communities. Main Streets across America are chock full of restaurants, grocery stores, and shopping boutiques which provide citizens with the goods and wares they need. Towle's Hardware and Lumber is a prime example of a small business that has persevered through turbulent economic times—from the Great Depression to the most recent recession—time and time again. I congratulate everyone at Towle's for their major milestone and wish them many more years of accomplishment.●

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 and a withdrawal which were referred to the appropriate committees.

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1991. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures'' (RIN0648–BA54) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1992. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Greater Amberjack Management Measures'' (RIN0648–BA48) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1993. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer'' (RIN0648–XA403) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1994. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA442) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1995. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic'' (RIN0648–XA195) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1996. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Training Operations Conducted Within the Gulf of Mexico Range Complex'' (RIN0648–XA86) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1997. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; West Coast Salmon Fisheries; 2011 Management Measures'' (RIN0648–XA184) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. Model AB412 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–0452)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1999. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Framework Adjustment 1'' (RIN0648–BA91) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2000. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures'' ((RIN0648–BA01) (RIN0648–BA95)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2001. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures'' (RIN0648–BA01) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2002. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards No. 218; Motorcycle Helmets Upgrade'' (RIN2127–AK15) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–300C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–1098)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0230)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, and EC130 B4 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–1228)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives;

PIAGGIO AERO INDUSTRIES S.p.A Model P–180 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0468)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (68); Amdt. No. 3427'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (84); Amdt. No. 3426'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (97); Amdt. No. 3424'' (RIN2120–AA65) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (12); Amdt. No. 3425'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Sewickley, PA'' ((RIN1625–AA00) (Docket No. USCG–2011–0253)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2012. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Coast Guard Use of Force Training Exercises, San Pablo Bay, CA'' ((RIN1625–AA00) (Docket No. USCG–2009–0324)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2013. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Red River'' ((RIN1625–AA00) (Docket No. USCG–2011–0260)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2014. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fireworks Display Kanawha River, WV'' ((RIN1625–AA00) (Docket No. USCG–2010–1015)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2015. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fleet Week Maritime Festival, Pier 66, Elliott Bay, Seattle, WA'' ((RIN1625–AA00) (Docket No. USCG–2010–0062)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2016. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Marysville Days Fireworks, St. Clair River, Marysville, MI'' ((RIN1625–AA00) (Docket No. USCG–2011–0190)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2017. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Wicomico Community Fireworks, Great Wicomico River, Mila, VA'' ((RIN1625–AA00) (Docket No. USCG–2011–0390)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2018. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY'' ((RIN1625–AA00) (Docket No. USCG–2010–1126)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2019. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Air Power Over Hampton Roads, Back River, Hampton, VA'' ((RIN1625–AA00)(Docket No. USCG–2011–0288)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2020. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Blue Crab Festival Fireworks Display, Little River, Little River, SC'' ((RIN1625–AA00)(Docket No. USCG–2011–0097)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2021. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Second Annual Space Coast Super Boat Grand Prix, Atlantic Ocean, Cocoa Beach, FL'' ((RIN1625–AA00)(Docket No. USCG–2011–0143)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2022. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Bellingham Bay, Bellingham, WA and Lake Union, Seattle, WA'' ((RIN1625–AA00)(Docket No. USCG–2011–0250)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2023. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Fourth Annual Offshore Challenge, Sunny Isles Beach, FL'' ((RIN1625–AA00)(Docket No. USCG–2011–0034)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2024. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ford Estate Wedding Fireworks, Lake St. Clair, Grosse Pointe Shores, MI'' ((RIN1625–AA00)(Docket No. USCG–2011–0165)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2025. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Big Rock Blue Marlin Air Show; Bogue Sound, Morehead City, NC'' ((RIN1625–AA00)(Docket No. USCG–2011–0168)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2026. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Pierce County Department of Emergency Management Regional Water Exercise, East Passage, Tacoma, WA'' ((RIN1625–AA00)(Docket No. USCG–2011–0251)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2027. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Repair of High Voltage Transmission Lines to Logan International Airport, Saugus River, Saugus, MA'' ((RIN1625–AA00)(Docket No. USCG–2011–0297)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2028. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Coughlin Wedding Fireworks, Lake St. Clair, Harrison Township, MI'' ((RIN1625–AA00)(Docket No. USCG–2011–0164)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2029. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2011 Memorial Day Tribute Fireworks, Lake Charlevoix, Boyne City, MI'' ((RIN1625–AA008)(Docket No. USCG–2011–0325)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2030. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Catawba Island Club Fireworks, Catawba Island Club, Port Clinton, OH'' ((RIN1625–AA00)(Docket No. USCG–2011–0216)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2031. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled

''Safety Zone; Newport River; Morehead City, NC'' ((RIN1625–AA00)(Docket No. USCG–2011–0184)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2032. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Vessels Carrying Hazardous Cargo, Sector Columbia River Captain of the Port Zone'' ((RIN1625–AA87)(Docket No. USCG–2009–1134)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Livermore, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–1264)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Poplar, MT'' ((RIN2120–AA66)(Docket No. FAA–2011–0016)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Kenbridge, VA'' ((RIN2120–AA66)(Docket No. FAA–2011–0160)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Brunswick Malcolm–McKinnon Airport, GA'' ((RIN2120–AA66)(Docket No. FAA–2010–0949)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Palmdale, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–1241)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2038. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; McCall, ID'' ((RIN2120–AA66)(Docket No. FAA–2011–0097)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2039. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Ozark, MO'' ((RIN2120–AA66)(Docket No. FAA–2011–0432)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2040. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Gruver Cluck Ranch Airport, TX'' ((RIN2120–AA66)(Docket No. FAA–2011–0272)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Idaho Falls, ID'' ((RIN2120–AA66)(Docket No. FAA–2011–0023)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Livermore, CA'' ((RIN2120–AA66)(Docket No. FAA–2010–1264)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2043. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District; Elizabeth River, Norfolk, VA'' ((RIN1625–AA08)(Docket No. USCG–2011–0392)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2044. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD'' ((RIN1625–AA08)(Docket No. USCG–2011–0182)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2045. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA'' ((RIN1625–AA08)(Docket No. USCG–2010–1024)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2046. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), at Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River, at Wilmington, NC'' ((RIN1625–AA09)(Docket No. USCG–2010–1139)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2047. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Reorganization of Sector North Carolina; Technical Amendment'' ((RIN1625–ZA30)(Docket No. USCG–2011–0368)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2048. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Allegheny River, Pittsburgh, PA'' ((RIN1625–AA08)(Docket No. USCG–2011–0160)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2049. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Disestablishing Special Anchorage Area 2; Ashley River, Charleston, SC'' ((RIN1625–AA01)(Docket No. USCG–2008–0852)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2050. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD'' ((RIN1625–AA09)(Docket No. USCG–2010–0612)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2051. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Miami Super Boat Grand Prix, Miami Beach, FL'' ((RIN1625–AA08)(Docket No. USCG–2011–0289)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2052. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Chester River, Chestertown, MD'' ((RIN1625–AA08)(Docket No. USCG–2011–0126)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2053. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0043)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2054. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–400, 747–400D, and 747–400F Series Airplanes Equipped with General Electric CF6–80C2 or Pratt and Whitney PW4000 Series Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0706)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2055. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 and A310 Series Airplanes, and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)'' ((RIN2120–AA64)(Docket No.

FAA–2011–0030)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2056. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DASSAULT AVIATION Model MYSTERE–FALCON 50 AIRPLANES'' ((RIN2120–AA64)(Docket No. FAA–2011–0042)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2057. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 150, 152, 170, 172, 175, 177, 180, 182, 185, 188, 190, 195, 206, 207, 210, T303, 336, and 337 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1101)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2058. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Models DA 42, DA 42 NG, and DA 42 M–NG Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0185)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2059. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hamilton Sundstrand Propellers Model 247F Propellers'' ((RIN2120–AA64)(Docket No. FAA–2009–0113)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2060. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318–112, A319–111, A319–112, A319–115, A319–132, A319–133, A320–214, A320–232, A320–233, A321–211, A321–213, and A321–231 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0390)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2061. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BURKHART GROB LUFT–UND Model G 103 C Twin III SL Gliders'' ((RIN2120–AA64)(Docket No. FAA–2011–0127)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2062. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310–203, –204, –222, –304, –322, and –324 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1273)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1274)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1275)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–1276)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2066. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190–100 STD, ERJ 190–100 LR, ERJ 190–100 IGW, ERJ 190–200 STD, ERJ 190–200 LR, and ERJ 190–200 IGW Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2011–0038)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2067. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce plc (RR) RB211–Trent 875–17, RB211–Trent 877–17, RB211–Trent 844–17, RB211–Trent 844B–17, RB211–Trent 892–17, RB211–Trent 892B–17, and RB211–Trent 895–17 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2010–0821)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2068. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)'' ((RIN2120–AA64)(Docket No. FAA–2011–0037)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2069. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211–Trent 800 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–1165)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 762. A bill to improve the Federal Acquisition Institute (Rept. No. 112–21).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Richard C. Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2015.

*William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2016.

By Mr. LEAHY for the Committee on the Judiciary.

Felicia C. Adams, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Ronald W. Sharpe, of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

George Lamar Beck, Jr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota):

S. 1161. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT (for himself and Mrs. MCCASKILL):

S. 1162. A bill to authorize the International Trade Commission to develop and recommend legislation for temporarily suspending duties, and for other purposes; to the Committee on Finance.

By Mr. DEMINT:

S. 1163. A bill to allow the Army Corps of Engineers to receive and expend non-Federal amounts to carry out certain studies in the same manner that non-Federal amounts may be used to carry out construction activities; to the Committee on Environment and Public Works.

By Mr. DEMINT:

S. 1164. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

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

S. 1165. A bill to protect children and other consumers against hazards associated with the accidental ingestion of button cell batteries by requiring the Consumer Product Safety Commission to promulgate consumer product safety standards to require child-resistant closures on remote controls and

other consumer products that use such batteries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. HARKIN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. SHAHEEN, and Mr. WHITEHOUSE):

S. 1166. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims of family members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON of South Dakota (for himself and Mr. BINGAMAN):

S. 1167. A bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1168. A bill to authorize a national grant program for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska:

S. 1169. A bill to provide for benchmarks to evaluate progress being made toward the goal of transitioning security responsibilities in Afghanistan to the Government of Afghanistan; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Mr. FRANKEN):

S. 1170. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. BROWN of Ohio, Ms. CANTWELL, Mrs. MURRAY, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. LAUTENBERG, Mr. WYDEN, Mr. FRANKEN, Mr. KERRY, and Ms. KLOBUCHAR):

S. 1171. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees; to the Committee on Finance.

By Mr. PRYOR:

S. 1172. A bill to amend title 38, United States Code, to improve the efficiency of the appeals process under the United States Court of Appeals for Veterans Claims by improving staff conferences directed by such Court, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1173. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. ROBERTS, Mr. NELSON of Florida, Mrs. HAGAN, Mr. BURR, and Mr. KYL):

S. 1174. A bill to provide predictability and certainty in the tax law, create jobs, and encourage investment; to the Committee on Finance.

By Mrs. HAGAN (for herself and Ms. SNOWE):

S. 1175. A bill to provide, develop, and support 21st century readiness initiatives that assist students in acquiring the skills necessary to think critically and solve problems, be an effective communicator, collaborate with others, and learn to create and innovate; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. CARPER, Ms. COLLINS, Mrs. GILLIBRAND, Mr. KIRK, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SANDERS, and Mr. SCHUMER):

S. 1176. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 1177. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Mrs. MURRAY, and Mr. BLUMENTHAL):

S. 1178. A bill to reauthorize the Enhancing Education Through Technology Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1179. A bill to promote advanced placement and International Baccalaureate programs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HATCH (for himself, Mr. LIEBERMAN, Mr. RUBIO, Mr. NELSON of Nebraska, Mr. JOHANNS, Mr. WYDEN, Mr. MORAN, Mr. TOOMEY, Mr. INHOFE, Mr. BARRASSO, Mr. KIRK, Mr. BURR, Mr. CORNYN, Mr. KYL, Mr. LEE, Mr. THUNE, Mr. PORTMAN, Mr. COATS, Mr. COBURN, Ms. AYOTTE, Mr. BOOZMAN, Mr. BLUNT, Mr. BROWN of Massachusetts, Mr. VITTER, Mr. ROBERTS, Mr. ENZI, Mr. ISAKSON, Ms. MURKOWSKI, Mr. WICKER, Mr. LUGAR, and Mr. CHAMBLISS):

S. Con. Res. 23. A concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 311

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 394

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 412

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

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 490

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 490, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 581

At the request of Mr. BURR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 581, a bill to amend the Child Care and

Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 672

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mr. ROCKEFELLER, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 672, supra.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 737

At the request of Mr. MORAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of 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.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 755

At the request of Mr. WYDEN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 782

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

S. 798

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

S. 800

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 834

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 871

At the request of Mr. COBURN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 871, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 876

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 876, a bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 886

At the request of Mr. UDALL of New Mexico, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 886, a bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes.

S. 951

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

S. 960

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 979, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1018

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1030

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1030, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Missouri (Mr. BLUNT), the Senator from Montana (Mr. TESTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1066

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1066, a bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1147

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1147, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S.J. Res. 17, supra.

S.J. RES. 18

At the request of Mr. WEBB, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 18, a joint resolution prohibiting the deployment, establishment, or maintenance of a presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 180

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

S. RES. 185

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mr. CARDIN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Michigan (Mr. LEVIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oregon (Mr. MERKLEY), the Senator from South Carolina (Mr. DEMINT), the Senator from Montana (Mr. TESTER), the Senator from Ohio (Mr. PORTMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Tennessee (Mr. CORKER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 185, supra.

S. RES. 202

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 202, a resolution designating June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day''.

AMENDMENT NO. 389

At the request of Mr. KOHL, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from West Virginia (Mr. MANCHIN), the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 389 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 390

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 390 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 390 proposed to S. 782, supra.

AMENDMENT NO. 405

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 405 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 406 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 407

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 407 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 420 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 428

At the request of Mr. MERKLEY, the names of the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. WYDEN), the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 428 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 430

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 430 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota):

S. 1161. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, I come to the floor to introduce a piece of legislation that I have introduced many times in past Congresses. I have made some progress on the goals I seek but have not gotten 100 percent finality of the policies I want. I am always able to do this with a bipartisan piece of legislation.

Today, I present this with Senator JOHNSON of South Dakota. I will let Senator JOHNSON speak for himself, but I want to give the reasons I am introducing this bill in my remarks. First, I want people to know this deals with farm policy, and on farm policy the Senator from South Dakota, Mr. JOHNSON, and I agree on most everything.

Mr. President, this is a piece of legislation that is probably going to come up not so much as a stand-alone, as when we discuss the reauthorization of the farm bill—which generally could start this year and probably go into next year—but as an effort that I am not going to give up on. It deals with the issue of how much one individual farmer should get from the farm program. My approach is to put what one might call a hard cap on the amount of money that one farmer can get, and my remarks will explain why.

Also, though, at a time when we have great budget deficits, people might think I am introducing this bill just because I am concerned about the budget deficit. It is true this bill, if enacted, will save about $1.5 billion, but that is not my main purpose for doing it. My main purpose is to have the historical basis for a safety net for farmers; to espouse the principle that our safety net ought to be targeted toward small- and medium-sized farmers. So today, Senator JOHNSON and I are introducing the Rural America Preservation Act.

America's farmers produce the food that feed our families. The bill helps ensure that our farmers are able to provide a safe, abundant, and inexpensive food supply for consumers around the world while maintaining the safety net that allows small- and medium-sized farmers to get through tough times.

Everybody sees tough times that are out of their control, but the importance of the farm safety net can be seen no further than the dinner table each of us sits around, as recently as last night. Stop to think what you would do if you were unable to feed your children for 3 days. There is an old adage that says something like this: You are only nine meals away from a revolution. Maybe in those circumstances, if you love your children—and maybe you wouldn't think this could happen to you because we have such an abundance of food in America, but we are all aware of the fact a lot of countries do have food riots when there is a shortage of food—you might do just about anything—steal, riot, whatever it takes—to give your children the food you want them to have to keep them alive after not having food for 3 straight days.

So the cohesion within our society, the social cohesion, that is one of the reasons it is vitally important we maintain a farm program that will make sure there is a readily available food supply.

Another reason I am not going to go into in these remarks is that food is very essential to the national security of our country—in other words, the defense of our country. All we have to do is rely upon an old adage Napoleon used to use: An army marches on its belly. More recently, however, we can look at the farm programs in Germany and Japan where they recall the mistakes made in their war effort during World War II—and, thank God, they didn't succeed—when they did not have enough food for their military people. So I also want to think in terms of a sure supply of food not only for social cohesion but also for national security purposes.

To ensure the family farmer remains able to produce a food supply for this cohesive and stable society that I have talked about, we need to get the farm safety net back to its original intent—to help small- and medium-sized farmers get over the ups and downs of farming that are out of their control. As an example, it could be a natural disaster, it could be grain embargoes such as those put on by the President of the United States, it could be the situation where President Nixon froze the price of beef and ruined the beef industry in the Midwest.

The original intent of the Federal farm program was not to help a farmer get bigger and bigger. But the safety net has veered sharply off course, and that is why I talk about the necessity for a hard cap on any one farmer getting help from the farm program. We are now seeing 10 percent of the largest farmers actually getting nearly 70 percent of the total farm program payments coming out of the Treasury of the United States.

There is no problem with a farmer growing larger in his operation. Let me make that clear. If you want to get bigger and bigger in America, that is an American right to do so. But the taxpayers should not have to subsidize that effort, and that is what is happening today. There comes a point where some farms reach levels that allow them to weather the tough financial times on their own. Smaller farmers do not have that same luxury, and these same small farmers play a pivotal role in producing the Nation's food.

I have been approached time and time again by farmers concerned about where the next generation of farmers will come from when the price of farmland is shooting up or the price of cash rent is shooting up, particularly when the Federal taxpayers are subsidizing that effort. It is important that we keep young people on the farm so they can take the lead in producing our food when the older generation of farmers is ready to turn over the reins. But the current policies that allow 10 percent of the largest farmers to receive nearly 70 percent of the total farm program payments creates a real barrier for beginning and small farmers.

The current system puts upward pressure on land prices, making it more difficult for small and beginning farmers to buy a farm or to afford the cash rent. This allows the big farmers to get even bigger, and this is not unique to my State of Iowa. I am sure it is not unique to the State of South Dakota, where my cosponsor friend, Senator JOHNSON, comes from. This upward pressure on land prices is occurring in many States. It is simply good policy to have a hard cap on the amount a single farmer can receive in the farm program payments. We will keep in place a much needed safety net for the farmers who need it the most, and it will help reduce the negative impact farm payments can have on land prices and cash rent.

Our bill sets the overall cap at $250,000 for married couples. Now, people listening in the Senate, or people listening back home on television, probably think it is outrageous to have a figure that high and call it a hard cap. But this is something that is national policy and may not be applicable just to my State, so it is necessary to reach some sort of common ground in the Congress. I recognize that agriculture can look different around the country, so this is a compromise.

Just as important as setting the payment limits is the tightening of the meaning of ''actively engaged.'' I will not go in depth as to what actively engaged is about at this point, but it generally means, if you are a farmer, you ought to be a farmer and not a city slicker from New York City benefiting from the farm program. This will help make sure that farm payments only go to those who deserve them.

In light of the current budget discussions, everyone should agree that we don't want money going to those who fail to meet the criteria set for the program. This bill will help do that.

I hope my colleagues will agree this bill takes a common sense approach to improve our farm safety net, and a help to make sure the dollars spent go to those who need it most.

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. 1161

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 ''Rural America Preservation Act of 2011''.

SEC. 2. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) LEGAL ENTITY.—

''(A) IN GENERAL.—The term 'legal entity' means—

''(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d);

''(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

''(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

''(B) EXCLUSION.—The term 'legal entity' does not include a general partnership or joint venture.'';

(2) in subsection (b)—

(A) in paragraphs (1), (2), and (3), by striking ''(except a joint venture or a general partnership)'' each place it appears;

(B) in paragraph (1)(A), by striking ''$40,000'' and inserting ''$20,000''; and

(C) in paragraphs (2) and (3)(A), by striking ''$65,000'' each place it appears and inserting ''$30,000'';

(3) in subsection (c)—

(A) in paragraphs (1), (2), and (3), by striking ''(except a joint venture or a general partnership)'' each place it appears;

(B) in paragraph (1)(A), by striking ''$40,000'' and inserting ''$20,000''; and

(C) in paragraphs (2) and (3)(A), by striking ''$65,000'' each place it appears and inserting ''$30,000'';

(4) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that a person or legal entity may receive during any crop year may not exceed $75,000:

''(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) at a lower level than the original loan rate established for the loan commodity under those subtitles.

''(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under those subtitles.

''(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles or section 1307 of that Act (7 U.S.C. 7957).'';

(5) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;

(6) by inserting after subsection (d) the following:

''(e) SPOUSAL EQUITY.—

''(1) IN GENERAL.—Notwithstanding subsections (b) through (d), except as provided in paragraph (2), if a person and the spouse of the person are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the person and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

''(2) EXCEPTIONS.—

''(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate person with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

''(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.'';

(7) in paragraph (3)(B) of subsection (g) (as redesignated by paragraph (5)), by adding at the end the following:

''(iii) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term 'legal entity' as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.''; and

(8) in subsection (i) (as redesignated by paragraph (5)), in the second sentence, by striking ''or other entity'' and inserting ''or legal entity''.

SEC. 3. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

The Food Security Act of 1985 is amended by striking section 1001A (7 U.S.C. 1308–1) and inserting the following:

''SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

''(a) SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of persons or legal entities to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

''(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

''(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 person or legal entity, including the person or legal entity that exercises primary control over the farming operation, including to respond to—

''(A)(i) any instance in which ownership of a farming operation is transferred to a person or legal entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more legal entities at less than fair market value; and

''(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

''(B) a sale or exchange of any asset or ownership interest in 1 or more legal entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.

''(b) PAYMENTS LIMITED TO ACTIVE FARMERS.—

''(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, a person or legal entity shall be actively engaged in farming with respect to the farming operation, in accordance with paragraphs (2), (3), and (4).

''(2) GENERAL CLASSES ACTIVELY ENGAGED IN FARMING.—

''(A) DEFINITION OF ACTIVE PERSONAL MANAGEMENT.—In this paragraph, the term 'active personal management' means, with respect to a person, administrative duties carried out by the person for a farming operation—

''(i) that are personally provided by the person on a regular, continuous, and substantial basis; and

''(ii) relating to the supervision and direction of—

''(I) activities and labor involved in the farming operation; and

''(II) onsite services directly related and necessary to the farming operation.

''(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

''(i) A person shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the person makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

''(aa) capital, equipment, or land; and

''(bb) personal labor and active personal management;

''(II) the share of the person of the profits or losses from the farming operation is commensurate with the contributions of the person to the operation; and

''(III) a contribution of the person is at risk.

''(ii) A legal entity shall be considered to be actively engaged in farming with respect to a farming operation if—

''(I) the legal entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

''(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the legal entity each make a significant contribution of personal labor and active personal management to the operation; or

''(bb) in the case of a legal entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the legal entity makes a significant contribution of personal labor or active personal management; and

''(III) the legal entity meets the requirements of subclauses (II) and (III) of clause (i).

''(C) LEGAL ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership,

joint venture, or similar entity (as determined by the Secretary) separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i) shall be considered to be actively engaged in farming with respect to the farming operation involved.

''(D) EQUIPMENT AND PERSONAL LABOR.—In making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), a person shall be considered to be providing, on behalf of the person or a legal entity, a significant contribution of personal labor and active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

''(I) 1,000 hours; and

''(II) a period of time equal to—

''(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

''(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in a legal entity in which all of the beneficial interests are held by family members who do not collectively receive payments directly or indirectly, including payments received by spouses, of more than twice the applicable limit, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

''(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of a person or legal entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.

''(3) SPECIAL CLASSES ACTIVELY ENGAGED IN FARMING.—Notwithstanding paragraph (2), the following persons shall be considered to be actively engaged in farming with respect to a farm operation:

''(A) LANDOWNERS.—A person or legal entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

''(i) the landowner share-rents the land at a rate that is usual and customary; and

''(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

''(B) FAMILY MEMBERS.—With respect to a farming operation conducted by persons who are family members, or a legal entity the majority of the stockholders or members of which are family members, an adult family member who makes a significant contribution (based on the total value of the farming operation) of active personal management or personal labor and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i).

''(C) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving payments from the landowner as a sharecropper prior to the effective date of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 1651).

''(4) PERSONS AND LEGAL ENTITIES NOT ACTIVELY ENGAGED IN FARMING.—For the purposes of paragraph (1), except as provided in paragraph (3), the following persons and legal entities shall not be considered to be actively engaged in farming with respect to a farm operation:

''(A) LANDLORDS.—A landlord contributing land to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

''(B) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity, or class of persons or legal entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.

''(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.

''(6) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming services will be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on paragraphs (1) through (3).

''(7) GROWERS OF HYBRID SEED.—To determine whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(c) NOTIFICATION BY LEGAL ENTITIES.—To facilitate the administration of this section, each legal entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

''(1) notify each person or other legal entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

''(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires such a beneficial interest.''.

SEC. 4. FOREIGN PERSONS AND LEGAL ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.

Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308–3) is amended—

(1) in the section heading, by striking ''**PERSONS**'' and inserting ''**PERSONS AND LEGAL ENTITIES**'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''CORPORATION OR OTHER'' and inserting ''LEGAL'';

(B) in the first sentence, by striking ''a corporation or other entity shall be considered a person that'' and inserting ''a legal entity''; and

(C) in the second sentence, by striking ''an entity'' and inserting ''a legal entity''; and

(3) in subsection (c), by striking ''person'' and inserting ''legal entity or person''.

SEC. 5. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 6. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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

S. 1165. A bill to protect children and other consumers against hazards associated with the accidental ingestion of button cell batteries by requiring the Consumer Product Safety Commission to promulgate consumer product safety standards to require child-resistant closures on remote controls and other consumer products that use such batteries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFFELLER. Mr. President, I rise to introduce the Button Cell Battery Safety Act of 2011. This bill will protect the most vulnerable members of our society from the hazards of button cell battery ingestion. These small batteries, which are present in more and more consumer products each year, can be deadly if swallowed. While most swallowed batteries pass harmlessly through the body, a toddler who puts one in her mouth can be severely injured in just two hours and the damage can be fatal after only eight hours.

Button cell batteries are small, round, and are approximately the size and shape of common coins. Just the sort of thing a curious child might put in his mouth. When ingested, these batteries can become lodged in the throat or elsewhere in the digestive system and cause permanent damage to the tissues.

Between 2007 and 2009, more than 3,400 button battery ingestion cases were reported to U.S. poison centers annually. The number of ingestions that result in serious injury or death

have increased sevenfold since 1985 due to the higher voltage of newer batteries. Hundreds of children have been severely injured and six have died from these ingestions in the last two years alone.

Despite the severe risk, most parents and caregivers remain unaware of the danger.

Imagine not realizing a child has swallowed one of these batteries. It gets lodged in the esophagus, begins to cause severe burns, and stays there for days with parents and doctors not realizing something is terribly wrong. It may seem like a respiratory infection, or a stomach virus. But it is not. It is the chemical reaction of a button cell battery, lodged in the esophagus. Even if the battery is removed within several hours, the damage is done. The child can end up in the intensive care unit for weeks, following hours of surgery. There can be permanent damage to the vocal cords, or to the gastrointestinal tract, meaning the child would require feeding tubes, home nursing care, and multiple surgeries. As severe and painstaking as this is for the child and for the parents, the child is fortunately given a second chance at life.

For a small number of the 3,400 cases of button cell battery ingestion reported to poison control centers every year, the damage from the battery proves to be fatal. Aidan Truett of Hamilton, Ohio, had a battery surgically removed after nine days of severe symptoms and doctor visits. The doctors found the battery when they ordered an X-ray, looking for pneumonia. Two days after his surgery, Aidan died from his injuries. He was 13 months old.

Two year old Elaina Redding, from Fort Lupton, CO died after the current from a swallowed battery set off a chemical reaction that eroded her esophagus and aorta. Four days after clutching her chest in pain, she was taken to the hospital and the battery was removed. Two weeks after being sent home, Elaina suffered a bloody coughing fit that sent her back to the intensive care unit where she bled to death.

These stories are horrifying and compel us to act. Small batteries which are in multiple products in our houses—in remote controls, toys, and musical greeting cards—are highly dangerous in the hands of toddlers who may swallow them. We have the ability to protect children and we must do so.

We need to make sure that these batteries are securely enclosed in products and cannot be removed by curious children. And we must also make sure that parents and caretakers are aware of the danger. No parent should leave batteries lying around the house after removing them from a product, or hand them to a small child.

This legislation would require the Consumer Product Safety Commission to promulgate a safety standard requiring child-resistant closures on consumer products that use these types of batteries. We already have Federal safety rules that require toys that use batteries to have such compartments; now it is time to make sure all products that utilize these particular batteries are secured in a manner that will reduce children's access to these potentially harmful batteries.

In addition, the legislation will require warning labels that alert adults of the danger of these batteries. Such labels will be required on the packaging for replacement batteries, in the user manual of products that use these batteries, and where appropriate, on the product itself. Too many injuries occur because batteries are left out and accessible after they have been replaced.

Today, I ask my colleagues to support this simple and straightforward bill that will save lives and prevent unnecessary injuries.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. HARKIN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. SHAHEEN, and Mr. WHITEHOUSE):

S. 1166. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims of family members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I come to the floor today to talk about our obligation to protect workers across America and to urge my colleagues to support the Protecting America's Workers Act, which I am very proud to introduce today.

Mr. President, middle-class families across this country are struggling. So many of them have lost their homes or their jobs and are fighting to keep their heads above water. We are working hard here to create jobs and get the economy back on track, but we also owe it to middle-class families to make sure those jobs are safe and healthy.

In 2009 alone there were 4,340 deaths in workplaces across America, and over 3 million more were injured or sickened while on the job. If more than 4,000 Americans were killed in 1 day, it would be on the front page of every newspaper in this country. If an epidemic in this country claimed 4,000 lives, it would lead the nightly news each week. But that is not the way it works with workplace injuries. They happen a few at a time, spread out across the country, in communities such as Anacortes in my home State of Washington, where a fire broke out last year at the Tesoro Refinery and killed seven workers.

These were men and women who were taken too young, with so much life to live and with so many people to live it with; workers who took on tough jobs and worked long hours during difficult economic times to provide for their families. They were people who made tremendous sacrifices and who embodied so much of what is good about their communities and their States. They have been dearly missed.

Washington State investigators looked into that incident and determined that the tragedy could have been and should have been prevented. The problems that led to what happened were known beforehand. They should have been fixed, but they weren't. That is heartbreaking.

Every worker in every industry deserves to be confident that while they are working hard and doing their jobs, their employers are doing everything they can to protect them. That is why I am proud to reintroduce the Protecting America's Workers Act. This legislation is a long overdue update to the Occupational Safety and Health Act of 1970, or the OSH Act.

Since that groundbreaking law was passed over 40 years ago, we know American industry has changed significantly. Businesses and workplaces have become much more complex, and workers are performing 21st-century tasks, but the government is still using a 1970 approach to regulations to protect employees. It doesn't make sense, and it needs to change.

We need to update the way we as a country think about our worker safety regulations, and this law is a very important step in that direction. This is not about adding more regulations, it is about having smarter regulations. It is about having regulations that protect workers and make sense for business.

Mr. President, the Protecting America's Workers Act makes a number of key improvements to the OSH Act, but I want to highlight just a few.

First of all, it increases protections for workers who blow the whistle on unsafe working conditions. Protecting workers who tell the truth is just common sense. In fact, in other modern laws, such as the Consumer Product Safety Improvement Act of 2008 and the Food Safety Modernization Act of 2010, they do exactly that. But since the OSH Act has not been updated, the vast majority of workers today don't have similar protections.

An important part of my bill would make sure a whistleblower's right to protection from retaliation cannot be waived through collective bargaining agreements, and they have the option to appeal to the Federal courts if they believe they are being mistreated for telling the truth about dangerous practices.

The Protecting America's Workers Act also improves reporting, inspection, and other enforcement of workplace health and safety violations. It expands the rights of the victims and makes sure employers who oversee unsafe workplaces are pushed to quickly improve them to avoid further endangering worker health and safety.

This is a good bill. I am proud to have a number of cosponsors in the Senate, as well as the support of many prominent national groups in our efforts to improve workplace safety.

Nothing can bring back the workers we lost in communities such as Anacortes, but we certainly owe it to them to make sure workers everywhere are truly protected on the job. So I urge my colleagues to support the Protecting America's Workers Act and to keep working with us to make workplaces safer and healthier across America.

By Mr. JOHNSON of South Dakota (for himself and Mr. BINGAMAN):

S. 1167. A bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON of South Dakota. Mr. President, today I join with my colleague and friend from Iowa, CHUCK GRASSLEY, in introducing the Rural America Preservation Act of 2011, which will provide for common-sense, meaningful farm program payment limitations. Particularly given our country's budgetary constraints, this is a straight-forward and fiscally responsible proposal that would target our farm program payments and safety net.

The current farm program payment structure has, quite frankly, failed rural America. According to the United States Department of Agriculture's Economic Research Service, in 2008, the largest 12.4 percent of farms received 62.4 percent of farm program payments. The current rules permit the most capitalized farming corporations to receive massive subsidies and deprive small and medium-sized family farmers of the opportunity to thrive. The farm bill is intended to provide programs that function as a safety net for farmers, in contrast to the cash cow they've become for a few producers. It is important that we maintain a safety net for producers, but such a system must be targeted to family farmers instead of large agribusinesses.

The 2008 farm bill took some important first steps in strengthening the integrity of our farm programs. Under the law, anyone making more than $500,000 in non-farm Adjusted Gross Income will not receive farm payments and producers making over $750,000 AGI will lose their direct payments. Additionally, the law eliminates the triple-entity loophole and farm payments now go directly to an individual, rather than a corporation or general partnership, through direct attribution. I support direct attribution and elimination of the triple-entity loophole; however, I believe these provisions should have been much stronger and I have consistently pressed for a hard payment cap of at least $250,000. The bill we introduced today would finally provide for meaningful payment limitations and ensure that assistance goes to small and medium-sized family farms.

Our legislation includes several specific limits. Direct payments would be capped at $20,000 per producer and counter-cyclical payments would be limited to $30,000. Additionally, the bill would establish a cap of $75,000 on loan deficiency payments, LDPs, and marketing loan gains. There is currently no cap on LDPs and marketing loan gains, essentially meaning there is no effective payment limitation.

Just as important as establishing a hard payment limitations cap is how we define whether an individual is actively engaged in the operation of a farm. Current law lacks a defined active management test, and therefore someone could participate in no more than a yearly conference call and be eligible to receive payments. Our bill closes the management loophole which has allowed ''paper partners'' to collect payments without contributing any real or meaningful role in the operation. This proposal will improve the management standards determining payment eligibility by requiring that management be provided on a regular, substantial, and continuous basis through direct supervision and direction of the operations of the farm. These are reasonable and common-sense requirements which seek to further ensure the integrity of the farm safety net.

Agriculture is the economic engine that drives our rural communities, and without viable family farmers, our small towns and Main Street businesses throughout South Dakota would face significant financial hardships. I am proud to join with my friend from Iowa, Senator GRASSLEY, who has also been a longtime champion of family farmers, in introducing this important legislation.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1173. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today, once again, to advocate for patients and their access to more choice and competition in providing good quality health care by introducing The Ambulatory Surgical Center Quality and Access Act of 2011 with my colleague, Senator CRAPO.

Advocates for health care reform and a healthier nation continue to emphasize the importance of keeping patients ''out of the hospital.'' ASCs can help do that by providing cost-effective services in an outpatient setting.

There are more than 5,200 Medicare-certified ASCs across all 50 States, with 83 in Oregon alone. These facilities, that employ the equivalent of 117,700 full-time workers nationwide, ensure that patients from Portland to Hermiston, from Klamath Falls to Coos Bay, have access to safe, effective, and quality surgical care.

But ASCs can do more than provide the same services found in a Hospital Outpatient Department; they can do it at lower cost. Medicare saves an estimated $3 billion each year when surgical procedures are performed in ASCs rather than hospitals due to ASC reimbursement equaling 56 percent of what a hospital receives.

Currently, Medicare uses two different factors to update reimbursement: one for ASCs and a different one for hospitals. ASC payments are updated based on the consumer price index, while hospital rates are updated using the hospital market basket, which specifically measures changes in the costs of providing health care. Both facilities can provide identical surgical procedures, so why aren't their respective reimbursements linked to the same update mechanism? Why should there be a double standard?

This inequity could have significant consequences for both patients' access to services and Medicare's rate of outpatient expenditures if facilities begin consolidating or hospitals begin acquiring these practices in an attempt to reimburse for the same services at a higher rate—and cost to the taxpayer.

The legislation Senator CRAPO and I have introduced today, however, begins to address this in two ways: First, this bill creates parity by allowing ASC payment rates to be updated using the same market basket update hospitals use; and second, the bill goes a step further by establishing a Value-Based Purchasing program which will dispense shared savings payments based on quality reporting and improved performance.

The Ambulatory Surgical Center Quality and Access Act puts common-sense policies in place that will enhance patients' access to quality care in a cost-effective way. I urge my colleagues to join us in cosponsoring this important 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. 1173

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 ''Ambulatory Surgical Center Quality and Access Act of 2011''.

SEC. 2. ALIGNING UPDATES FOR AMBULATORY SURGICAL CENTER SERVICES WITH UPDATES FOR OPD SERVICES.

Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 13951(i)) is amended—

(1) by redesignating clause (vi) as clause (vii);

(2) in the first sentence of clause (v), by inserting before the period the following: ''and, in the case of 2012 or a subsequent year, by the adjustment described in subsection (t)(3)(G) for the respective year''; and

(3) by inserting after clause (v) the following new clause:

''(vi) In implementing the system described in clause (i) for 2012 and each subsequent year, there shall be an annual update under such system for the year equal to the OPD fee schedule increase factor specified under subsection (t)(3)(C)(iv) for such year, adjusted in accordance with clauses (iv) and (v).''.

SEC. 3. IMPROVING ASC QUALITY MEASURE REPORTING AND APPLYING VALUE-BASED PURCHASING TO ASCS.

(a) QUALITY MEASURES.—Paragraph (7) of section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by inserting ''(beginning with 2014)'' after ''with respect to a year''; and

(B) by adding at the end the following: ''Data required to be submitted on measures selected under this paragraph must be on measures that have been selected by the Secretary after consideration of public comments and in accordance with the process described in subparagraph (B). Such measures may include healthcare acquired infection measures appropriate for ambulatory surgery centers, prophylactic IV antibiotic timing, and patient falls. Ambulatory surgical centers determined by the Secretary to furnish a minimal number of items and services under this title with respect to a year shall not be subject to a reduction under this subparagraph for such year.'';

(2) in subparagraph (B)—

(A) by striking ''Except as the Secretary may otherwise provide, the'' and inserting ''Except as provided in the subsequent sentence, the''; and

(B) by adding at the end the following: ''In carrying out the previous sentence, the Secretary shall—

''(i) ensure that measures meet the definition and process for identifying quality measures under subsections (a) and (b) of section 931 of the Public Health Service Act;

''(ii) ensure that measures are developed, selected, and modified in accordance with the development, selection, and modification processes for measures established under section 1890A and in accordance with section 1890;

''(iii) ensure that measures are selected, and a data submission process is implemented, under this paragraph in a manner that ensures ambulatory surgical centers are able to voluntarily submit data under this paragraph not later than January 1, 2013;

''(iv) make available an infrastructure which will allow ambulatory surgery centers to submit data on such measures through electronic and other means;

''(v) ensure that the form and manner of submissions under this paragraph by ambulatory surgical centers shall include the option of submitting data with claims for payment under this part;

''(vi) ensure that a mechanism is developed to allow an ambulatory surgical center to attest that the center did not furnish services applicable to selected measures for use under the Program established under paragraph (8); and

''(vii) establish and have in place, by not later than June 30, 2013, an informal process for ambulatory surgery centers to seek a review of and appeal the determination that an ambulatory surgical center did not satisfactorily submit data on quality measures.''; and

(3) by adding at the end the following new subparagraphs:

''(C) To the extent that quality measures implemented by the Secretary under this paragraph for ambulatory surgical centers and under section 1833(t)(17) for hospital outpatient departments are applicable to the provision of surgical services in both ambulatory surgical centers and hospital outpatient departments, the Secretary shall—

''(i) require that both ambulatory surgical centers and hospital outpatient departments report data on such measures; and

''(ii) make reported data available on the website 'Medicare.gov' in a manner that will permit side-by-side comparisons on such measures for ambulatory surgical centers and hospital outpatient departments in the same geographic area.

''(D) For each procedure covered for payment in an ambulatory surgical center, the Secretary shall publish, along with the quality reporting comparisons provided for in subparagraph (C), comparisons of the Medicare payment and beneficiary copayment amounts for the procedure when performed in ambulatory surgical centers and hospital outpatient departments in the same geographic area.

''(E) The Secretary shall ensure that an ambulatory surgery center and a hospital has the opportunity to review, and submit any corrections for, the data to be made public with respect to the ambulatory surgery center under subparagraph (C)(ii) prior to such data being made public.''.

(b) AMBULATORY SURGICAL CENTER VALUE-BASED PURCHASING PROGRAM.—Section 1833(i) is amended by adding at the end the following new paragraph:

''(8) VALUE-BASED PURCHASING PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary shall establish an ambulatory surgical center value-based purchasing program (in this subsection referred to as the 'Program') under which, subject to subparagraph (I), each ambulatory surgical center that the Secretary determines meets (or exceeds) the performance standards under subparagraph (D) for the performance period (as established under subparagraph (E)) for a calendar year is eligible, from the amounts made available in the total shared savings pool under subparagraph (I)(iv), for shared savings under subparagraph (I), which shall be in the form, after application of the adjustments under clauses (iv), (v), and (vi) of paragraph (2)(D), of an increase in the amount of payment determined under the payment system under paragraph (2)(D) for surgical services furnished by such center during the subsequent year, by the value-based percentage amount under subparagraph (H) specified by the Secretary for such center and year.

''(B) PROGRAM START DATE.—The Program shall apply to payments for procedures occurring on or after January 1, 2015.

''(C) MEASURES.—

''(i) IN GENERAL.—For purposes of the Program, the Secretary shall select measures from the measures specified under paragraph (7).

''(ii) AVAILABILITY OF MEASURE AND DATA.—The Secretary may not select a measure under this paragraph for use under the Program with respect to a performance period for a calendar year unless such measure has been included, and the reported data available, on the website 'Medicare.gov', for at least 1 year prior to the beginning of such performance period.

''(iii) MEASURE NOT APPLICABLE UNLESS ASC FURNISHES SERVICES APPROPRIATE TO MEASURE.—A measure selected under this paragraph for use under the Program shall not apply to an ambulatory surgical center if such center does not furnish services appropriate to such measure.

''(D) PERFORMANCE STANDARDS.—

''(i) ESTABLISHMENT.—The Secretary shall establish performance standards with respect to measures selected under subparagraph (C)(i) for a performance period for a calendar year.

''(ii) ACHIEVEMENT AND IMPROVEMENT.—The performance standards established under clause (i) shall include levels of achievement and improvement.

''(iii) TIMING.—The Secretary shall establish and announce the performance standards under clause (i) not later than 60 days prior to the beginning of the performance period for the calendar year involved.

''(E) PERFORMANCE PERIOD.—For purposes of the Program, the Secretary shall establish the performance period for a calendar year. Such performance period shall begin and end prior to the beginning of such calendar year.

''(F) ASC PERFORMANCE SCORE.—The Secretary shall develop a methodology for assessing the total performance of each ambulatory surgery center based on performance standards with respect to the measures selected under subparagraph (C) for a performance period (as established under subparagraph (E)). Using such methodology, the Secretary shall provide for an assessment (in this subsection referred to as the 'ASC performance score') for each ambulatory surgical center for each performance period. The methodology shall provide that the ASC performance score is determined using the higher of its achievement or improvement score for each measure.

''(G) APPEALS.—The Secretary shall establish a process by which ambulatory surgery centers may appeal the calculation of the ambulatory surgery center's performance with respect to the performance standards established under subparagraph (D) and the ambulatory surgery center performance score under subparagraph (E). The Secretary shall ensure that such process provides for resolution of appeals in a timely manner.

''(H) CALCULATION OF VALUE-BASED INCENTIVE PAYMENT.—

''(i) VALUE-BASED PERCENTAGE AMOUNT.—For purposes of subparagraph (A), the Secretary shall specify a value-based percentage amount for an ambulatory surgical center for a calendar year.

''(ii) REQUIREMENTS.—In specifying the value-based percentage amount for each ambulatory surgical center for a calendar year under clause (i), the Secretary shall ensure that such percentage is based on—

''(I) the ASC performance score of the ambulatory surgery center under subparagraph (F); and

''(II) the amount of the total savings pool made available under subparagraph (I)(iii)(I) for such year.

''(I) ANNUAL CALCULATION OF SHARED SAVINGS FUNDING FOR VALUE-BASED INCENTIVE PAYMENTS.—

''(i) DETERMINING BONUS POOL.—In each year of the Program, ambulatory surgery centers shall be eligible to receive payment for shared savings under the Program only if for such year the sum of—

''(I) the estimated amount of expenditures under this title for Medicare fee-for-service beneficiaries (as defined in section 1899(h)(3)) for surgical services for which payment is made under the payment system under paragraph (2), adjusted for beneficiary characteristics, and

''(II) the estimated amount of expenditures under this title for Medicare fee-for-service beneficiaries (as so defined) for the same surgical services for which payment is made under the prospective payment system under subsection (t), adjusted for beneficiary characteristics,

is at least the percent specified by the Secretary below the applicable benchmark determined for such year under clause (ii). For purposes of this subparagraph, such sum shall be referred to as 'estimated expenditures'. The Secretary shall determine the appropriate percent described in the preceding sentence to account for normal variation in volume of services under this title and to account for changes in the coverage of services

in ambulatory surgery centers and hospital outpatient departments during the performance period involved.

''(ii) ESTABLISH AND UPDATE BENCHMARK.—For purposes of clause (i), the Secretary shall calculate a benchmark for each year described in such clause equal to the product of—

''(I) estimated expenditures described in clause (i) for such year, and

''(II) the average annual growth in estimated expenditures for the most recent three years.

Such benchmark shall be reset at the start of each calendar year, and adjusted for changes in enrollment under the Medicare fee-for-service program.

''(iii) PAYMENTS BASED ON SHARED SAVINGS.—If the requirement under clause (i) is met for a year—

''(I) 50 percent of the total savings pool estimated under clause (iv) for such year shall be made available for shared savings to be paid to ambulatory surgical centers under this paragraph;

''(II) a percent (as determined appropriate by the Secretary, in accordance with subparagraph (H)) of such amount made available for such year shall be paid as shared savings to each ambulatory surgery center that is determined under the Program to have met or exceeded performance scores for such year; and

''(III) all funds made available under subclause (I) for such year shall be used and paid as sharing savings for such year in accordance with subclause (II).

''(iv) ESTIMATE OF THE TOTAL SAVINGS POOL.—For purposes of clause (iii), the Secretary shall estimate for each year of the Program the total savings pool as the product of—

''(I) the conversion factor for such year determined by the Secretary under the payment system under paragraph (2)(D) divided by the conversion factor calculated under subsection (t)(3)(C) for such year for covered OPD services, multiplied by 100, and

''(II)(aa) the product of the estimated Medicare expenditures for surgical services described in clause (i)(I) furnished during such year to Medicare fee-for-service beneficiaries (as defined in section 1899(h)(3)) for which payment is made under subsection (t) and the average annual growth in the estimated Medicare expenditures for such services furnished to Medicare fee-for-service beneficiaries (as so defined) for which payment is made under subsection (t) in the most recent available 3 years, less

''(bb) the estimated Medicare expenditures for surgical services described in clause (i)(I) furnished to Medicare fee-for-service beneficiaries for which payment was made under subsection (t) in the most recent year.

''(J) NO EFFECT IN SUBSEQUENT CALENDAR YEARS.—The value-based percentage amount under subparagraph (H) and the percent determined under subparagraph (I)(iii)(I) shall apply only with respect to the calendar year involved, and the Secretary shall not take into account such amount or percentage in making payments to an ambulatory surgery center under this section in a subsequent calendar year.''.

SEC. 4. APC PANEL REPRESENTATION.

(a) ASC REPRESENTATIVE.—The second sentence of section 1833(t)(9)(A) of the Social Security Act (42 U.S.C. 1395l(t)(9)(A)) is amended by inserting ''and suppliers subject to the prospective payment system (including at least one ambulatory surgical center representative)'' after ''an appropriate selection of representatives of providers''.

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

SEC. 5. ENSURING ACCESS TO SAME DAY SERVICES.

The conditions for coverage of ambulatory surgical center services specified by the Secretary of Health and Human Services pursuant to section 1832(a)(2)(F)(i) of the Social Security Act (42 U.S.C. 1395k(a)(2)(F)(i)) shall not prohibit ambulatory surgical centers from providing individuals with any notice of rights or other required notice on the date of a procedure if more advance notice is not feasible under the circumstances, including when a procedure is scheduled and performed on the same day.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. CARPER, Ms. COLLINS, Mrs. GILLIBRAND, Mr. KIRK, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SANDERS, and Mr. SCHUMER):

S. 1176. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, today I join my colleagues in introducing the American Horse Slaughter Prevention Act. This bill will prohibit the slaughter of horses for human consumption, a practice that the majority of Americans oppose and of which many are unaware. The last American horse slaughterhouses were closed in 2007, and there is virtually no demand for horse meat for human consumption in the United States. Unfortunately, tens of thousands of American horses are still being inhumanely transported to foreign processing plants, where they are brutally slaughtered.

Horses are domestic animals that have served men and women as loyal, hard working companions for thousands of years; and today, they are used primarily for recreation, pleasure, and sport. Horses differ from other livestock animals in that we do not raise them for the purpose of slaughter. We raise and train them to trust us, perform for us, and allow us on their backs. As such, they are entitled to a sense of human compassion, of which the practice of horse slaughter is void.

Throughout the development of this country, human consumption of horse meat has not been a widely accepted activity. This is undoubtedly due to the unique relationship enjoyed between mankind and horses for thousands of years. Horses were there in our work, on our farms, for transportation and communication in the taming of a vast American Frontier, and on every battlefield prior to World War II. They have proven their loyalty and nobility, and without them, the development of our country might not have been possible and at the least, would have been significantly more difficult. In modern time, horses provide joy and entertainment. Through racing, jumping, recreation, and even therapy to the disabled, horses touch the lives of many Americans. Clearly, they hold a special place in our culture, and it is for these reasons, that so many people are strongly opposed to horse slaughter in America.

Unfortunately, horse owners do have to face the realities of infirmity, age, or other reasons that may necessitate putting down their animal. However, this calls for humane euthanasia, and slaughter is simply not an appropriate alternative. The average cost for humane euthanasia and disposal is about the same as the cost of one month's care, so it is not unreasonable to expect horse owners to accept responsibility and incur this minor expense.

Additionally, because we do not raise horses with the intent to slaughter for human consumption, they are frequently treated with drugs not approved for use in animals raised for human consumption. These drugs can be toxic when ingested by humans. We have no system in the United States to track which medications a horse has received throughout its lifetime, and as such, American horse meat poses a food safety and export risk.

It is for all of these reasons that I am committed to ensuring that this bill is brought to the attention of all of our colleagues here in the Senate. I look forward to working with the senior Senator from South Carolina and others to address this important issue and pass a commonsense bill that reflects the desires of many of our constituents, who support the humane treatment of our horses and the prohibition of their slaughter for humane consumption.

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. 1176

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 ''American Horse Slaughter Prevention Act of 2011''.

SEC. 2. PROHIBITION ON SHIPPING, TRANSPORTING, MOVING, DELIVERING, RECEIVING, POSSESSING, PURCHASING, SELLING, OR DONATION OF HORSES AND OTHER EQUINES FOR SLAUGHTER FOR HUMAN CONSUMPTION.

(a) DEFINITIONS.—Section 2 of the Horse Protection Act (15 U.S.C. 1821) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

''(1) The term 'human consumption' means ingestion by people as a source of food.''; and

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

''(4) The term 'slaughter' means the killing of 1 or more horses or other equines with the intent to sell or trade the flesh for human consumption.''.

(b) FINDINGS.—Section 3 of the Horse Protection Act (15 U.S.C. 1822) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (6) through (10), respectively;

(2) by adding before paragraph (6) (as redesignated by paragraph (1)) the following:

''(1) horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion;

''(2) horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport;

''(3) unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption;

''(4) individuals selling horses or other equines at auctions are seldom aware that the animals may be bought for the purpose of being slaughtered for human consumption;

''(5) the Animal and Plant Health Inspection Service of the Department of Agriculture has found that horses and other equines cannot be safely and humanely transported in double deck trailers;''; and

(3) by striking paragraph (8) (as redesignated by paragraph (1)) and inserting the following:

''(8) the movement, showing, exhibition, or sale of sore horses in intrastate commerce, and the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation in intrastate commerce of horses and other equines to be slaughtered for human consumption, adversely affect and burden interstate and foreign commerce;''.

(c) PROHIBITION.—Section 5 of the Horse Protection Act (15 U.S.C. 1824) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph 7 the following:

''(8) The shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine to be slaughtered for human consumption.''.

(d) AUTHORITY TO DETAIN.—Section 6(e) of the Horse Protection Act (15 U.S.C. 1825(e)) is amended—

(1) by striking the first sentence of paragraph (1);

(2) by redesignating paragraphs (1) and (2) and as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) The Secretary may detain for examination, testing, or the taking of evidence—

''(A) any horse at any horse show, horse exhibition, or horse sale or auction that is sore or that the Secretary has probable cause to believe is sore; and

''(B) any horse or other equine that the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of section 5(8).''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Horse Protection Act (15 U.S.C. 1831) is amended by striking ''$500,000'' and inserting ''$5,000,000''.

By Mr. BINGAMAN:

S. 1177. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce a series of education bills S. 1177, S. 1178, and S. 1179, that reflect many of my legislative priorities in K–12 education policy and the reauthorization of the Elementary and Secondary Education Act. As Chairman HARKIN, Ranking Member ENZI, and my Senate colleagues on the Health, Education, Labor and Pensions Committee continue negotiations on the reauthorization of ESEA, I feel that it is appropriate to introduce legislation that I have developed for inclusion in the reauthorized legislation. While the bills I have introduced today do not address all of the many changes that I feel are necessary to fix No Child Left Behind, they do emphasize areas of particular and longstanding concern to me and my constituents.

I strongly believe that there must be a continued federal role in education in the United States. I have great respect for State and local school officials, and as such I believe that they continue to require Federal support to improve student achievement and improve graduation rates. Given the severe education funding challenges in my home State of New Mexico and across the country, Congress has a particular obligation to retain its focus on student achievement, especially among low-income and disadvantaged youth.

Federal education policy should prioritize ending the nationwide high school dropout crisis; supporting the effective use of education technology, especially in high-poverty schools; ensuring that students benefit from high expectations, rigorous standards and curriculum; and extending the school day, week, and/or year to ensure that U.S. students do not continue to fall behind our global competitors.

Each year in the United States, approximately 1.2 million students drop out of school without receiving a diploma, at an estimated annual cost to the country of over $300 billion. My home State of New Mexico has one of the lowest statewide graduation rates in the country. The Graduation Promise Act, which I am introducing today, authorizes a new Federal focus on helping underperforming high schools improve student achievement and increase graduation rates.

The Federal Government should support teachers using the most up-to-date technology to prepare students for success in college and 21st century careers. Today, I reintroduced the Achievement Through Technology and Innovation Act of 2011. This bill would renew and strengthen the existing education technology program in ESEA. The ATTAIN Act recognizes that learning technologies are critical to preparing students for the 21st century workforce, ensuring high quality teaching, and improving the productivity of our Nation's educational system. The Act would provide Federal funds to states and local school districts to train teachers, purchase education technology hardware and software, and support innovative learning methods and student technological literacy.

All students, regardless of their income levels, should be able to benefit from high expectations, high academic standards, and college-level academic opportunities. The Advanced Programs Act of 2011 would renew the current ESEA program, which provides Federal funding to pay low-income students' AP exam fees and incentive grants to expand student access to AP courses and exams.

Finally, I wish to highlight my cosponsorship of the Time for Innovation Matters in Education Act, which Chairman HARKIN introduced on April 14th of this year. The TIME Act authorizes Federal funding to support expanded learning time, ELT, initiatives in public schools. American students spend about 30 percent less time in school than students in other leading nations, which hinders our students' ability to succeed and compete. ELT programs typically provide extra time for academic student, enrichment activities, and teacher collaboration. Studies show that programs that significantly increase the total number of hours in a regular school schedule can lead to gains in academic achievement, particularly for students who are furthest behind.

Taken together, these four bills present a coherent, consistent vision for the Federal role in education reform. We must turn around struggling high schools and improve our high school graduation rates. We must use the best technology available to provide solid instruction and develop the student technological literacy necessary for success in the digital age. We must provide all students with access to high standards and college-level academic opportunities. We must support schools adding the school time necessary to allow our students to keep pace with students in high-performing countries.

Now is not the time for the Federal Government to back away from its commitment to helping disadvantaged students succeed in school and in life. While the Elementary and Secondary Education Act needs to be reconsidered and substantially reworked, we must not roll back Federal policy and ignore the persistent achievement gaps that limit our national competitiveness and deny millions of our children access to the American dream.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 23—DECLARING THAT IT IS THE POLICY OF THE UNITED STATES TO SUPPORT AND FACILITATE ISRAEL IN MAINTAINING DEFENSIBLE BORDERS AND THAT IT IS CONTRARY TO UNITED STATES POLICY AND NATIONAL SECURITY TO HAVE THE BORDERS OF ISRAEL RETURN TO THE ARMISTICE LINES THAT EXISTED ON JUNE 4, 1967

Mr. HATCH (for himself, Mr. LIEBERMAN, Mr. RUBIO, Mr. NELSON of Nebraska, Mr. JOHANNS, Mr. WYDEN, Mr. MORAN, Mr. TOOMEY, Mr. INHOFE, Mr. BARRASSO, Mr. KIRK, Mr. BURR, Mr. CORNYN, Mr. KYL, Mr. THUNE, Mr. PORTMAN, Mr. COATS, Mr. COBURN, Ms. AYOTTE, Mr. BOOZMAN, Mr. BLUNT, Mr. BROWN of Massachusetts, Mr. VITTER, Mr. ROBERTS, Mr. ENZI, Mr. ISAKSON, Ms. MURKOWSKI, Mr. WICKER, Mr. LUGAR, and Mr. CHAMBLISS) submitted the following concurrent resolution; which was referred to the committee on Foreign Relations:

S. CON. RES. 23

Whereas, throughout its short history, Israel, a liberal democratic ally of the United States, has been repeatedly attacked by authoritarian regimes and terrorist organizations that denied its right to exist;

Whereas the United States Government remains steadfastly committed to the security of Israel, especially its ability to maintain secure, recognized, and defensible borders;

Whereas the United States Government is resolutely bound to its policy of preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat;

Whereas United Nations Security Council Resolution 242 (1967) recognized Israel's ''right to live in peace within secure and recognized boundaries free from threats or acts of force'';

Whereas the United States has long recognized that a return to the 1967 lines would create a strategic military vulnerability for Israel and greatly impede its sovereign right to defend its borders; and

Whereas Prime Minister of Israel Benjamin Netanyahu correctly stated on May 20, 2011, that the 1967 lines were not ''boundaries of peace. They are the boundaries of repeated war'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the policy of the United States to support and facilitate Israel in creating and maintaining secure, recognized, and defensible borders; and

(2) it is contrary to United States policy and our national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

Mr. HATCH. Mr. President, today I am pleased to rise and offer, with my good friend, the senior Senator from Connecticut, a concurrent resolution which reaffirms our Nation's steadfast and unshakable commitment to the security of Israel, specifically through the establishment of secure, recognized, and defensible borders.

It is unfortunate that I am compelled to offer such a resolution. For years, both Republican and Democratic administrations have recognized that Israel's boundaries of June 4, 1967 are indefensible and if reestablished will create a strategic military vulnerability for our staunch ally.

That is why President Obama's recent comments were so dumbfounding. The President's prepared and thoroughly considered remarks called for the starting point of negotiations to be what we all know are the militarily indefensible 1967 lines.

Remember, if Israel returns to the 1967 lines its territory will, in some locations, be only 9 miles wide.

As Prime Minister Benjamin Netanyahu correctly stated in a friendly and appropriate correction to the President's remarks, the 1967 lines are not boundaries of peace. They are boundaries of repeated war.

Israel would have to give up the Golan Heights, the strategic elevated location which dominates northern Israel. Does the President not remember during the 1973 War the Syrians launched a massive armored attack on the Golan Heights which almost succeeded?

This raises the question of who President Obama was attempting to appease with his ill-advised statements, which unnecessarily drove a wedge between the United States and Israel?

The fact is the national security interests of the United States and Israel are linked. The threats Israel faces are the threats the United States faces. Whether it is Hezbollah in Lebanon, Hamas in the Gaza Strip or these groups' benefactor, Iran, we share a common foe.

Unfortunately, that foe, Iran, appears to be growing stronger and more capable. Iran has repeatedly stated it wishes to wipe the United States and Israel off the map. Iran's obvious aim is to establish strategic dominance over the entire region. Their relentless pursuit of nuclear weapons and ballistic missile technology is of grave concern.

Much has been said about Iran's nuclear program, but much less has been articulated about its ballistic missile program. In order to achieve its strategic objectives, Iran has embarked on a significant ballistic missile program. Iranian officials have boasted they have the ability to produce a ballistic missile with a 1,250 mile range. In 2009, the Iranians were able to launch a multistage space launch vehicle that the Air Force concluded ''can serve as a test-bed for long-range ballistic missile technologies.''

Even more troubling the Iranians appear to be developing a new long-range multistage solid rocket motor missile. Why is that important? If the Iranians successfully field this type of technology, they will be able to launch, almost instantaneously, missiles which carry warheads over great distances.

With these ominous developments emanating from Israel's and the United States common foe, do we really want to be seen as distancing ourselves from one of our staunchest allies—especially on such a pivotal issue as Israel's borders. This issue of these borders is only underscored by the constant attacks on Israel's borders by Iran's surrogates, Hezbollah and Hamas.

That is why I believe this Concurrent Resolution is so important. It reaffirms the long-held, bipartisan policy of the United States, that we will ''support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and our national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.''

The United States has no greater friend than Israel and Israel has no greater friend than the United States.

Israel too often finds herself alone in the world, unjustly singled out by the left as a nation uniquely without the moral authority to defend itself.

From my perspective, Israel does not need to apologize to anyone for defending itself against those who would do her harm, and I will always stand by Israel as she seeks to protect her citizens against terrorists and their state sponsors.

Having said that, I also believe many Iranians, especially the young people, know Iran is causing problems in the Middle East. We must support those people who are searchers for freedom.

The security of both our nations is irrevocably linked. This bipartisan concurrent resolution removes any harmful ambiguity the President's remarks last week might have caused.

The United States must stand by Israel. With his remarks last week, President Obama undermined her.

Israel faces consistent unprovoked aggression by longtime supporters of terrorism. But Israel is not a victim. All she asks is the ability to defend herself and for free people to support her right to self-defense.

This is no time for the United States to distance itself from Israel, and I will do everything I can to affirm Israel's territorial integrity and ability to protect her citizens against the unprovoked attacks of terrorist and state actors.

Because Israel is a true friend, I am not surprised that this resolution has strong bipartisan support. My colleague, Senator LIEBERMAN, and I will be joined by members of both parties who want to remind the world the United States is steadfastly committed to the security of Israel and especially our ally's ability to maintain secure, recognized and defensible borders.

AMENDMENTS SUBMITTED AND PROPOSED

SA 434. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 435. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 436. Mr. COBURN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 782, supra.

SA 437. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 438. Mr. INHOFE (for himself, Mr. BLUNT, Mr. JOHANNS, Mr. COCHRAN, Mr. COATS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 782, supra.

SA 439. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 440. Mr. MERKLEY proposed an amendment to the bill S. 782, supra.

SA 441. Mr. MCCAIN proposed an amendment to amendment SA 436 submitted by Mr. COBURN (for himself and Mr. CARDIN) to the bill S. 782, supra.

SA 442. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 443. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 444. Ms. SNOWE (for herself, Mrs. MCCASKILL, Mr. GRASSLEY, Mrs. HAGAN, Ms. COLLINS, Mr. MERKLEY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 445. Mr. COBURN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 446. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 448. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 449. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 450. Mr. COBURN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 451. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 452. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 453. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 454. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 455. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 456. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 457. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 458. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 434. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. PERMANENT REAUTHORIZATION OF E-VERIFY.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless the Congress otherwise provides, the Secretary shall terminate a pilot program on September 30, 2012.''.

SA 435. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows.

On page 29, after line 20, add the following:

SEC. 22. WATER QUALITY STANDARDS.

None of the amounts made available by this Act, the amendments made by this Act, or any other provision of law may be used to implement, administer, or enforce the final rule of the Environmental Protection Agency entitled ''Water Quality Standards for the State of Florida's Lakes and Flowing Waters'' (75 Fed. Reg. 75762 (December 6, 2010)).

SA 436. Mr. COBURN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows.

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) BRIGHTFIELDS DEMONSTRATION PROGRAM.—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

SA 437. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows.

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) BRIGHTFIELDS DEMONSTRATION PROGRAM.—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) (as amended by section 19) is amended by striking ''$500,000,000'' and inserting''$150,000,000''.

(c) TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

SA 438. Mr. INHOFE (for himself, Mr. BLUNT, Mr. JOHANNS, Mr. COCHRAN, Mr. COATS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows:

At the end, add the following:

TITLE II—REGULATORY ASSESSMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Comprehensive Assessment of Regulations on the Economy Act of 2011''.

SEC. 202. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMITTEE.—The term ''Committee'' means the Cumulative Regulatory Assessment Committee established by section 203(a).

(3) FEDERAL REGULATORY MANDATE.—The term ''Federal regulatory mandate'' means any regulation, rule, requirement, or interpretative guidance that—

(A) is promulgated or issued (or is expected to be initiated) by the Administrator or a State or local government during the period beginning on January 1, 2010, and ending on January 1, 2020;

(B) applies to 1 or more impacted units; and

(C) implements any provision or requirement relating to—

(i) interstate or international transport of air pollution under section 110(a)(2)(D), 115, or 126(b) of the Clean Air Act (42 U.S.C. 7410(a)(2)(D), 7415, 7426(b)) with respect to any national ambient air quality standard, including—

(I) any standard that has been promulgated or proposed before July 1, 2011; and

(II) any new or revised standard for ozone or fine particulate matter that, as of the date of enactment of this Act, is currently under review or development by the Administrator; and

(ii) the attainment, or maintenance of attainment, of any national ambient air quality standard, including—

(I) any new or revised standard for ozone or fine particulate matter that, as of the date of enactment of this Act, is currently under review or development by the Administrator; and

(II) any other standard that has been promulgated or proposed before July 1, 2011;

(iii) new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411), including any standards under subsection (d) of that section;

(iv) hazardous air pollutants under section 112 of the Clean Air Act (42 U.S.C. 7412);

(v) greenhouse gas emissions under titles I, II, and V of the Clean Air Act (42 U.S.C. 7401 et seq.), including the requirements for—

(I) new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411), including any standards under subsection (d) of that section; and

(II) preconstruction review permits under section 165 of the Clean Air Act (42 U.S.C. 7475);

(vi) cooling water intake structures under section 316(b) of the Clean Water Act (33 U.S.C. 1326(b));

(vii) effluent guidelines for regulating the discharge of pollutants under section 304 of the Clean Water Act (33 U.S.C. 1314);

(viii) the handling and disposal of coal combustion residuals under subtitle C or D of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(ix) the regulation of fuels under title II of the Clean Air Act (42 U.S.C. 7521 et seq.);

(x) regional haze or reasonably attributable visibility impairment under section 169A or section 169B of the Clean Air Act (42 U.S.C. 7491, 7492); and

(xi) any other environmental regulations expected to have a significant impact on the electric power sector, the petroleum refining sector, the petrochemical production sector, pipeline facilities regulated by the Department of Transportation or the Environmental Protection Agency, exploration, production, or transportation of oil and natural gas, or any other manufacturing sector.

(4) IMPACTED UNIT.—The term ''impacted unit'' means—

(A) any electric generating unit that sells electricity into the grid;

(B) any industrial, commercial, or institutional boiler or process heater;

(C) any petroleum refining facility that produces gasoline, heating oil, diesel fuel, jet fuel, kerosene, or petrochemical feedstocks;

(D) any petrochemical facility;

(E) any hydrocarbon exploration, extraction, manufacturing, production, or transportation facility; or

(F) any biofuel facility.

SEC. 203. CUMULATIVE REGULATORY ASSESSMENT COMMITTEE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce a Committee, to be known as the ''Cumulative Regulatory Assessment Committee''.

(b) COMPOSITION OF COMMITTEE.—The Committee shall consist of the following officials (or designees of the officials):

(1) The Secretary of Agriculture.

(2) The Secretary of Commerce.

(3) The Secretary of Defense.

(4) The Chairperson of the Council of Economic Advisers.

(5) The Secretary of Energy.

(6) The Administrator.

(7) The Chairperson of the Federal Energy Regulatory Commission.

(8) The Secretary of Labor.

(9) The Administrator of the Office of Information and Regulatory Affairs.

(10) The President and Chief Executive Officer of the North American Electric Reliability Corporation.

(11) The Chief Counsel for Advocacy of the Small Business Administration.

(c) LEADERSHIP; OPERATIONS.—The Secretary of Commerce shall—

(1) serve as the Chairperson of the Committee; and

(2) be responsible for the executive and administrative operation of the Committee.

(d) IDENTIFICATION OF FEDERAL REGULATORY MANDATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide to the Committee a list of Federal regulatory mandates.

(e) DUTIES.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The Committee shall perform an assessment of the cumulative energy and economic impacts of the Federal regulatory mandates in accordance with this subsection, including direct, indirect, quantifiable, and qualitative effects on—

(i) employment, including job levels in each segment of the economy and each region of the United States, including coal-producing regions;

(ii) economic development, including production levels and labor demands in manufacturing, commercial, and other sectors of the economy;

(iii) the electric power sector, including potential impacts on electric reliability, energy security, and retail electricity rates;

(iv) the domestic refining and petrochemical sector, including potential impacts on supply, international competitiveness, wholesale and retail transportation fuels, and heating oil and petrochemical prices;

(v) State and local governments, including potential impacts on governmental operations and local communities from any reductions in State and local tax revenues;

(vi) small businesses (as defined in section 601 of title 5, United States Code), including economic and regulatory impacts that could force the shutdown or limit the growth of small businesses;

(vii) agriculture, including economic and regulatory impacts that could force the shutdown, or limit growth or productive capacity, of the agricultural industry in the United States, including the domestic fertilizer manufacturing industry; and

(viii) energy-intensive, trade-exposed industry (as defined in North American Industry Classification System codes 31, 32, and 33) (including the beneficiation or processing (including agglomeration) of metal ores (including iron and copper ores), soda ash, or phosphate, petroleum refining, and petrochemicals production), including economic and regulatory impacts that could force the shutdown, or limit growth of productive capacity, of the United States manufacturing industry.

(B) COMPREHENSIVE ANALYSIS.—The assessment shall include a comprehensive analysis, for the period beginning on January 1, 2012, and ending on December 31, 2025, of the following matters:

(i) The impacted units that would likely retire due to the cumulative compliance costs of the Federal regulatory mandates.

(ii) The amount by which average retail electricity prices are forecasted to increase above inflation as a result of—

(I) the cumulative compliance costs of the Federal regulatory mandates;

(II) the retirement of electric generating units that are impacted units described in clause (i); and

(III) other direct and indirect impacts that are expected to result from the cumulative compliance obligations of the Federal regulatory mandates.

(iii) The amount by which average retail transportation fuel and heating oil prices are forecasted to increase above inflation as a result of—

(I) the cumulative compliance costs of the Federal regulatory mandates;

(II) the retirement or closure of domestic refineries that are impacted units described in clause (i);

(III) the likely foreign-sourced replacement for the transportation fuels and heating oil supplies loss caused by the retirements or closures identified under subclause (II); and

(IV) other direct and indirect impacts that are expected to result from the cumulative compliance obligations of the Federal regulatory mandates.

(iv) The amount by which average petrochemical prices are forecasted to increase above inflation as a result of—

(I) the cumulative compliance costs of the Federal regulatory mandates;

(II) the retirement or closure of domestic petrochemical facilities that are impacted units described in clause (i);

(III) the likely foreign-sourced replacement for the petrochemical supplies loss caused by the retirements or closures identified under subclause (II); and

(IV) other direct and indirect impacts that are expected to result from the cumulative compliance obligations of the Federal regulatory mandates.

(v) The direct and indirect adverse impacts on the economies of local communities that are projected to result from the retirement of impacted units described in clause (i) and increased retail electricity, transportation fuels, heating oil, and petrochemical prices that are forecasted under clause (ii), including—

(I) loss of jobs, including jobs that would be lost that relate directly or indirectly to coal production or petroleum refining;

(II) reduction in State and local tax revenues;

(III) harm to small businesses;

(IV) harm to consumers;

(V) reduction in—

(aa) the production and use of coal; and

(bb) the domestic production of transportation fuels, heating oil, and petrochemicals in the United States; and

(VI) other resulting adverse economic or energy impacts.

(vi) The extent to which the direct and indirect adverse economic impacts identified under clause (v) can be mitigated through the creation of additional jobs and new economic growth as a result of renewable energy projects, energy efficiency measures, and other such energy construction projects that are projected to be undertaken in order to meet future energy demands.

(vii) The cumulative effects of Federal regulatory mandates on the ability of industries and businesses in the United States to compete with industries and businesses in other countries, with respect to competitiveness in both domestic and foreign markets.

(viii) The regions of the United States that are forecasted to be—

(I) most affected from the direct and indirect adverse impacts from the retirement of impacted units and increased retail electricity, transportation fuels, heating oil, and petrochemicals price, as identified under clause (v); and

(II) least affected from such adverse impacts due to the creation of new jobs and economic growth that are expected to result directly and indirectly from the energy construction projects, as identified under clause (vi).

(ix) The cumulative effects of the Federal regulatory mandates on the electric power sector, including—

(I) adverse impacts on electric reliability that are expected to result from the retirement of electric generating units identified under clause (i);

(II) the geographical distribution of the projected adverse electric reliability impacts identified in subclause (I), according to the regions established by North American Electric Reliability Corporation; and

(III) an assessment of whether current plans to expand electricity generation and transmission capabilities for each particular region can be optimized to mitigate those projected adverse reliability impacts.

(x) Federal, State, and local policies that have been or will be implemented to foster a transition in energy infrastructure in the United States, including those policies that promote fuel diversity, affordable and reliable electricity, and energy security.

(2) CONSULTATION WITH STATE AND LOCAL GOVERNMENTS.—The Committee shall consult

with representatives of State and local governments—

(A) to identify potential adverse cumulative impacts of the Federal regulatory mandates that have unique or significant repercussions for each particular region of the United States; and

(B) to investigate opportunities and strategies for mitigating the adverse impacts and repercussions identified under subparagraph (A).

(3) METHODOLOGY.—The Committee shall—

(A) use the best available information and peer-reviewed economic models in performing the cumulative regulatory impact assessment under this subsection; and

(B) seek public comment on the cost, energy, and other modeling assumptions used in performing the assessment.

(4) PUBLIC NOTICE AND COMMENT.—The Committee shall provide public notice and the opportunity for comment on a draft cumulative regulatory impact assessment to be prepared under this subsection.

(5) REPORT TO CONGRESS AND STATES.—Not later than January 1, 2012, the Committee shall submit to Congress and the Governor of each State a detailed report of the cumulative assessment performed under this subsection.

SEC. 204. SAVINGS CLAUSE.

Nothing in this title confirms, modifies, or otherwise affects the statutory authority for adopting and implementing the Federal regulatory mandates.

SA 439. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SENSE OF THE SENATE.

It is the sense of the Senate that, for each fiscal year for which amounts are appropriated to carry out programs authorized under this Act or the amendments made by this Act, if those amounts exceed the amounts appropriated to carry out the same programs in fiscal year 2007, other discretionary spending should be reduced by an amount that is equal to the difference between—

(1) the amounts appropriated to carry out programs authorized under this Act or the amendments made by this Act; and

(2) the amounts appropriated to carry out the same programs in fiscal year 2007.

SA 440. Mr. MERKLEY proposed an amendment to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. LOW-COST ENERGY EFFICIENCY LOANS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term ''eligible participant'' means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner listed under subsection (d).

(2) PROGRAM.—The term ''program'' means the Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term ''qualified financing entity'' means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State.

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term ''qualified loan program mechanism'' means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements listed under subsection (d).

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements listed under subsection (d);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards established by the Secretary; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) QUALIFIED ENERGY EFFICIENCY OR RENEWABLE ENERGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish a list of energy efficiency or renewable energy improvements to existing homes that qualify under the program.

(e) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(f) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (i).

(g) USE OF FUNDS.—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(h) USE OF REPAYMENT FUNDS.—In the case of a revolving loan fund established by a State described in subsection (g)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements listed under subsection (d) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(i) PROGRAM EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(j) CREDIT SUPPORT FOR FINANCING PROGRAMS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.''.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) CREDIT SUPPORT FOR FINANCING PROGRAMS.—

''(1) IN GENERAL.—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

''(A) offer loan guarantees for portfolios of debt obligations; and

''(B) purchase or make commitments to purchase portfolios of debt obligations.

''(2) TERM.—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

''(A) 30 years; and

''(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

''(3) UNDERWRITING.—The Secretary may—

''(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

''(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

''(4) ADMINISTRATION.—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.''.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and the amendments made by this section such sums as are necessary.

SA 441. Mr. MCCAIN proposed an amendment to amendment SA 436 submitted by Mr. COBURN to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows.

At the appropriate place insert the following:

SEC. ____. PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

SA 442. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows.

On page 29, after line 20, add the following:

SEC. 22. REQUIREMENTS WITH RESPECT TO BISPHENOL A.

(a) SHORT TITLE.—This section may be cited as the ''Ban Poisonous Additives Act of 2011''.

(b) REQUIREMENTS WITH RESPECT TO BISPHENOL A.—

(1) BAN ON USE OF BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS FOR CHILDREN.—

(A) BABY FOOD; UNFILLED BABY BOTTLES AND CUPS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

''(j)(1) If it is a food intended for children 3 years of age or younger, the container of which (including the lining of such container) is composed, in whole or in part, of bisphenol A.

''(2) If it is a baby bottle or cup that is composed, in whole or in part, of bisphenol A.''.

(B) DEFINITION.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(ss) BABY BOTTLE OR CUP.—For purposes of section 402(j), the term 'baby bottle or cup' means a bottle or cup that—

''(1) is intended to aid in the feeding or providing of drink to children 3 years of age or younger; and

''(2) does not contain a food when such bottle or cup is sold or distributed at retail.''.

(C) EFFECTIVE DATES.—

(i) BABY FOOD.—Section 402(j)(1) of the Federal Food, Drug, and Cosmetic Act, as added by subparagraph (A), shall take effect 1 year after the date of enactment of this Act.

(ii) UNFILLED BABY BOTTLES AND CUPS.—Section 402(j)(2) of the Federal Food, Drug, and Cosmetic Act, as added by subparagraph (A), shall take effect 180 days after the date of enactment of this Act.

(2) BAN ON USE OF BISPHENOL A IN INFANT FORMULA CONTAINERS.—

(A) IN GENERAL.—Section 412(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(a)) is amended—

(i) in paragraph (2), by striking '', or'' and inserting '','';

(ii) in paragraph (3), by striking the period at the end and inserting '', or''; and

(iii) by adding at the end the following:

''(4) the container of such infant formula (including the lining of such container and, in the case of infant formula powder, excluding packaging on the outside of the container that does not come into contact with the infant formula powder) is composed, in whole or in part, of bisphenol A.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect 18 months after the date of enactment of this Act.

(3) REGULATION OF OTHER CONTAINERS COMPOSED OF BISPHENOL A.—

(A) SAFETY ASSESSMENT OF PRODUCTS COMPOSED OF BPA.—Not later than December 1, 2012, the Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall issue a revised safety assessment for food containers composed, in whole or in part, of bisphenol A, taking into consideration different types of such food containers and the use of such food containers with respect to different foods, as appropriate.

(B) SAFETY STANDARD.—Through the safety assessment described in paragraph (1), and taking into consideration the requirements of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) and section 170.3(i) of title 21, Code of Federal Regulations, the Secretary shall determine whether there is a reasonable certainty that no harm will result from aggregate exposure to bisphenol A through food containers or other items composed, in whole or in part, of bisphenol A, taking into consideration potential adverse effects from low dose exposure, and the effects of exposure on vulnerable populations, including pregnant women, infants, children, the elderly, and populations with high exposure to bisphenol A.

(C) APPLICATION OF SAFETY STANDARD TO ALTERNATIVES.—The Secretary shall use the safety standard described under subparagraph (B) to evaluate the proposed uses of alternatives to bisphenol A.

(4) SAVINGS PROVISION.—Nothing in this section shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this section or that—

(A) applies to a product category not described in this section; or

(B) requires the provision of a warning of risk, illness, or injury associated with the use of food containers composed, in whole or in part, of bisphenol A.

(5) DEFINITION.—For purposes of this section, the term ''container'' includes the lining of a container.

SA 443. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.

(a) SHORT TITLE.—This section may be cited as the ''Health Insurance Rate Review Act''.

(b) PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—

(1) IN GENERAL.—The first section 2794 of the Public Health Service Act (42 U.S.C. 300gg–94), as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by adding at the end the following new subsection:

''(e) PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—

''(1) AUTHORITY OF STATES.—Nothing in this section shall be construed to prohibit a State from imposing requirements (including requirements relating to rate review standards and procedures and information reporting) on health insurance issuers with respect to rates that are in addition to the requirements of this section and are more protective of consumers than such requirements.

''(2) CONSULTATION IN RATE REVIEW PROCESS.—In carrying out this section, the Secretary shall consult with the National Association of Insurance Commissioners and consumer groups.

''(3) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—The Secretary shall determine, after the date of enactment of this section and periodically thereafter, the following:

''(A) In which States the State insurance commissioner or relevant State regulator shall undertake the corrective actions under paragraph (4), as a condition of the State receiving the grant in subsection (c), based on the Secretary's determination that the State is adequately prepared to undertake and is adequately undertaking such actions.

''(B) In which States the Secretary shall undertake the corrective actions under paragraph (4), in cooperation with the relevant State insurance commissioner or State regulator, based on the Secretary's determination that the State is not adequately prepared to undertake or is not adequately undertaking such actions.

''(4) CORRECTIVE ACTION FOR EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.—In accordance with the process established under this section, the Secretary or the relevant State insurance commissioner or State regulator shall take corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates are corrected prior to implementation through mechanisms such as—

''(A) denying rates;

''(B) modifying rates; or

''(C) requiring rebates to consumers.''.

(2) CLARIFICATION OF REGULATORY AUTHORITY.—Such section is further amended—

(A) in subsection (a)—

(i) in the heading, by striking ''PREMIUM'' and inserting ''RATE'';

(ii) in paragraph (1), by striking ''unreasonable increases in premiums'' and inserting ''potentially excessive, unjustified, or unfairly discriminatory rates, including premiums,''; and

(iii) in paragraph (2)—

(I) by striking ''an unreasonable premium increase'' and inserting ''a potentially excessive, unjustified, or unfairly discriminatory rate'';

(II) by striking ''the increase'' and inserting ''the rate''; and

(III) by striking ''such increases'' and inserting ''such rates'';

(B) in subsection (b)—

(i) by striking ''premium increases'' each place it appears and inserting ''rates''; and

(ii) in paragraph (2)(B), by striking ''premium'' and inserting ''rate''; and

(C) in subsection (c)(1)—

(i) in the heading, by striking ''PREMIUM'' and inserting ''RATE'';

(ii) by inserting ''that satisfy the condition under subsection (e)(3)(A)'' after ''award grants to States''; and

(iii) in subparagraph (A), by striking ''premium increases'' and inserting ''rates''.

(3) CONFORMING AMENDMENT.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(A) in section 2723 (42 U.S.C. 300gg-22), as redesignated by the Patient Protection and Affordable Care Act—

(i) in subsection (a)—

(I) in paragraph (1), by inserting ''and section 2794'' after ''this part''; and

(II) in paragraph (2), by inserting ''or section 2794'' after ''this part''; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting ''and section 2794'' after ''this part''; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by inserting ''or section 2794 that is'' after ''this part'' ; and

(bb) in subparagraph (C)(ii), by inserting ''or section 2794'' after ''this part''; and

(B) in section 2761 (42 U.S.C. 300gg-61)—

(i) in subsection (a)—

(I) in paragraph (1), by inserting ''and section 2794'' after ''this part''; and

(II) in paragraph (2)—

(aa) by inserting ''or section 2794'' after ''set forth in this part''; and

(bb) by inserting ''and section 2794'' after ''the requirements of this part''; and

(ii) in subsection (b)—

(I) by inserting ''and section 2794'' after ''this part''; and

(II) by inserting ''and section 2794'' after ''part A''.

(4) APPLICABILITY TO GRANDFATHERED PLANS.—Section 1251(a)(4)(A) of the Patient Protection and Affordable Care Act (Public Law 111–148), as added by section 2301 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by adding at the end the following:

''(v) Section 2794 (relating to reasonableness of rates with respect to health insurance coverage).''.

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

SA 444. Ms. SNOWE (for herself, Mrs. MCCASKILL, Mr. GRASSLEY, Mrs. HAGAN, Ms. COLLINS, Mr. MERKLEY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—CONTRACTING FRAUD PREVENTION

SECTION ____1. SHORT TITLE.

This title may be cited as the ''Small Business Contracting Fraud Prevention Act of 2011''.

SEC. ____2. DEFINITIONS.

In this title—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act;

(4) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)); and

(5) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

SEC. ____3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a 'small business concern', a 'qualified HUBZone small business concern', a 'small business concern owned and controlled by socially and economically disadvantaged individuals', a 'small business concern owned and controlled by women', or a 'small business concern owned and controlled by service-disabled veterans', in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

''(C) be subject to the civil remedies and penalties under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a 'small business concern', a 'qualified HUBZone small business concern', a 'small business concern owned and controlled by socially and economically disadvantaged individuals', a 'small business concern owned and controlled by women', or a 'small business concern owned and controlled by service-disabled veterans', in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.''; and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a 'small business concern', a 'qualified HUBZone small business concern', a 'small business concern owned and controlled by socially and economically disadvantaged individuals', a 'small business concern owned and controlled by women', or a 'small business concern owned and controlled by service-disabled veterans'—

''(1) in order to allow any person to participate in or be admitted to any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

SEC. ____4. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran who possesses a disability rating letter establishing a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces with a service connected disability who, under chapter 61 of title 10, United States Code, is placed on the temporary disability retired list, retired from service due to a physical disability, or separated from service due to a physical disability.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. ___5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—

(1) IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(A) not later than 90 days after the date of enactment of this Act, begin to—

(i) evaluate the feasibility of—

(I) using additional third-party data sources;

(II) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(III) using fraud detection tools, including data-mining techniques; and

(IV) conducting financial and analytical training for the business opportunity specialists of the Administration;

(ii) evaluate the feasibility and advisability of calculating the adjusted net worth or total assets of an individual for purposes of the 8(a) program in a manner that includes assets held by the spouse of the individual; and

(iii) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(B) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (a), issue, in final form, proposed regulations of the Administration that—

(i) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(ii) require a small business concern to provide additional certifications designed to prevent fraud in order to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

(2) DEFINITION.—In this subsection, the term ''immediate family member'' means a father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.

SEC. ___6. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

SEC. ___7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General;

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (4), and the reason for each such decision;

(6) the number of investigations and reviews of potential suspensions and debarments that were initiated by the Administration; and

(7) the number of investigations and reviews of potential suspensions and debarments that were referred by the Administration to other agencies.

SA 445. Mr. COBURN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) BRIGHTFIELDS DEMONSTRATION PROGRAM.—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

SA 446. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. 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 paragraph (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).

SA 447. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 8, strike line 22 and all that follows through page 11, line 14, and insert the following:

SEC. 8. FEDERAL SHARE AND AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL SHARE.—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended to read as follows:

''SEC. 204. FEDERAL SHARE.

''The Federal share of the cost of any project carried out under this title shall not exceed 50 percent.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) (as amended by section 19) is amended by striking ''$500,000,000'' and inserting ''$150,000,000''.

SA 448. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. INCORPORATION OF ECONOMIC DEVELOPMENT ADMINISTRATION INTO HUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

(a) TERMINATION OF AUTHORITY.—As soon as practicable after the date of enactment of this Act, the President shall establish a plan providing for—

(1) the termination of the Economic Development Administration; and

(2) except as provided in subsection (b), the transfer of all functions, duties, and authorities of the Economic Development Administration to the Department of Housing and Urban Development Community Development Block Grant program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(b) LIMITATION.—Notwithstanding subsection (a)(2), on termination of the Economic Development Administration under subsection (a)(1)—

(1) all functions, duties, and authorities of the Economic Development Administration with respect to the Global Climate Change Mitigation Incentive Fund of the Department of Commerce; and

(2) the functions, duties, and authorities described in paragraph (1) shall not be transferred to the Department of Housing and Urban Development Community Development Block Grant program.

SA 449. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ECONOMIC DEVELOPMENT ADMINISTRATION.

(a) TERMINATION OF AUTHORITY.—Effective October 1, 2011, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is repealed.

(b) TERMINATION OF AGENCY.—Effective beginning on October 1, 2011, the Economic Development Administration is terminated.

(c) COLLECTION AUTHORITY.—The Secretary of the Treasury may collect any amounts owed to the Federal Government under any loan agreement entered into by the Economic Development Administration in effect on September 30, 2011—

(1) in accordance with the terms or conditions of that loan agreement; or

(2) as otherwise provided by law.

SA 450. Mr. COBURN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ANNUAL REPORTS ON COST OF, PERFORMANCE BY, AND AREAS FOR IMPROVEMENTS FOR GOVERNMENT PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Taxpayers Right to Know Act''.

(b) REQUIREMENTS RELATING TO ANNUAL REPORT ON COST OF, PERFORMANCE BY, AND AREAS FOR IMPROVEMENTS FOR GOVERNMENT PROGRAMS.—

(1) REQUIREMENT TO IDENTIFY AND DESCRIBE PROGRAMS.—Each fiscal year, for purposes of the report required by paragraph (3), the head of each agency shall—

(A) identify and describe every program administered by the agency;

(B) for each such program—

(i) determine the total administrative expenses of the program;

(ii) determine the expenditures for services for the program;

(iii) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(iv) estimate—

(I) the number of full-time employees who administer the program; and

(II) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant or contract or subaward of a grant or contract) who assist in administering the program; and

(C) identify programs within the Federal Government (whether inside or outside the

agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(2) RELATIONSHIP TO CATALOG OF DOMESTIC ASSISTANCE.—With respect to the requirements of paragraph (1)(A) and (B)(ii), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(3) REPORT.—Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(A) The information required under paragraph (1) with respect to the preceding fiscal year.

(B) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under paragraph (1)(A), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(C) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(D) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(i) held as of the beginning of the fiscal year in which the report is submitted; and

(ii) held for 5 fiscal years or more.

(E) Such recommendations as the head of the agency considers appropriate—

(i) to consolidate programs that are duplicative or overlapping;

(ii) to eliminate waste and inefficiency; and

(iii) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(4) DEFINITIONS.—In this section:

(A) ADMINISTRATIVE EXPENSES.—The term ''administrative costs'' has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(i) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(ii) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(B) SERVICES.—The term ''services'' has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(C) AGENCY.—The term ''agency'' has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch other than the Government Accountability Office.

(D) PERFORMANCE INDICATOR, PERFORMANCE GOAL, OUTPUT MEASURE, PROGRAM ACTIVITY.—The terms ''performance indicator'', ''performance goal'', ''output measure'', and ''program activity'' have the meanings provided by section 1115 of title 31, United States Code.

(E) PROGRAM.—The term ''program'' has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, loans, leases, technical support, consultation, or other guidance.

(c) AMENDMENTS TO CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS.—

(1) ADDITION OF INTERNATIONAL ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—Section 6101 of title 31, United States Code, is amended by adding at the end the following:

''(7) The term 'international assistance' has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, loans, leases, and other financial and technical support to—

''(A) foreign nations;

''(B) international organizations;

''(C) services provided by programs administered by any agency outside of the territory of the United States; and

''(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

''(8) The term 'assistance program' means each of the following:

''(A) A domestic assistance program.

''(B) An international assistance program.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 6102 of title 31, Untied States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking ''domestic'' both places it appears; and

(II) in subsection (b), by striking ''domestic''.

(ii) Section 6104 of such title is amended—

(I) in subsections (a and (b), by inserting ''and international assistance'' after ''domestic assistance'' each place it appears; and

(II) in the section heading, by inserting ''**and international**'' after ''**domestic**''.

(2) ADDITIONAL INFORMATION REQUIRED TO BE INCLUDED CATALOG.—Section 6104(b) of title 31, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) the information required in paragraphs (1) through (4) of subsection (b) of the Taxpayers Right to Know Act;

''(5) the budget function or functions applicable to each assistance program contained in the catalog;

''(6) with respect to each assistance program in the catalog, an electronic link to the annual report required by subsection (b)(2) of the Taxpayers Right to Know Act by the agency that carries out the assistance program; and

''(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.''.

(3) REPORT RELATED TO COMPLIANCE WITH CATALOG REQUIREMENTS.—Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

''(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

''(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

''(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.''.

(4) BULK DOWNLOADS OF DATA.—Section 6103 of such title is amended by adding at the end the following new subsection:

''(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.''.

(5) REVISION TO AGENCY DEFINITION.—Section 6101(2) of such title is amended by inserting before the period at the end the following: ''except such term also includes offices in the legislative branch other than the Government Accountability Office''.

(d) REGULATIONS AND IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) IMPLEMENTATION.—This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

SA 451. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. _____. PREVENTING DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Preventing Duplicative and Overlapping Government Programs Act''.

(b) AMENDMENT TO THE STANDING RULES OF THE SENATE.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) Each such report shall also contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

SA 452. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 1 and all that follows through page 29, line 20, and insert the following:

SEC. 2. FEDERAL SHARE.

Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended to read as follows:

"SEC. 204. FEDERAL SHARE.

''The Federal share of the cost of any project carried out under this title shall not exceed 40 percent.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231) is amended to read as follows:

"SEC. 701. AUTHORIZATION OF APPROPRIATIONS.

''(a) ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM.—There is authorized to be appropriated to carry out the program of grants for economic adjustment assistance under section 209 $150,000,000 for each of fiscal years 2011 through 2015.

''(b) TERMINATION OF OTHER PROGRAMS.—Effective on the date of enactment of the Economic Development Revitalization Act of 2011, the Secretary may not carry out any programs under this Act other than the program funded under subsection (a).''.

SA 453. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking ''2011'' and inserting ''2015''.

SA 454. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

SEC. 22. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 60102(j) of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

''(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the Economic Development Revitalization Act of 2011, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

''(B) CONSULTATIONS.—In developing regulations prescribed in accordance with subparagraph (A), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.''.

SA 455. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. _____. NO FIREARMS FOR FOREIGN FELONS ACT OF 2011.

(a) SHORT TITLE.—This section may be cited as the ''No Firearms for Foreign Felons Act of 2011''.

(b) DEFINITIONS.—

(1) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(JJ) The term 'any court' includes any Federal, State, or foreign court.''.

(2) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking ''any Federal or State offenses'' and inserting ''any Federal, State, or foreign offenses'';

(B) in subparagraph (B), by striking ''any State offense classified by the laws of the State'' and inserting ''any State or foreign offense classified by the laws of that jurisdiction''; and

(C) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''; and

(2) in subparagraph (B)(ii), by striking ''if the conviction has'' and inserting the following: ''if the conviction—

''(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

''(II) has''.

(d) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking ''an offense under State law'' and inserting ''an offense under State or foreign law''; and

(2) by inserting before the semicolon the following: '', except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States''.

SA 456. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

SA 457. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 8 through 10 and insert the following:

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by striking paragraph (3) and inserting the following:

''(3) since, depending on local conditions, assets, and challenges, local communities create businesses and jobs in different ways, the Economic Development Administration should take into consideration the unique circumstances and opportunities of local community applicants, and invest in localities that are creating or retaining jobs through a variety of approaches;

''(4) whether suffering from long-term distress''.

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

SEC. 10. FLEXIBILITY FOR MANUFACTURING COMMUNITIES.

Section 209(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(b)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

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

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary''; and

(4) by adding at the end the following:

''(2) MANUFACTURING COMMUNITIES.—The Secretary may provide assistance under this section if the Secretary determines that—

''(A) the project will help the area to meet a special need arising from—

''(i) actual or threatened severe unemployment in the manufacturing sector; or

''(ii) economic adjustment problems resulting from severe changes in economic conditions in the manufacturing sector; and

''(B)(i) the area for which the project is to be carried out meets the criteria described in paragraph (1)(B); or

''(ii) the area for which the project is to be carried out has a streamlined strategy consisting of any economic plan submitted by an eligible recipient that receives written approval by the Governor of the State.''.

On page 13, line 11, insert ''(including automotive manufacturing and supply)'' before '', natural resource-based''.

On page 29, line 8, strike ''Not later'' and insert ''(a) IN GENERAL.—Not later''.

At the end, add the following:

(b) RECOMMENDATIONS.—The report submitted under subsection (a) shall include any recommendations of the Government Accountability Office on how to consolidate the duplicative, ad hoc, out-of-date, and inadequate programs identified in the report.

TITLE II—REGIONAL ECONOMIC RECOVERY COORDINATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Regional Economic Recovery Coordination Act of 2011''.

SEC. 202. PURPOSE.

The purpose of this title is to assist eligible regions affected by sudden and severe economic dislocation in the period beginning on January 1, 2006, by—

(1) identifying and coordinating Federal, State, and local economic development resources;

(2) providing technical assistance in support of regional economic development strategies; and

(3) integrating public and private economic development strategies for those regions.

SEC. 203. DEFINITIONS.

In this title:

(1) ELIGIBLE REGION.—The term ''eligible region'' means a region that has been certified by the Secretary under section 204(a).

(2) MASS LAYOFF.—The term ''mass layoff'' has the meaning given the term in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101).

(3) PLANT CLOSING.—The term ''plant closing'' has the meaning given the term in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101).

(4) RURAL COMMUNITY.—The term ''rural community'' means a community that has a rural-urban continuum code of 4, 5, 6, 7, 8, or 9, as defined by the Economic Research Service of the Department of Agriculture.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

(6) SUDDEN AND SEVERE ECONOMIC DISLOCATION.—The term ''sudden and severe economic dislocation'' has the same meaning as used in section 209(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149).

(7) URBAN COMMUNITY.—The term ''urban community'' means a community that has a rural-urban continuum code of 1, 2, or 3, as defined by the Economic Research Service of the Department of Agriculture.

SEC. 204. NOTIFICATION AND CERTIFICATION.

(a) CERTIFICATION.—

(1) IN GENERAL.—The Secretary may certify for purposes of this title the region in which the plant closing or mass layoff is located if 1 or more of the conditions described in paragraph (2) apply.

(2) APPLICABLE CONDITIONS.—The conditions referred to in paragraph (1) with respect to a region are that—

(A) if the region is comprised of an urban community, not fewer than 500 individuals employed in that community have received written notices under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) in the most recent 180-day period for which data are available;

(B) if the region is comprised of a rural community, not fewer than 300 individuals employed in that community have received written notices under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) in the most recent 180-day period for which data are available; and

(C) the unemployment rate for the region is not less than 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available through the Bureau of Labor Statistics.

(b) NOTIFICATION TO CERTIFIED REGIONS.—Not later than 15 days after the Secretary certifies a region under subsection (a), the Secretary shall notify the Governor of the State of that region and the officials of that region of—

(1) the certification;

(2) the provisions of this title; and

(3) the manner in which to access the central information clearinghouse maintained under section 502(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3192(1)).

SEC. 205. FEDERAL ECONOMIC RECOVERY COORDINATORS.

(a) ASSIGNMENT.—

(1) IN GENERAL.—Upon the request of an eligible region, the Secretary shall assign a Federal economic recovery coordinator to that region to carry out the duties described in subsection (b).

(2) ASSIGNMENT OF FEDERAL PERSONNEL.—The Secretary may assign personnel of the Department of Commerce to serve as Federal economic recovery coordinators in accordance with the applicable provisions of subchapter VI of chapter 33 of title 5, United States Code.

(b) DUTIES.—The duties of a Federal economic recovery coordinator assigned under subsection (a) to an eligible region are—

(1) to provide technical assistance to the eligible region and assist in the development of a comprehensive economic development strategy (as that term is used in sections 203 and 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143 and 3162)) for the region, including applying for applicable grants to develop or implement the plan;

(2) at the local or regional level, to coordinate the response of all Federal agencies offering economic adjustment assistance to the eligible region;

(3) to act as a liaison between the eligible region and all Federal agencies that offer economic adjustment assistance to eligible regions, including—

(A) the Department of Agriculture;

(B) the Department of Defense;

(C) the Department of Education;

(D) the Department of Labor;

(E) the Department of Housing and Urban Development;

(F) the Department of Health and Human Services;

(G) the Small Business Administration;

(H) the Department of the Treasury;

(I) the National Economic Council;

(J) the Department of Commerce;

(K) the Environmental Protection Agency; and

(L) the Department of Transportation;

(4) to report regularly to the Secretary regarding the progress of economic adjustment in the eligible region; and

(5) to perform such other duties as the Secretary considers to be appropriate.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

For each of fiscal years 2011 through 2013, of the amounts made available under section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231), there are authorized to be appropriated to carry out this title such sums as are necessary.

SA 458. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 22. COST-BENEFIT ANALYSIS FOR RULEMAKING.

Notwithstanding any other provision of law, each rule required to be issued under the Dodd-Frank Wall Street Reform and Consumer Protection Act, or any amendment made by that Act, shall be accompanied by a cost-benefit analysis for that rule.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 9, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m. to conduct a hearing entitled ''Reauthorization of the National Flood Insurance Program.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 9, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. 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 June 9, 2011.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m., to hold a briefing entitled, ''Intelligence Update on Libya.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 9, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled Setting the Standard: Domestic Policy Implications of the UN Declaration on the Rights of Indigenous Peoples.''

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m. to conduct a hearing entitled, ''Border Corruption: Assessing Customs and Border Protection and the Department of Homeland Security Inspector General's Office of Collaboration in the Fight to Prevent Corruption.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 9, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON ENERGY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate on June 9, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. 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 June 9, 2011, at 2 p.m. to conduct a hearing entitled, ''Federal Asset Management: Eliminating Waste by Disposing of Unneeded Federal Real Property.''

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

JOINT REFERRAL—EXECUTIVE NOMINATION

Mr. REID. Mr. President, I ask unanimous consent that the nomination of Rebecca R. Wodder, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on June 9, 2011, be jointly referred to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources.

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

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that notwithstanding rule XXII, on Tuesday, June 14, 2011, at 11 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 73 and 81; that there be 1 hour for debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 73 and 81; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; further, that following disposition of the nominations, the Senate recess until 2:15 p.m. for the weekly party conferences; further, that at 2:15 p.m., the Senate resume consideration of S. 782, the Economic Development Revitalization Act, and the Senate proceed to vote on the motion to invoke cloture on the Coburn amendment No. 436, as modified, and the mandatory quorum under rule XXII be waived.

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

ORDERS FOR MONDAY, JUNE 13, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business, it adjourn until 2 p.m. on Monday, June 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, as previously announced, there will be no votes on Monday. The first votes of the week will be on Tuesday, June 14. At noon there will be two rollcall votes in relation to the Cecchi and Salas nominations.

Additionally, at 2:15 p.m. on Tuesday, there will be a rollcall vote on the cloture motion Senator COBURN filed.

ADJOURNMENT UNTIL MONDAY, JUNE 13, 2011, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Monday, June 13, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ARNOLD A. CHACON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

EARL ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CHRISTOPHER MERRILL, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE IRIS LOVE, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

REBECCA R. WODDER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE THOMAS L. STRICKLAND, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ERIC D. AGUILA
DEVRY C. ANDERSON
JENNIFER M. BAGER
DAVID A. BAKER
TROY R. BAKER
THAD J. BARKDULL
JEREMY T. BEAUCHAMP
KIMBERLY A. BECK
SHERYL A. BEDNO
PHILIP BERRAN
AMIT K. BHAVSAR
PATRICK T. BIRCHFIELD
SCOTT D. BLACKWELL
ROBERT E. BLEASE
ANDREW S. BOSTAPH
JASON D. BOTHWELL
LYNDEN P. BOWDEN
KARL W. BREWER
THEODORE R. BROWN
JAY R. BUCCI
JESSICA L. BUNIN
JEAN E. BURR
CHRISTIAN L. CARLSON
DANIEL W. CARLSON
DAL W. CHUN
WESLEY A. CLARKSON
CINDY A. CODISPOTI
CHRISTOPHER J. COLOMBO
JONATHAN M. DAVISON
LAURA DAWSON
MICHAEL S. DEMPSEY
SHERI K. DENNISON
CRAIG P. DOBSON
NICOLE R. DOBSON
BRENDAN T. DOHERTY
SEAN N. DOOLEY
ANTHONY L. DRAGOVICH
THOMAS E. ELLWOOD
ELIZABETH Y. FLANIGAN
MELISSA A. FOROUHAR
SEAN J. FORTSON
ROBERT G. FOWERS
TODD R. FOWLER
BRITNEY G. FRAZIER
TRAVIS C. FRAZIER
BRETT A. FREEDMAN
RANDALL FREEMAN
CASEY J. GEANEY
BRANDON J. GOFF
SCOTT R. GOLARZ
JAMES W. GRAHAM
WILLIAM J. GRIEF
MATTHEW E. GRIFFITH
MICHAEL T. HAMILTON
BRIAN A. HEMANN
CHAD S. HENDRICKSON
JEFFERY S. HENNING
KIMBERLY W. HICKEY
KEVIN HORDE
MATTHEW T. HUEMAN
RICHARD W. HUSSEY
DEREK F. IPSEN
CHRISTOPHER G. IVANY
DAVID E. JOHNSON
JEREMY D. JOHNSON
PATRICIA A. KEEFE
JASON D. KENDELHARDT
JULIE T. KERR
BRIAN A. KRAKOVER
PAUL O. KWON
JOHN P. LAY, JR.
WALTER S. LEITCH
GEORGE T. LEONARD
STEPHANIE L. LEONG
BILLY W. MAHANEY
CHAD T. MARLEY
JASON D. MARQUART
LAURA N. MARQUART
ERICK MARTELL
SCOTT F. MCCLELLAN
DAVID E. MENDOZA
CHRISTOPHER D. MEYERING
WENDY E. MIKLOS

SHANE J. MILLS
JAMES E. MOON
PHILIP S. MULLENIX
KEVIN M. NAKAMURA
KENNETH J. NELSON
LEON J. NESTI
CUONG D. NGUYEN
KARIN L. NICHOLSON
THOMAS E. NOVAK
SCOTT C. ORR
MATTHEW W. PANTSARI
MICHAEL W. PETERSON
DAVID A. PHILIPS
WILLIAM D. PORTER
JOSEPH PUSKAR
CHARLES D. REDGER, JR.
RICHARD D. REED
ELENA T. REHL
JULIE M. REMO
MICHAEL ROUNTREE
HARLAN I. RUMJAHN
DAVID L. SAUNDERS
BRADFORD J. SCANLAN
JASON M. SEERY
TONY SERRANOPADIN
ROBERT F. SETLIK
JEFFREY L. SHERE
TANGENEARE D. SINGH
DIRK L. SLADE
AHMAD M. SLIM
SEAN T. SMITH
KAREN J. SPANGLE
CHRISTOFER A. STRODE
MELISSA V. TERRY
WILLIAM THOMAS
JON C. THOMPSON
DOUGLAS M. TILTON
COURTNEY T. TRIPP
CHRISTOPHER TROLLMAN
CLESSON E. TURNER
DAVID C. VAN ECHO
JACK R. WALTER
PAIGE E. WATERMAN
JAMES A. WAYNE, JR.
RONALD S. WELLS
THOMAS M. WERTIN
PAUL WHITE
RONALD L. WHITE
EUGENE W. WILSON
RAMEY L. WILSON
KURT P. WOHLRAB
HARRY J. WRIGHT
RICARDO M. YOUNG
OMAYA H. YOUSSEF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ALFRED C. ANDERSON
ELLIOTT BERMUDEZCOLON
JAMES FREEMAN
TYRUS N. HATCHER
ERICH HEITMAN
DANA HESS
JON D. LIBBESMEIER
JAMES D. LUSSIER
JOSEPH A. MARINO
JAY OWENS
SCOTT RANKIN
JENNIFER V. SABOL
ROBERT J. SELDERS, JR.
GARY STONE
KELLEY TOMSETT
MARK A. VANCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

TIMOTHY S. ADAMS
DENISE M. BEAUMONT
JAMES D. BURK
EUGENE J. CHRISTEN III
GILBERT A. CLAPPER
MARY L. CONDELUCI
BETHANY L. CONNOR
JENNIFER L. COYNER
SHERYL L. DACY
ROBERT S. DAVIS
LAURIE D. DESANTIS
CHRISTOPHER B. DOMER
COREY L. EICHELBERGER
AARON R. ELLIOTT
MICHELLE J. EVANOV
DAVID S. FARLEY
DAVID C. FAZEKAS
MONNICA D. FELIX
JESUS FLORES
JENNIFER M. FLOREZ
JULIE J. FREEMAN
KATHERINE E. FROST
JANA N. GAINOK
GERALD M. GATES
JANET A. GLENN
STEVEN L. GRAHAM
TERESA L. GUILES
PASCALE L. GUIRAND
ANTHONY J. HARKIN
MATTIE D. HARPER
PATRICK C. HARTLEY
SHELLEY A. HASKINS
LYNETTE J. HEPPNER
ROBERT L. HERROLD
WANDA L. HORTON
BRADLEY G. HUTTON
BARBARA W. KANE
JOSEPH L. KARHAN
ROBERT L. KENT, JR.
TYKISE L. LARRY
MARGUERITE A. LAWRENCE
CHRISTOPHER G. LINDNER
JEFF L. LOGAN
CHERYL D. LOVE
EDWIN S. MANIULIT
CHERYLL A. MARCHALK
TAMMY K. MAYER
PADRAIC M. MCVEIGH
VINCENT R. MILLER
KATE E. MITCHELL
CHERYL R. MONTGOMERY
ANGELO D. MOORE
RICHARD T. MORTON, JR.
JASON A. NELSON
JANA L. NOHRENBERG
JANET L. NORMAN
GRACE N. NORTHRUP
JOSE M. NUNEZ
OMER OZGUC
KEITH C. PALM
UN Y. RAINEY
VINA A. RAJSKI
BARBARA A. REILLY
FELECIA M. RIVERS
RICCI R. ROBISON
ERICSON B. ROSCA
EDITHA D. RUIZ
EDWARD RUIZ, JR.
CYNTHIA D. SANCHEZ
JENNIFER M. SCHMALTZ
JAY C. SCHUSTER
TOMAS SERNA
JAMIE S. SIMON
RUTH M. SLAMEN
TARA O. SPEARS
JOHN C. STICH
BRIAN R. THOMAS
MERYIA D. THROOP
DENNIS R. TURNER
ADAM W. VANEK
JOHN W. VINING
ELIZABETH P. VINSON
KRISTEN L. VONDRUSKA
MIKO Y. WATKINS
CHRISTOPHER P. WEIDLICH
BRIAN K. WEISGRAM
RHONDA G. WHITFIELD
MARY P. WHITNEY
JENNIFER L. WILEY
ANGELA R. WILLIAMS
FAYE H. WILSON
HEATHER L. ZUNIGA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

GINA E. ADAM
KAYS ALALI
DWIGHT A. ARMBRUST
HUGH H. BAILEY
BRADLEY M. BEAUVAIS
JEFFREY H. BLUNDEN
DAVID M. BOWEN
BRANDON M. BOWLINE
DEVVON L. BRADLEY
GREGORY W. BREWER
EDWARD L. BRYAN, JR.
DAVID S. BRYANT
GABRIELLE N. BRYEN
CRAIG W. BUKOWSKI
MARC BUSTAMANTE
DAVID E. CABRERA
DAVINA N. CARRINGTON
YVONNE CEPERO
JAMES D. CLAY
JURANDIR J. DALLELUCCA
AVERY E. DAVIS
RUSSELL A. DEVRIES
JACOB J. DLUGOSZ
JOHN R. DOELLER
MICHAEL J. DOLAN
RANDY D. DORSEY
JOSEPH P. EDGER
JONATHAN A. EDWARDS
SAMUEL S. ELLIS
MARVIN A. EMERSON
ROBERT A. ERICKSON
TAMMY L. FISH
DARREN K. FONG
JONATHAN L. GOODE
JOHN B. GOODRICH
RICHARD E. GREMILLION
TARA L. HALL
BRIAN A. HAUG
CLAUDIA L. HENEMYREHARRIS
SAMANTHA S. HINCHMAN
GREGORY A. HUTCHESON
MICHAEL F. INGRAM
MARION A. JEFFERSON
CRAIG M. JENKINS
KENNETH D. JONES II
MARIA Y. JONES
SHELLEY C. JORGENSEN
PHILIP C. KNIGHTSHEEN
MATTHEW D. KONOPA
LEE J. LEFKOWITZ
MONIQUE G. MCCOY
MICHAEL S. MCFADDEN
DARREN D. MCWHIRT
VICTOR MELENDEZ, JR.
ERIC G. MIDBOE
DENNIS H. MOON
DANIEL J. MOORE
DAVID J. MULLER
SCOTT J. NEWBERG
CHARLES H. ONEAL
SEAN S. ONEIL
DAVID E. PARKER
JOHN S. PEARSON, JR.
DAVID J. PHILLIPS
CHRISTOPHER D. PITCHER
THOMAS W. PORTER
SUEANN O. RAMSEY
MARTIN B. ROBINETTE
FRANCISCO A. ROMERO III
JACKSON W. SAMMONS
ANDREW L. SCOTT
JASON R. SEPANIC
STEPHEN W. SMITH
SUSANNA J. STEGGLES
MELBA STETZ
DOUGLAS L. STRATTON
JEFFREY L. THOMAS
EVANS D. TRAMMEL, JR.
CLIFTON B. TROUT
ERIC T. WALLIS
MICHAEL J. WALTER
CHARLENE L. WARRENDAVIS
KENNEY H. WELLS
VERNON W. WHEELER
DUVEL W. WHITE
FREDERICK D. WHITE
TRACY M. WILSON
CHARLES D. ZIMMERMAN, JR.
D006711
D010099
D006403

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

ASMA S. BUKHARI
DONALD L. GOSS
LEONARD Q. GRUPPO, JR.
ROBERT D. HAYS
PAUL V. JACOBSON
MICHAEL R. JOHNSON
BRIAN W. JOVAG
MICHELE R. KENNEDY
CHAD A. KOENIG
KOHJI K. KURE
ELIZABETH L. NORTH
JESSE K. ORTEL
ROMAN B. REYES
MICHAEL A. ROBERTSON
PAMELA A. ROOF
PATRICK A. SHERMAN
D005266

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

STEVEN A. BATY
JENNIFER J. BECK
CARRIE G. BENTON
BORIS BRGLEZ
AMMON W. BROWN
CLAYTON D. CHILCOAT
KARI J. CHILDS
WILLIAM E. CULP
CHRISTINE A. EGE
JENNIFER M. KISHIMORI
THOMAS KOHLER
KRINON D. MOCCIA
KEVIN W. NEMELKA
MARY A. PARHAM
SANDI K. PARRIOTT
CYLE R. RICHARD
LARRY J. SHELTON, JR.
CHAD A. WEDDELL

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JEANETTE D. GROENEVELD
JOHN T. SCHOFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID A. ABERNATHY
COY M. ADAMS, JR.
TIMOTHY E. ALLEN
GREGORY G. ALLGAIER
PAUL M. ALLGEIER
JOHN D. ALLISON
JOSEPH A. AMARAL
KENNETH D. ANDERSON
MATTHEW J. ARNOLD
PAUL R. AUSTIN
CHRISTOPHER M. BAHNER
PATRICK R. BALDAUFF
DANIEL J. BALSINGER

MATTHEW R. BARR
BRIAN J. BARTLETT
JUSTIN C. BEELER
ROBERT T. BIBEAU
JOHN F. BISCHOF
ROBERT D. BLONDIN
CHRISTOPHER G. BOHNER
DRUMMOND R. BOORD
GEOFFREY P. BOWMAN
JONATHAN J. BRADFORD
MICHAEL D. BRASSEUR
NEAL BRINN
DAVID S. BRINSON
CASEY C. BRONAUGH
ROBERT J. BROOKS
MARK A. BROWN
ROBERT T. BRYANS
KURT A. BUCKENDORF
MARK L. BUNN
TIMOTHY J. BURKE
MARK C. BURNS
STEPHEN J. BURY
EDWARD K. BYERS
ADRIAN T. CALDER
SCOTT I. CAMPBELL
JASON G. CANFIELD
BRYAN K. CARMICHAEL
EDWARD M. CHANDLER
DAVID Y. CHO
ANDREW J. CLARK IV
CHRISTOPHER M. COATS
DANIEL COBIAN
JOSHUA C. J. COHEN
ELAINE A. COLLINS
JAMES N. COLSTON
MICHAEL CONCANNON
SHANNON M. CORKILL
JOHN D. CRADDOCK
KENNETH T. CREAMEANS
JOHN L. CROGHAN
MICHEAL P. CUMMINS
KENNETH M. CURTIN
MICHAEL J. DAIGLE, JR.
LUKE W. DANZO
WAYNE E. DAVEY
PORNCHAI DAVIDSON
SAMUEL J. DAVIS
THERON C. DAVIS
WILLIAM M. DAVIS
DAVID S. DEES
HANS D. DEFOR
DUSTIN A. DEMOREST
JASON M. DENNEY
LANCE B. DETTMANN
GREGORY P. DEWINDT
ALAN M. DJOCK
MATTHEW F. DONAHUE
ERIC C. DOYLE
HALLE D. DUNN
MICHAEL D. EBERLEIN
LUIS R. ELIZA
BRENT J. EMBRY
THOMAS A. ESPARZA
JOSEPH P. ESPIRITU
ERIK C. ESTENSON
BILLY K. FAGAN
JAMES B. FILLIUS
ANDREW P. FITZPATRICK
DEREK R. FIX
KELLY T. FLETCHER
JEREMY A. FOGT
MICHAEL K. FORD
MATTHEW W. FOSTER
PATRICK M. FOSTER
MICHAEL D. FRANCE
ROBERT C. FRANCIS, JR.
KENNETH R. FRANKLIN
BRIAN G. FRECK
DAVID B. FREEMAN
STANLEY G. FREEMYERS
STEPHEN M. FROEHLICH
CHARLES L. GALLOWAY, JR.
ROLANDO GARCES
JASON D. GARDNER
BRETT A. GARVIE
TRACEY J. GENDREAU
TADD H. GORMAN
BRET M. GRABBE
DOUGLAS GRABER
DAVID L. GRAY
WILLARD T. GREEN
ALEX R. GREIG
CHRISTIAAN W. GROENEVELD
BRIAN C. GUGLIOTTA
BLAIR H. GUY II
ROBERT L. HALFHILL
MARK R. HARRIS
JEFFREY L. HEAMES
KEVIN L. HEISS
MARK R. HENDRICKSON
ROSEMARY HENSON
JAIME A. HERNANDEZ
JEFFREY W. HILL
MARTIN J. HILL III
ROBERT M. HILL
KELLY A. HINDERER
BRIAN R. HODGES
MICHAEL P. HOLLENBACH
KELLY J. HOLMES
ROBERT L. HOLMES
KITJA HORPAYAK
WILLIAM S. HORTON
CHAD R. HOULLIS
ADAM R. HUDSON III
MATTHEW G. HUMPHREY
ROBERT M. HUNTINGTON
ERIC P. ILLSTON
MICHAEL E. ILTERIS
PATRICK J. INGMAN
JOHN J. ISAACSON
CHRISTOPHER C. JASON
MATTHEW P. JEFFERY
ALLEN P. JOHNSON
DALE F. JOHNSON
JOHN D. JOHNSON
MICHAEL D. JOHNSON
STEPHEN O. JOHNSON
JAMES P. JOHNSTON
JEFFREY JUERGENS
DOUGLAS E. KENNEDY
BARRY F. KERTANIS
JEFFREY D. KETCHAM
JOSHUA C. KINNEAR
CHRISTOPHER E. KIRBY
ODIN J. KLUG
JOHN J. KOBLE
THOMAS G. KORSMO
LUKE R. KREMER
JOSEPH P. KRIEGER
JOHN A. KRISCIUNAS
MARTY D. KUHL
JEFFREY E. LAMPHEAR
KEITH A. LANZER
WILLIAM J. LARGE
DAVID F. LASPISA
BRENDAN J. LEARY
HAROLD D. LEDBETTER
PETER R. LEO
DANIEL J. LEONARD
JADE L. LEPKE
FREDERICK R. LICKFOLD
RICHARD J. LINHART III
PRICE J. LOCKARD
TOMMY F. LOCKE, JR.
ERIK B. LOHRKE
ANDREW P. LOTH
STEPHEN T. LUMPKIN
KEVIN W. MACY
RYAN C. MAPESO
MARISA L. MCCLURE
MATTHEW E. MCGUIRE
JUDSON E. MCLEVEY
CHAD J. MIRT
JOHN C. MOE
KEVIN O. MOLLER
STEPHEN E. MONGOLD
GARY G. MONTALVO, JR.
JEFFREY MONTGOMERY
MICHAEL D. MOORE
TIMOTHY B. MOORE
JEFFREY V. MORGANTHALER
SAMUEL R. MOSER
ANDREW N. MOULIS
TIMOTHY D. MULLER
MELVYN N. NAIDAS
TODD J. NETHERCOTT
MARK S. NIESWIADOMY
MICHAEL A. NORTON
EDWARD J. OGRADY III
STEPHEN R. OKRESIK
JOSEPH S. OPP
DANIEL P. PAPP
DOUGLAS A. PATTERSON
MATTHEW J. PERCY
DOUGLAS M. PETERSON
JAMES M. PICKENS
GLENN D. PIERCE
JESSIE A. PORTER
GLENN D. POWELL
JOHN M. QUILLINAN
MARK A. QUINN
ERIC W. RASCH
DAVID M. RAY
WILLIAM R. REILEIN
BRIAN E. REINHART
JASON S. RELLER
TED C. RICCIARDELLA
KENNETH W. RICE
BRIAN A. RILEY
ROBERT M. RINAS
TONY M. RODGERS
PHILLIP A. ROGERSON
CHRISTOPHER F. ROHRBACH
DAVID J. RUETER
MATTHEW F. RUTHERFORD
PETER G. RYBSKI, JR.
ZACHARY SALAS
MICHAEL A. SALKA
JOSEPH M. SANCHEZ
RUSSEL B. SANCHEZ
TORSTEN SCHMIDT
LEON B. SCORATOW
DEREK R. SCRAPCHANSKY
WILLIAM D. SELK
CHRISTOPHER C. SEROW
ERIC A. SHAFER
JASON J. SHERMAN
BRIAN C. SINCLAIR
ROBERT G. SINRAM
GREGORY A. SMITH
MATTHEW M. SNIFFIN
ROBERT W. SPEIGHT
ROLF B. SPELKER
DAVID L. STEBBINS
TIMOTHY M. STEELE
THOMAS A. STEPHEN
JOEL G. STEWART
STANLEY K. STEWART, JR.
CHRISTOPHER R. STILLION
DANIEL G. STRAUB
JASON R. STUMPF
JEFFREY D. STURM
CHRISTOPHER M. SULLIVAN
COLLIN C. SULLIVAN
PAUL P. SUMAGAYSAY
RENEE C. TANAKA
SCOTT T. TASIN
JOSHUA P. TAYLOR
MATTHEW C. THOMAS
RODNEY A. THOMAS
STEVEN W. THOMAS
JOSEPH P. THOMPSON III
MICHAEL B. THOMPSON
BLAKE J. TORNGA
DANIEL W. TURBEVILLE
IVAN J. VILLESCAS
JONATHAN G. VOORHEIS
TIMOTHY L. WAITS
SAMUEL S. WHITE
TROY E. WILCOX
ERNEST M. WINSTON
DORSEY G. WISOTZKI
THADDEUS S. WITHERS
RONALD L. WITHROW
MICHAEL R. WOHNHAAS
BRYAN M. WORSWICK
JAESEN V. YERGER
PHILIP D. ZARUM
TODD C. ZENNER
THOMAS J. ZERR
JESSE J. ZIMBAUER
JAMES G. ZOULIAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KERTRECK V. BROOKS
HOWARD M. BRYANT
MATTHEW C. BYRNE
ANDREA H. CAMERON
GUY R. DELAHOUSSAYE, JR.
LEON A. HIGGINS
WILLIAM B. HINSON
SUZANNE M. JOHNSON
LEE A. LEVELLS
JAMES F. LEVINESS, JR.
KIMBERLY M. MILLER
HALLOCK N. MOHLER
PAUL S. RUBEN
BRETT A. STGEORGE
ROBERT T. STOCKTON, JR.
ROBERT F. VADNAIS
KYLE J. VERNON
MICHAEL G. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN A. ANDERSON
KEITH A. BARAVIK
CATHERINE W. BOEHME
GEORGE R. CARAMICO
GREGORY A. CRAWFORD
KEITH P. DOUGLAS, JR.
ROBERT C. ECHOLS
JASON S. HALL
GINALYN B. HARRELL
MANUEL A. HERNANDEZ
SIDNEY W. HODGSON III
ANDREW R. HUNT
PETER K. KENDALL
CARA G. LAPOINTE
FREDERICK L. LENTZ II
JEFFREY S. LOCK
THOMAS J. MACK
THOMAS D. MCKAY
CEDRIC J. MCNEAL
PHILIP R. MLYNARSKI
JAMES P. MOSMAN
TERRENCE M. NAWARA
SEAN P. NILES
RAMIRO E. ORELLANO
STEVEN G. PLONKA
CHARLES A. SCHLISE
MICHAEL W. SMITH
CONSTANCE R. SPOTTS
MICHAEL P. TOUSE
NICOLE M. TREEMAN
MARTIN C. WALLACE
STEVEN P. WERNER
ERIC L. WILLIAMS
JAY A. YOUNG
BENJAMIN D. ZITTERE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RYAN G. BATCHELOR
NICHOLAS S. GREEN
WILLIAM E. HARGREAVES
BRIAN W. HAWKINS
TYLER Y. NEKOMOTO
JASON W. PRATT
ERIC A. SCHUCHARD
PETER J. SHEEHY
SHAUN A. SWARTZ
CHRISTOPHER M. SYLVESTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES M. BELMONT
BRET E. BISHOP
SCOTT G. CARTER

GRADY G. DUFFEY, JR.
BRETT D. INGLE
STEVEN W. LEEHE
JOSE F. MONTES
BOBBY B. SAVANH
RODNEY L. SIMON
DAVID A. VONDRAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

GREGORY A. FRANCIOCH
AARON C. HOFF
JENNIFER B. JONES
JAY A. MIHAL
GARRICK J. MILLER
JENNIFER R. MILLS
RAYMOND P. OWENS III
PASIT SOMBOONPAKRON
RONALD G. TERRELL
MATTHEW C. TRITLE
JOHN M. TULLY
WILLIAM J. YODER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL CORNELIUS
JEFFREY S. DIXON
JOEL W. FELDMEIER
SHAWN G. GALLAHER
DAVID R. KUEHN
KELLY E. TAYLOR
DOUGLAS T. WAHL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES W. ADKISSON III
MATTHEW P. BARTEL
BENJAMIN G. BLAZADO
MICHAEL J. BRONS
CHRISTOPHER G. BRYANT
ANN E. CASEY
LEONARD W. CAVER
ROBERT S. DAMSKY
GREGG C. DEWAELE
THEODORE R. JOHNSON
MARC W. RATKUS
KEVIN S. ROBERTS
NORMAN B. WOODCOCK
SHERRI R. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARC C. FRYMAN
KAMBRA R. JUVE
JONATHAN C. KALTWASSER
KRISTIAN P. KEARTON
MATTHEW J. LABERT
JAMES A. LECOUNTE
RICHARD L. MENARD
ERIK G. PITTMAN
ROB W. STEVENSON
JAMES J. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER R. ANDERSON
MICHAEL S. BERRY
KENNETH W. BURKE, JR.
JAY P. DEWAN
JEANPAUL E. DUBE
STEVEN P. DUFFY
JASON K. EDGINGTON
JASON C. ENGLISH
JAMIE A. FRASERLORIA
CARRIE L. GRAY
CHRISTOPHER W. HALL
SUSAN HLAD
ALAIN M. ILIRIA
JEFFERY M. KARGOL
KENNETH T. KLIMA, JR.
PETER M. KOPROWSKI
DAWN A. KUPSKI
WILLIAM E. KUPSKI
CHARLES D. LAZAR, JR.
KIRK A. LEE
ROBERT T. LEIBOLD II
STEPHEN F. MANN
MCADAM K. H. MOGHADDAM
ANDREW F. MOORE
GREGORY L. MORRIS
THOMAS A. MOSKO
STEPHEN E. MOTTER
SHAWN P. MOYER
THOMAS A. MURPHY, JR.
JAMES M. PENDERGAST
THOMAS A. PETERSEN
MARCUS R. POLSON
JOHN Q. QUARTEY II
ALLISON E. RITSCHER
CRAIG J. SCHLOTTKE
RALPH B. SHIELD
DAVID K. SIDEWAND
PATRICK J. VEGELER
ANDRE R. WILSON
PAUL H. WILT
GARY WINTON
DAVID P. WOLYNSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AMY R. ALCORN
MICHAEL W. ALTISER
MATTHEW E. ARNOLD
ROBERT B. BAILEY
RONALD C. BAKER
JAMES S. BARNES
BARRY W. BARROWS
RICKY A. BEATTY
KEITH L. BECK
WILLIAM R. BELL
MARK F. BIBEAU
ALLISON L. BLACK
RANDY G. BOLLMAN
EDWARD L. CALLAHAN
CARRICK B. CHENEY
EARL K. COWAN, JR.
WESLEY D. CUNNINGHAM
KEVIN V. DOWD
DAVID DWYER
KEVIN R. FORBES
MICHAEL B. GARBER
JEFFREY D. GRISHAM
CHRISTOPHER D. HADEN
BART D. HALL
STEVEN HERNANDEZ
HARRY L. JUNEAU
ROBERT D. KOKRDA
STEVEN D. MAXWELL
LAREAVA S. MESCHINO
CHRISTOPHER T. NICHOLS
MORRIS OXENDINE
DREMA D. PARSONS
TODD S. PERRY
JOHN W. POPHAM
WARREN L. RABERN
L J. REGELBRUGGE III
ROCKY A. RILEY
EUGENE R. ROBERTS
JEFFRY A. SANDIN
MACK F. SCHMIDT
ANDREA L. SCHREIBER
DONALD A. SIGLEY
LARRY R. SPRADLIN
GARNAR A. SUTTON
ANTHONY C. TARANTO, JR.
DAVID L. TARWATER
JAMES E. THOMAS
MICHAEL G. TOPPING
CRAIG L. TRENT
TERRY L. WALTON
AARON T. WASHINGTON, JR.
SCOTT J. WOLFE
RONALD D. YARBER
MICHAEL A. ZURICH

WITHDRAWAL

Executive message transmitted by the President to the Senate on June 9, 2011 withdrawing from further Senate consideration the following nomination:

PETER A. DIAMOND, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FREDERIC S. MISHKIN, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.