United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, MARCH 6, 2012 No. 36

Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

O God, who put into our hearts such deep desires that we can't be at peace until we rest in You, satisfy the longings of our souls with Your merciful presence.

Lord, open the minds of our lawmakers to the counsels of Your eternal wisdom, breathing into their hearts Your peace which passes understanding. Increase their hunger for justice in our Nation and world, as they find grace to seek first Your kingdom. May their moments and days ever flow in ceaseless praise.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2012.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, Republicans the second half. Following morning business, the Senate will resume consideration of S. 1813, which is the surface transportation bill. The filing deadline for second-degree amendments is today at 11:30. At noon there will be a cloture vote on the substitute amendment. The Senate will recess from 12:30 to 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 there will be two votes on the confirmation of the Phillips and Rice nominations to be judges.

Will the Chair announce the business today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Washington.

RICE NOMINATION

Mrs. MURRAY. Mr. President, I come to the floor today to urge my colleagues to vote in support of Thomas Rice. He has been nominated to serve as the next Federal judge for the Eastern District of my home State of Washington.

Mr. Rice is a distinguished attorney who has dedicated his professional career to serving the public in the U.S. Attorney's Office. In that time he has earned the respect of Federal judges, opposing defense attorneys, his fellow prosecutors, and local law enforcement officials.

Mr. Rice has a deep connection to eastern Washington and its legal community. He graduated from Gonzaga University with a degree in accounting, and then he returned on a full scholarship to earn his law degree. After earning that degree, Mr. Rice moved directly into public service as a trial attorney with the Department of Justice in Washington, DC. He then returned to the Eastern District to work in the U.S. Attorney's Office, climbing the ranks to become the first U.S. attorney responsible for the management of the Spokane office, and he is currently the highest ranking career DOJ official in the Eastern District.

Over his 20 years of practice, Mr. Rice has tried over 1,000 criminal cases dealing with nearly every area of Federal law. He has gone above and beyond his duties, volunteering additional hours at the office, taking on extra cases, and establishing the local Antiterrorism Advisory Council, which brings together representatives from every law enforcement agency in the Eastern District.

As the assistant U.S. attorney, he has earned the reputation of being tough on crime but also levelheaded and fair in the conduct of his prosecutions. Mr. Rice clearly meets the

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

Printed on recycled paper.

standards of fairness, evenhandedness, and adherence to the law we expect of our Federal judges.

I know I speak on behalf of so many in the Washington State legal community in supporting his nomination today. Mr. Rice's nomination was the product of a bipartisan selection commission we use in the State of Washington, and he received strong endorsements from both sides of the aisle.

We continue to use our bipartisan selection process in Washington State, despite the fact that it does take more time and a lot of effort, because it works to select judges of the highest quality and because it is intended to remove partisanship in the selection of our judges. You would think someone such as Thomas Rice would be able to move through this process very quickly and get to work on the court. Unfortunately, some of our colleagues on the other side of the aisle have slowed down and delayed this vote. Mr. Rice's nomination was actually reported unanimously out of the Judiciary Committee in October of last year, with strong bipartisan support—almost 4 months ago. But his nomination has sat on the Executive Calendar because some Senate Republicans refuse to consent to debate and vote on nominations just like his. I have not heard any objections from Republicans about Mr. Rice's qualifications, nor have I heard any Republican claim they have been unfairly blocked from any process. This delay is the result of an unprecedented effort by Senate Republicans to delay and block all of President Obama's judicial nominees.

There are now 20 judicial nominations reported favorably by the Judiciary Committee that are still sitting in wait on a final Senate vote. Fourteen of those nominations have been pending since last year and should have been confirmed before the end of last year. Eighteen of those nominations received strong bipartisan support from the Judiciary Committee. They deserve to move through this process in a fair way and get a vote here on the floor of the Senate—especially when both sides have agreed they are going to pass—because even though Republicans are making this about politics here in DC, this does have a real impact on our families and the court system throughout America. Nearly 10 percent of the Federal judgeships remain vacant right now, and 130 million Americans live in districts or circuits that have a vacancy that could be filled today if the Republican obstruction would end on nominations that have been vetted, considered, and favorably reported by the Judiciary Committee, including families in the Eastern District of my home State. This kind of obstruction is not good for our country. It hurts families' ability to access the courts in a timely fashion, and it puts politics ahead of our judicial system.

I urge all of our colleagues today to vote in support of Thomas Rice. He is a great lawyer, and he is a community leader who I believe will make an exceptional Federal judge.

I really come today to also call on Republicans to end their obstruction and allow us to move forward quickly on debates and votes on these judicial nominations that have been backlogged for far too long.

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

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

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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.

PUBLIC TRUST

Mr. DURBIN. Mr. President, we live in a time when public trust in all of our government institutions is at an alltime low and unfortunately continues to deteriorate. Recent polls indicate public confidence in Congress is at 11 percent, which is a record-low approval rating.

Americans have been skeptical of politicians in general and Congress in particular from the beginning of this Republic. It is a healthy skepticism which reflects the freedoms that are part of our democracy and the right of people to disagree with leadership with impunity under our Constitution, with some limitations. So I take it in historical context but still cannot escape the reality that the numbers today are lower than ever.

The legislative branch is not the only branch of government the public holds in low regard. Polls also indicate that the U.S. Supreme Court has recently received its second lowest approval rating in history.

One way those of us who serve in government can increase public trust and confidence is to be more transparent about how we operate and the standards to which we are held. The recent passage of the STOCK Act in the Senate is an indication of a continuing effort to alert the public to what we do as Members of Congress which bears scrutiny.

I make a disclosure each year, which goes beyond the requirements of the law, and many others do as well. The STOCK Act will bring many Members of Congress to an even higher level of disclosure—as they should be. One way we can increase our confidence in the institutions of government is to address those aspects which add to transparency and add to trust.

I think it is time for the Supreme Court to provide more transparency and accountability in two specific areas: First, the Supreme Court should allow live television cameras to broadcast open Court sessions so the general public can see firsthand how the Court operates and arrives at critical decisions that literally change our lives. Second, the Supreme Court should formally adopt the Judicial Code of Conduct, which currently applies to all other Federal judges but for some inexplicable reason does not apply to Justices of the Supreme Court. The Court should also make public the other ethics rules it follows.

The Supreme Court decisions impact the lives of every American, but access to open sessions of the Court is incredibly limited. As a result, the Court's proceedings and the way it arrives at decisions are a mystery. Most Americans will never see the Supreme Court at work unless they are willing and able to travel to Washington, DC, and wait in line for hours or sometimes sleep outside overnight on the pavement in an effort to secure one of 250 seats in the Supreme Court courtroom.

In a democratic society that values transparency and openness, there is no valid justification for such a powerful element of our government to operate largely outside the view of American people.

I am pleased to have partnered with Senator CHUCK GRASSLEY, my Republican colleague from Iowa, on the Cameras in the Courtroom Act, S. 1945. He and I continue the work of our former colleague, Senator Specter, on this important issue. Our bill would require televising of all open sessions of the Court unless a majority of the Justices determine that doing so would violate due process rights of one or more of the parties before the Court. We give to the Court the last word on any given argument or case as to whether it will be public and televised.

In the coming weeks, the Supreme Court is going to consider the constitutionality of one of the most important pieces of legislation to be considered by Congress and signed by the President in decades—the affordable care act. During the yearlong congressional debate on health care reform, every hearing, floor debate, and vote was accessible to every American with a television set or a Webcast and a computer, at all times. The American people should have the same opportunity to watch the open session of the Supreme Court as it considers the constitutionality of health care reform legislation. On this point, there is bipartisan agreement. Despite our strong disagreements about the substance of the affordable care act, Democrats and Republicans from both Chambers have written to the Supreme Court, urging them to permit live video and audio broadcasts of the health care reform argument. The Court should allow live broadcasts of the health care reform hearing and all other open sessions of Court since each of the Court's decisions has the potential to have a transformative impact on the lives of so many Americans.

There are some who say we should not allow cameras in the Supreme Court because only bits and pieces of Court proceedings would be televised,

and they might be taken out of context. That reminds me of an editorial from a few years ago, and here is what it said:

> Keeping cameras out to prevent people from getting the wrong idea is a little like removing the paintings from an art museum out of fear that visitors might not have the art history background to appreciate them.

Similar arguments were made when consideration was given to televising these proceedings. Nevertheless, for two decades the legislative sessions and committee meetings in the Senate and the House have been broadcast live, and the legislative branch is better for it. The majority of States permit live video coverage in some or all of their courts. It is time the Supreme Court did the same.

Mr. President, I am sure you have found when you have gone back home there are people who watch C–SPAN nonstop. I have literally had people in my hometown of Springfield come up to me in the grocery store and say: Is Senator BERNIE SANDERS feeling well? I saw him sitting at his desk, and he looked a little bit pale.

They follow it with such close regard for the Members and the speeches that it is a surprise to many of us who live in this institution and work in it every day.

In my view, the Cameras in the Courtroom Act is a reasonable approach that balances the public's need for information and transparency with the constitutional rights of those who appear before the court. As in past years, the Cameras in the Courtroom Act enjoys bipartisan support.

I thank Senators KLOBUCHAR, CORNYN, SCHUMER, HARKIN, GILLIBRAND, BEGICH, and the Presiding Officer, Senator BLUMENTHAL, for cosponsoring the bill. These Senators, as well as Senator GRASSLEY and myself, believe public scrutiny of Supreme Court proceedings will produce greater accountability, transparency, and understanding.

I thank Senator LEAHY, chairman of the Senate Judiciary Committee, for scheduling my bill, the Cameras in the Courtroom Act, for a vote in the Judiciary Committee. It was reported out with a strong bipartisan vote, and it is now pending on the Senate calendar. The bill has been cleared by every Democratic Senator for a vote by the full Senate. I am still hoping we can bring it to the floor as quickly as possible.

Mr. President, now I would like to touch on a related issue. Just as Supreme Court hearings should be televised to the American people, so too should the Court's ethical standards be available for review by the public. The ethics rules for all branches of government should be clear and public. When ethics decisions arise in the Senate—for example, the Senate Ethics Committee is responsible for enforcing the rules for Senators and our employees. Everyone knows the standards and expectations for Congress because they are a matter of public record. That cannot be said for the Supreme Court of the United States.

Our Supreme Court has publicly adopted some limited ethics rules but not others. The Court does not have an ethics office, nor is it subject to the judicial conference which regulates all other Federal judges outside the Supreme Court. Instead, as the highest Court in the land, the Supreme Court polices itself, and it asks the American people to just trust them. Of course, I have the highest respect for the Justices' abilities and their judgment. It has been my honor to come to know some of these Justices personally over the years. But if the public is asked to trust the Justices to police themselves, we are at least entitled to know the rules by which they play.

To its credit, some of the Supreme Court's ethics rules are already pretty clear. Through an internal resolution, the Supreme Court has adopted the same financial restrictions that apply to all other Federal employees. I recently sent a letter—along with Senators LEAHY, WHITEHOUSE, FRANKEN, and BLUMENTHAL—to John Roberts, the Chief Justice of the Supreme Court, asking him to publicly release one of the Court's resolutions which says that the Justices will follow the same regulations on outside employment, honoraria, and income that apply to other justices. The Chief Justice agreed to our requests and publicly released this resolution for the first time since it was adopted in 1991. I applaud Chief Justice Roberts' action. I encourage him and the other Justices to continue on this path by releasing all of their ethics rules.

Nevertheless, there is more work for the Supreme Court to do to increase transparency and accountability. The Court should either adopt a court resolution agreeing to follow the judicial code of conduct—the same ethics code that applies to all other Federal judges—or adopt and publicly disclose their own ethics code. Many have called for the Supreme Court to adopt the Judicial Code of Conduct.

In response, Chief Justice Roberts has explained that the Justices use the code as one source of guidance but not the only source to decide ethics questions. Given that they already apply the code in practice, it seems a logical next step for the Court to adopt its own resolution formally affirming this practice or they can adopt a resolution making it clear which ethics rules do or do not apply.

All of the Justices deserve respect for the difficult and weighty decisions they face. But as some of the most powerful members of our government, it is not too much to ask of them to make their ethical standards open and clear. By making their ethics rules more transparent, the Justices will foster greater public trust and confidence in the Court and its decisions.

In conclusion, let me emphasize that I have a high regard for the Supreme Court and all of its Justices. I do not intend to question or impugn any Justice with my suggestions. But let's be clear; we live in an era where there is a great deal of mistrust in government institutions, starting with Congress but through all branches of government. At the same time modern technology enables us to provide the American people with more access to the workings of government which could help to reduce some of this mistrust.

I, and many of my colleagues in the Senate, have worked for many years to increase openness and transparency in Congress and the executive branch. I encourage the Supreme Court to take the same approach. Televising Supreme Court proceedings and making public the Court's ethics rules would be a good start. The American people deserve to be able to watch the Supreme Court arguments and cases that can affect their lives, and they deserve to know the ethical standards that govern the Court when it decides cases.

GASOLINE PRICES

Mr. DURBIN. Mr. President, I mentioned yesterday on the Senate floor I spent a great deal of time in deep southern Illinois where some devastating and fatal tornadoes hit last week. As I said then and will repeat briefly now, the amazing outpouring of voluntarism and support from people far and wide was inspiring to me. It is great to know that, just as I had hoped, the people in my State rallied to help the victims.

There were formal organizations such as the American Red Cross and informal organizations such as Operation Blessing which brought together churches from all over the area. There was a Methodist church from Carrier Mills with about 20 of their parishioners. Some were children with rakes doing everything they could to help clean up the mess. It was inspiring to see that. I was happy for that.

I will tell you that in addition to the tornado issue we faced, the one thing that hit people between the eyes in Illinois this last week was gasoline prices. I was in the suburbs of Chicago on Friday evening and saw a gas station with regular gasoline for $4.09. I saw some lower prices over the weekend, but that was the high watermark or high gasoline mark in my State that I observed. People are very sensitive to this. Gasoline prices literally affect the lives of people individually and families as well. They also have a direct impact on business.

I asked a vice president of Walmart about monitoring retail sales and how to increase retail sales, and he told me that with all of the hundreds and thousands of Walmart stores and employees, they literally monitor sales by the second in real time.

He said: I can observe the sales pattern in a store somewhere in America and tell you within a few pennies or dimes what the price of gasoline is in

that community. When gasoline goes up, people put the money into the tank instead of on the counter, and they stay home instead of going out to shop. That is how the price of gasoline directly impacts economic recovery.

I have listened to so many of the comments that have been made on the Senate floor by individuals on the other side, their approach on how to deal with the issue of gasoline prices and what to do with it. I see the Senator from California. I sometimes wonder if we are reading the same basic information.

The Keystone Pipeline could serve a valuable purpose, but to believe that this is somehow going to have an immediate impact or any major impact on gasoline prices is not realistic. Currently, the pipelines from Canada that exports these oil sands to the United States are operating at less than 50 percent of capacity. So there is plenty of room for more oil sands to come to the United States for refinement. In fact, one of the pipelines goes directly to my State to the Conoco refinery in Wood River, and this refinery has the capacity that could be used to process these Canadian oil sands right now. So to argue this Keystone Pipeline is somehow holding back the export of Canadian oil sands that might have an impact on gasoline prices just does not work.

I have noted there has been a significant increase in the amount of oil exploration and drilling that has taken place under this administration. I believe that is an indication of what we can and should do as a nation to deal with the problem of providing the oil resources in an environmentally responsible way. It is 2 years after the BP spill, and I think it is time for us to reflect on the fact that we never ever want that to happen again.

The devastation that has been caused to so many lives, to so many businesses, and to so much in terms of wildlife will not be calculated. Perhaps it never will be. But we know we cannot allow that to occur again. We should not exalt speed over safety. We have to make certain that as we move forward to develop our energy resources, both oil and gas, we do it in a sensible way. I hope we can gather together and agree that is the way to approach it, along with the administration's proposals for more fuel efficiency in the vehicles we drive and for the development of alternative fuels which will be environmentally friendly and spark new innovation, new businesses, and new jobs in this country in the 21st century.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. Mr. President, I thank my friend for putting the gas price situation into a larger picture and also note that one other factor playing a role is manipulation due to some of the instability in the world that our President is certainly dealing with, and many of us here, and the instability in Iran; the fact that we have sanctions, the fact that there is also a greater demand coming for this product from China and other very high-growth areas.

I say to my friend, is he aware—I know he is, but because of the rules I have to ask it in a question—that we are producing far more of this resource, oil, in this country than we have done? Since 2008 we have many more rigs out there, and is my colleague also aware that the oil companies are sitting on well over 50 million acres of leases on which they are not drilling when they could? And, my last point, is my friend aware that we are exporting more than we ever have from America? That is also a very important point.

To those who say, ''drill, baby, drill,'' that is not an answer if it is ''export, baby, export.'' The fact is we are drilling more, and more is leaving America.

So I say to my friend, is he aware of all of these factors, and is he as concerned as I am about the other side playing more politics with this because ''drill, baby, drill'' is not the answer? We are drilling more than ever. We only have 2 percent of the world's proven supply of oil.

I wonder if my friend could comment on those points.

Mr. DURBIN. I thank the Senator from California. In response, I would ask consent of the Chair to have printed in the RECORD the New York Times editorial of Monday, March 5, 2012, entitled ''Drill Baby Drill, Redux.''

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

[From the New York Times]

DRILL BABY DRILL, REDUX

REPUBLICANS' TIRED REMEDY FOR RISING GAS PRICES WON'T FIX ANYTHING

It's campaign season and the pandering about gas prices is in full swing. Hardly a day goes by that a Republican politician does not throw facts to the wind and claim that rising costs at the pump are the result of President Obama's decisions to block the Keystone XL pipeline and impose sensible environmental regulations and modest restrictions on offshore drilling.

Next, of course, comes the familiar incantation of ''drill, baby, drill.'' Mr. Obama has rightly derided this as a ''bumper sticker,'' not a strategy. Last week, he agreed that high gas prices were a real burden, but said the only sensible response was a balanced mix of production, conservation and innovation in alternative fuels.

There are lots of reasons for the rise in gas prices, but the lack of American production is not one of them. Domestic crude oil production is actually up from 5.4 million barrels a day in 2004 to 5.59 million now; imports have dropped by more than 10 percent in the same period. Despite a temporary slowdown in exploration in the Gulf of Mexico after the BP oil disaster, the number of rigs in American oil fields has quadrupled over three years. There have been new discoveries and the administration has promised to open up more offshore reserves. To say that Mr. Obama has denied industry access is nonsense.

Equally nonsensical is the Republican claim that Mr. Obama's proposed repeal of $4 billion in annual tax breaks for the oil and gas industry—whose five biggest players posted $137 billion in profits last year—would drive prices upward. As is Newt Gingrich's claim that a proposal now taking shape in the Environmental Protection Agency, and fiercely opposed by refiners, to lower the sulfur content in gasoline would add 25 cents to the cost of a gallon. Agency experts say it would add about a penny.

The truth is that oil prices are set on world markets by forces largely beyond America's control. Chief among these is soaring demand in countries like China. Unrest in oil-producing countries is another factor. The Times noted fears in some quarters that gas could jump to $5 a gallon if the standoff with Iran disrupted world supplies.

Therein lies the biggest weakness in the Republican litany. A country that consumes more than 20 percent of the world's oil supply but owns 2 percent of its reserves cannot drill its way out of high prices or dependence on exports from unstable countries. The only plausible strategy is to keep production up while cutting consumption and embarking on a serious program of alternative fuels.

American innovation is a big part of the answer. Two byproducts of the automobile bailout were the carmakers' acceptance of sharply improved fuel economy and a new commitment to building cars that can meet those standards. The new rules are expected to cut consumption by 2.2 million barrels a day—more than America now produces in the gulf. These and other measures are not nearly as catchy as Drill, Baby, Drill. But they have a far better shot, long term, of lessening this country's dependence on oil imports and keeping gas prices under control.

Mr. DURBIN. It answers specifically what the Senator just raised, and I would like to read a portion of it.

Domestic crude oil production is actually up from 5.4 million barrels a day in 2004 to 5.59 million now; imports have dropped by more than 10 percent in the same period. Despite a temporary slowdown in exploration in the Gulf of Mexico after the BP oil disaster, the number of rigs in American oilfields has quadrupled over 3 years. There have been new discoveries, and the administration has promised to open more offshore reserves. To say that Mr. Obama has denied industry access is nonsense.

Equally nonsensical is the Republican claim that Mr. Obama's proposed repeal of $4 billion in annual tax breaks for the oil and gas industry—whose five biggest players posted $137 billion in profits last year—would drive prices upward. As is Newt Gingrich's claim that a proposal now taking shape in the Environmental Protection Agency, and fiercely opposed by refiners, to lower sulfur content in gasoline would add 25 cents to the cost of a gallon. Agency experts say it would add a penny.

The truth is that oil prices are set by world markets by forces largely beyond America's control. Chief among these is soaring demand in countries like China.

The Times noted fears in some quarters that gas could jump to $5 a gallon if the standoff with Iran disrupted world supplies.

The editorial continues:

Therein lies the biggest weakness in the Republican litany. A country that consumes—

As the Senator from California noted—

more than 20 percent of the world's oil supply but owns 2 percent of its reserves cannot drill its way out of high prices or dependence on exports from unstable countries. The only

plausible strategy is to keep production up while cutting consumption and embarking on a serious program of alternative fuels.

Let me add to this conversation a topic which I think we have been loathe to address on the floor because of its political controversy which was driven home to me over the weekend. I believe our energy conversation has to parallel an environmental conversation. We have to talk about the consumption of energy and the impact it has on the world we live in.

I would say to the Senator from California that in the Midwest, we live in tornado country. I was raised with them. I know how to run to the basement when we hear the air raid sirens, to protect our children, which rooms to go in, which corner of the house. It is just built into our lifestyle in the Midwest. So far this year, we have had over 272 reported tornadoes, early in the tornado season. Last year, we had 50; so 272 to 50.

I would just say to anyone who would like to come challenge me: Is this worth asking a question or two? What is going on with the extreme weather patterns we are seeing more and more? In a given year, one might say these things happen. But as these patterns emerge—last year, Chicago experienced the biggest blizzard in its history in February and then in June the largest rainfall in 1 hour in its history. We think to ourselves: This is not the world in which we grew up. Things are different out there. Are these within our control or beyond our control? I think we have to rely on experts and scientists to lead us in that conversation. But let's at least embark on that conversation by understanding the connection between energy and the environment.

As we find more efficient ways to move our cars and move our economy, as we burn less energy in doing it, there is less damage to the environment. That is a positive. It also rewards innovation, creation and new business and industry so the United States can lead in this area as we have led in other areas before.

I thank the Senator from California. She is on the floor now with a bill which she has spoken of time and time again, the new Federal Transportation bill. There is no single piece of legislation that will create more jobs—specific jobs that can be identified—than this bill. We have spent 2 weeks—2 weeks, if I am not mistaken, or 3—the Senator from California would know better—3 weeks on the floor of the Senate arguing about contraception on the Federal highway bill, arguing about whether we are going to embark on a foreign policy amendment to the Federal highway bill, so 3 wasted weeks trying to come to a conclusion about a handful of amendments. Unfortunately, this is what gives our Senate a bad name. We should have resolved this long ago and moved to this bill so we can say, if we want a real jobs bill—a real jobs bill—the Senate is leading the way. To do it, we need bipartisan support.

At noon there will be a vote and those who are following the proceedings can take a look to see how many on both sides of the aisle will support moving forward on this bill. I think our earlier vote was 85. If I am not mistaken, 85 Senators said let's move forward on this bill. I hope we can do that again.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. I ask unanimous consent to speak for up to 10 minutes in morning business.

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

GAS PRICES

Mr. ISAKSON. Mr. President, I am glad to be able to come to the floor. I wish to talk about a subject that was talked about to me a lot during the Presidents Day break back in Georgia. I spent most of that week traveling in my State, going to townhall meetings, listening to Georgians from Savannah, GA, to Murray County, GA, and everywhere in between. It was absolutely easy to tell what the No. 1 issue for the average American or the average Georgia family is; that is, what the price of gasoline is doing to their budget.

Gasoline prices continue to escalate. In fact, I have a Chevrolet Silverado pickup truck that I use from time to time and I had to fill it last weekend. It cost $78 to fill it, and it wasn't totally empty. That is a big pricetag to fill a pickup truck. When I think of every carpenter or farmer or landscaper or student taking their goods back to school to their dormitory room and how much they have to pay for gasoline to deliver those goods and services or that furniture, I realize how harmful current gas prices are and I fear how high they are going to go.

We need a comprehensive energy policy in the United States of America. I was listening to the distinguished majority whip speak before me. He made an interesting comment about the Keystone Pipeline. He said, even if we approve the Keystone Pipeline, it would not do anything for gas prices today. He is right because we have to build the pipeline. But if we had approved it 2 years ago and it was operating, we would have 700,000 barrels of petroleum more a day coming into the United States. So to say that just because it would not be ready today doesn't help gas prices is not keeping our eye on the ball.

What we have to recognize is, in the absence of a comprehensive policy, in the absence of foresight, in the absence of putting all the general items on the table that generate energy, we are putting off the day in which the United States of America is energy independent. Because we are not energy independent, then what goes on in Iran, in the Strait of Hormuz, and in Venezuela affects the speculation on gasoline and petroleum which affects the prices of gasoline in the United States.

I am not one of these ''burn gas right and left, drill as much as you can, fossil fuels are fine.'' I know we have problems with carbon. I drive a hybrid vehicle, not because I am trying to drive a point but because it makes sense. Anytime you can reduce carbon, that makes sense. But you cannot eliminate it. You cannot eliminate it. What we have to do is we have to put all sources of energy on the table. And one of those is to continue to explore for gasoline and petroleum in the domestic United States of America—off the Gulf of Mexico, off of our coastline, in our national lands that we own where we know we have shale oil and where we also know we have natural gas.

That exploration ought to be replete throughout the country, so we are expanding our supply and reducing our dependence on foreign imports. The best way to lower the price of gasoline in the future for Georgians and for Americans is for the Congress of the United States and the President of the United States to have a comprehensive energy policy that embraces all forms of energy.

To the credit of the President, he approved not too long ago the loan guarantees on reactors 3 and 4 at Plant Vogtle. They will be the first nuclear reactors built in the United States of America since Three Mile Island. Nuclear energy is a safe, reliable, carbon-free—carbon-free—generation of energy. Every time we can expand our nuclear capability we are lessening the pressure on domestic and foreign oil to be burned.

We know in the Haynesville shale and the Marcellus shale, which has been discovered in Pennsylvania and Louisiana and Texas, that we have gone from having a finite supply of natural gas to an infinite supply. Yet, because there is some contest over whether hydraulic fracturing is good or not good, we are not exploring that gasoline as we should or that natural gas as we should. We should be exploring it as much as possible, because it is a cleaner burning fuel than liquid petroleum and gasoline. We ought to be doing renewable energy wherever it makes sense. But we have seen renewable energy has its limits. We spent $6 billion a year subsidizing ethanol in hopes that it would have reduced foreign imports, but it has not. It has had its own problems with two-cycle engines. But ethanol has a place. It is scalable on the farm in some cases. That is a good source of energy.

Solar is a good source of energy where it works. But it only works as a supplement. It is not a primary supply or source. And wind, great. But it is only great in the Midwest and down toward the Southwest. But we ought to be using and encouraging it.

What we ought to be doing is encouraging all forms of exploration, all forms of generation, and all of them domestically in the United States of America. That will bring down gas prices.

The distinguished majority whip was right: It will not bring it down today, because we have put off having an energy policy. But once we finally develop an energy policy, and we stick to it, and we explore all forms of renewable energy and all forms of fossil fuel and all forms of coal, and we enhance nuclear, then we will have a plethora of energy and we will have a lower price and less competition with foreign oil and foreign petroleum, which is where the United States of America needs to be.

Right now, we all realize what is going on in the Middle East is the root cause of most of the increase in the cost of oil, because of speculation. Every time we can improve our position and be free of those influences is better for the United States of America and, most importantly, it is better for the average citizens we all represent.

My message from the people I represent in Georgia, the ones I talked to all during the Presidents Day recess and that week is: Do everything you can to expand your supply of energy wherever you can find it. Take us out of a dependence on foreign imports and get us independent of foreign oil; that will bring down the price of oil. As a byproduct, that will be in the best national security interests of the people of the United States of America.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BOOZMAN. Mr. President, as February came to a close, it left behind an unfortunate new record, $3.73 per gallon, the national average, for unleaded gasoline, the highest ever recorded during this month. Prior to this morning's drop of three-tenths of a cent, gas prices had been on the rise for 27 straight days. In just 3 years, gas prices have doubled, and they are not stopping there. Back home in Arkansas, the average price of a gallon of regular gasoline is up over 25 cents from a month ago. Many analysts are predicting we will hit $4 a gallon by summer.

Think about what that does to the economy. For our small business owners and farmers, it means much higher overhead. Those costs ultimately get passed on to the consumers. In very dire cases, which many of our small businesses are facing today due to reduced profit margins, threats of higher taxes and increased regulations, high gas prices could be the final straw.

It puts extra pressure on budgets of already cash-strapped local governments. Just the other day I was reading a story from the Booneville Democrat that documented the negative effects the price of gas has on Logan County, AR. The county judge, Gus Young, noted if gas prices reach $4, it is ''going to take away from the other things that need to be done.''

In Blytheville, AR, which is a 300-mile trek from Booneville, those same concerns are being voiced. In the Blytheville Courier News, former mayor Barrett Harrison described how in recent years, despite efforts to use more fuel-efficient vehicles and to cut down on idle time, the city would still end up having to amend the budget at the end of the year due to the high fuel costs.

For hard-working Arkansans, it is changing the way they live, and not for the better. It is especially painful for our seniors and single parents who live on fixed incomes. The high price of gas is one of the top issues I am hearing about in letters, calls, and during my visits across the State. I also recently posed the question about how the rising price of gasoline in Arkansas is affecting them on my Facebook page. I want to share a few of the responses I received.

Tim in Rogers, AR said, ''The more we have to pay for gas, the less money we have for the other necessities and pleasures of life and living.''

Melody in central Arkansas said it costs her family ''nearly sixty-five dollars to fill up their truck'' and said they have limited their driving to only their doctor in Hot Springs and the grocery store.

And it goes on from there. Many respondents said that it limits their spending at places like the grocery store and will affect their vacation plans. The overwhelming common thread in those responses is that Washington needs to do something about the high cost of gas.

There is no denying that rising fuel prices are hurting Americans and further complicating our efforts to revitalize the economy. There is also no denying that we are not moving fast enough to address these concerns. Americans want to know why, while their gas bills mount, Washington still does not have an energy policy. It is past time that we move forward on one and that begins with increasing our energy production here at home.

We have the largest recoverable resources of oil, gas and coal of any nation on the planet. America's recoverable resources are larger than the combined supply of Saudi Arabia, China and Canada. Despite that, we depend on hostile regimes—and nations that have agendas that are often at odds with our own—for much of our oil.

The current tension between Israel and Iran only serves to make matters worse. If Israel strikes Iran, there is a good chance that the Iranians could attack Saudi Arabia's oil fields to retaliate against the West.

It doesn't have to be this way. The Keystone XL Pipeline, Arctic National Wildlife Refuge, ANWR, and drilling in the eastern Gulf of Mexico alone would produce 3 million barrels of oil per day. The lack of will in Washington to increase production here at home is unnecessary. It is a literal road block. It prevents our economy from picking up, increases the costs Americans pay for fuel, and it creates an enormous liability for our national and economic security.

President Obama has said that increased domestic oil production is unnecessary as he contends it is at the highest it has been in 8 years. However, you only get those numbers by relying heavily on production on private lands in North Dakota, Texas and Alaska. We simply are not utilizing the resources we have been blessed with on public lands.

We can make a major dent in the problem simply by opening the Outer Continental Shelf and ANWR to drilling in an environmentally responsible way. The Outer Continental Shelf alone is estimated to contain enough oil and natural gas to meet America's energy needs for about 60 years. Energy exploration and production in ANWR would take place on just a small portion of the 1.5 million-acre northern coastal plain, yet will allow us to safely produce 900,000 barrels of oil per day for the next 30 years. I have been there. I have seen firsthand that this can be done in an environmentally safe way.

Similarly, the Keystone Pipeline would transport 700,000 barrels of oil per day from Canada to U.S. refineries in the gulf coast. And it too can be constructed and run in an environmentally safe manner. Tapping into Canada's oil sands—one of the world's largest oil reserves—would help ease our dependence on hostile regimes for oil. As global demand for oil surges and the Canadians increase production, the addition of the Keystone pipeline would allow us to get reliable and secure oil from our largest trading partner and trusted ally.

Unfortunately, President Obama has punted on every opportunity we have given him to move the Keystone Pipeline forward. That is why I am supporting legislation to approve the project under Congress' authority enumerated in the commerce clause. This same Congressional authority was used to move the Alaska Pipeline forward 40 years ago, which has dramatically increased the amount of oil produced here at home.

I have long supported legislation that puts a heavy investment into researching wind, solar, hydrogen and other

technologies. These will ultimately ease our dependence on foreign oil and gas. But we need relief now and American oil is necessary and available.

For the foreseeable future, our economy will rely heavily on fossil fuels. While we certainly need to encourage the market for alternative energy sources, it has yet to be fully developed. But there is no denying that by stalling domestic production, we create an unnecessary burden on an already weak economy and are hurting our efforts to meet our energy needs. We need to lift the moratorium on offshore oil development, open ANWR for exploration and move the Keystone Pipeline forward instead of further postponing the decision.

As I mentioned earlier, the people of Arkansas are demanding action from Washington. They are frustrated by the higher totals that appear on the receipts every time they go to fill up their gas tank. They are tired of seeing more and more of their disposable income being eaten up at the pump. Let's start providing them relief by increasing production here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What is the order at this time?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1813, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1813) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Pending:

Reid amendment No. 1761, of a perfecting nature.

Reid amendment No. 1762 (to amendment No. 1761), to change the enactment date.

Reid motion to recommit the bill to the Committee on Environment and Public Works, with instructions, Reid amendment No. 1763, to change the enactment date.

Reid amendment No. 1764 (to (the instructions) amendment No. 1763), of a perfecting nature.

Reid amendment No. 1765 (to amendment No. 1764), of a perfecting nature.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the two sides, with the final 10 minutes equally divided and controlled by the two leaders or their designees, with the majority leader controlling the final 5 minutes.

The Senator from California.

Mrs. BOXER. Mr. President, we are back in our fourth week trying to get a transportation bill through this body. To me, it is a very sad statement about the dysfunction of this body that we spent approximately 3 weeks dithering over a contraception amendment that has nothing to do with the highway bill and other threats to offer foreign policy amendments, and so on.

We have a chance today to vote to end this dithering, and the Chamber of Commerce is asking us to do that. The AFL–CIO is asking us to do that. One thousand organizations are asking us to do that because they know thousands of businesses and well over 1 million jobs are at stake.

I wish to say I heard the tail end of Senator BOOZMAN's talk about the Keystone Pipeline. I wanted to make sure it was on the record—this is from a conversation I had with Senator DURBIN—that under this President we are drilling now more than we have ever drilled. Anyone who says ''drill, baby, drill'' doesn't understand that the number of rigs that are now moving are four times as many as in 2008. They don't understand we are now exporting oil. They don't understand the fact that we are importing less. Does that mean we are done? No. The oil companies have more than 50 million acres of approved leases. They ought to drill there and hands off my coast because my coast is an economic gold mine the way it is because we have tourism and recreation and fishing. Those jobs far outweigh any jobs that would come from oil drilling, which would tend to undermine the very economy of my great State. If we have to vote on Keystone, we will. If we have to vote on offshore drilling, we will. But I will be here to point out that if we care about jobs and about making sure the price of gasoline goes down, when we have Keystone, let's make sure the oil stays here, that oil is made in America and stays in America. These issues are not one-dimensional; they are many sided, as my friend knows. He and I have agreed on much and we have disagreed on some.

What we need is the kind of balance President Obama brings to the table when it comes to energy. He says we will do ''all of the above,'' but we will do it wisely. Interestingly, on the Keystone Pipeline—we now have the tea party talking about property rights and the fact that they have to be respected as well when we build a new pipeline such as this. So we will have votes.

May I make a plea to my colleagues. At noon, just about 50 minutes from now, we can have a clean vote; 60 of us can vote to move to this Transportation bill, to get rid of, as my friend OLYMPIA SNOWE has said, polarizing amendments. Why not move to something that was voted unanimously out of our committee, 18 to zero—Republicans and Democrats, all together; Senator INHOFE and myself, together; Senator SHELBY and Senator JOHNSON, together on the bill; Senator BAUCUS, working in a bipartisan way with his committee; and Senator ROCKEFELLER, once they got rid of some bumps, working with Senator HUTCHISON. We now have pending an agreed-upon bill, plus we have added to the package 37 bipartisan amendments.

What more do my friends want? We have a bipartisan bill. We have added more bipartisan amendments to it. All these jobs are at stake, and today we can end all this dithering and wasting time. The people of America look at us and wonder what we are about. Vote yes for cloture.

I wish to talk about what is at stake if we don't invoke cloture and don't wind up with a bill. That is not just hyperbole; these are facts. All our transportation programs expire on March 31.

My friend in the chair served as a great Governor of his State of West Virginia. He knows how important the highway bill is. We work together with the States and with the planning organizations, and we get those funds out there. On March 31, we are done. This bill reauthorizes that program, and 1.8 million jobs are at stake. As soon as we fail, there is no more program. There is no more authority to collect the Federal gas tax that supports the highway program. There is no more authority to spend any money on transportation.

Again, 1.8 million jobs are at stake. Let's go to the next chart. I did a breakdown of the various States. In this time, I am going to highlight a few of the States. These charts will be available for everybody.

In Alabama, we are talking about only 27,000 jobs; in Alaska, 18,000 jobs—I am skipping; in California, 164,000 jobs; in Florida, 76,000 jobs; right here in DC, 18,000 jobs; in Georgia, almost 50,000 jobs; in Illinois, 65,000; in Indiana, 34,000; in Iowa, 17,000; in Louisiana, 25,000; in Maine, almost 7,000.

We will go on and give the rest of the States to give a sense of how many jobs will be lost if we do not act to reauthorize this bill.

In Maryland, 26,000 jobs; in Massachusetts, 31,000; in Michigan, 39,000; in Montana, almost 14,000; in Nebraska, 10,000; in Nevada, almost 14,000 jobs; in New Jersey, 50,000; in New York, 118,000; in North Dakota, 8,000; in Ohio, 50,000; in Oklahoma, 22,000; in Pennsylvania, 68,000; in Rhode Island, 8,000.

I will continue with another chart to show other examples. I will be sure to say what West Virginia is when I get to the Ws. In South Carolina, 22,000; in South Dakota, 9,000; in Tennessee, 30,000; in Texas, 128,000 jobs.

I call on Senators to vote yes to stop debate and get to the bill.

In Vermont, almost 7,000; in Virginia, 41,000; in Washington State, 34,000; in West Virginia, 15,133 jobs; in Wisconsin, 27,000; in Wyoming, 8,400 jobs.

When we talk about this as a jobs bill, this isn't some exercise in our verbiage; this is a fact of life. These jobs add up to 1.8 million. In our bipartisan bill, we have increased a particular program—this is a reform bill, and we have taken 90 programs down to 30. It

is a real reform bill. We have done away with every earmark. One particular program we increased is the TIFIA Program, transportation infrastructure financing. We took it up to $1 billion because it leverages Federal dollars 30 times. So let's say one of our counties voted to tax themselves one-half cent to build a transit system. We would come in—and the Federal Government, you make an application from your State and we would front that money. So you could build it all in 1 or 2 years instead of waiting for the funding over 10. This was an idea that came from Mayor Antonio Villaraigosa and the Chamber of Commerce and the labor unions in Los Angeles.

So the bottom line here is not only are we saving 1.8 million jobs, but we have the potential of creating another 1 million jobs. If we fail today to cut off debate and we don't have a path forward—which I hope the leaders will figure out—if we abandon this, 2.8 million jobs are at stake.

Let's look at some other charts of unemployment. Mr. President, you know as well as anyone in your State, and I know in my State, that construction workers have been hit very hard. The national unemployment rate is 8.3 percent. We are hopeful it is on the downtick, but the construction industry unemployment rate as a whole is 17.7 percent. It could be even worse in some areas, but this is an average. So if we add to the unemployment in the construction industry, we are looking at a total crisis, a total disaster. Right now, we have 1.48 million construction workers out of work. If we fail to do this bill, we are adding another 1.8 million. So you could say this would be a depression for construction workers.

It doesn't stop there. The industry is feeling it, the businesses are feeling it, and we have a chart that talks about the thousands of businesses that would be affected. I don't know if you are aware of this, but there are over 11,000 transportation construction companies that would be adversely impacted by a shutdown on March 31. So in addition to the 1.8 million workers who would be laid off, 11,000 transportation construction companies—many of them—would have to shut their doors. And that is a very modest number.

Let me show a picture that I often show when speaking of the construction workers. I am sure you are a Super Bowl fan—we all are, Mr. President—and this is a picture of a stadium during the Super Bowl. Every seat there, about 100,000 seats, is filled. Imagine every one of these seats filled with an unemployed construction worker, and then close your eyes and envision 14 more of these stadiums filled with unemployed construction workers. That is where we are today. Then you would have to envision another 25 or 30 of those. We cannot afford to go down this road. So today, let's vote ''aye'' for cloture.

The last thing I want to show is the strong support for this cloture vote. We received this yesterday from the U.S. Chamber of Commerce. The Chamber of Commerce:

. . . strongly supports this important legislation. Passing surface transportation reauthorization legislation is a specific action Congress and the administration can take right now to support job growth and economic productivity without adding to the deficit.

Because, as you know, this bill is 100 percent paid for. We also have a history-making group of organizations supporting this, and I will give you a sense of that as well. We have a coalition of 1,075 organizations from all 50 States. They sent us a letter on January 25, 2012, and they said:

In 2011, political leaders—Republican and Democrat, House, Senate and the administration—stated a multi-year surface transportation bill is important for job creation and economic recovery. We urge you to follow words with action.

I want to repeat that: We urge you to follow words with action.

Continuing the quote:

Make transportation job #1 and move immediately in the House and Senate to invest in the roads, bridges [and] transit systems that are the backbone of the U.S. Economy, its businesses, large and small, and communities of all sizes.

They didn't ask us to take up the Keystone Pipeline, they didn't ask us to take up repealing clean air laws, they didn't ask us to take up drilling off the coast, and they didn't ask us to take up contraception. They didn't. They asked us to take up this transportation bill. And I am saying to colleagues, please, you have had 3 weeks to discuss contraception. We disposed of it. We voted. It is okay. It is tabled. Let's move on. There are other days we can talk about that but not when we are dealing with building the highways and bridges.

You know, the state of our highways and transportation system is not what it should be, with 70,000 bridges deficient. Bridges are falling down. Senator INHOFE is eloquent on the point about a woman taking a walk and having a piece of bridge fall on her and she died. We have seen what happened in Minnesota when bridges start to fall into disrepair.

When I was growing up, my parents always taught me be responsible—be responsible. I am not always living up to their expectations, but I try. And if somebody tells me there is a problem over here, I try to fix it. So when I hear that 70,000 bridges are in trouble and they are deficient, and 50 percent of our roads are not up to standard—I now know this information. If I were ignorant and I didn't know it, that would be one thing. But I now know it—how can I turn my back on this bill? I know how many unemployed construction workers there are. How can I turn my back on them? I know businesses—whether it is gravel companies or cement companies or general contractors—are begging us to do this. These are Republican-leaning groups along with labor and Democratic-leaning groups. Bridges are not partisan. Roads are not partisan.

This is our moment. We can vote yes on cloture. What does that mean? It means we are not going to debate these very difficult, inflammatory amendments, but we are going to stick to the highway bill, stick to the transportation bill. This vote is a very important vote for folks because I think if you don't vote to move to the bill and you vote to prolong this debate, you have to answer to your folks back home and tell them why you are playing Russian roulette with the highway bill, because on March 31 it all stops.

It is true in the past we have had extensions. This is different than usual because the trust fund is short of funds, so you can't just extend. If you extend, there is a price to be paid. Because the trust fund doesn't have the funds it needs—which is repaired in this bill—you would have an immediate cut of a third—a third—right there, which means 500,000 jobs, if you did an extension. We don't want that. We want a bill that is a reform bill, that takes this from 90 programs to 30, that uses leveraging in a smart way, and that is totally bipartisan.

Let me sum up. In a few minutes we will be voting, and let me say to my friends again, you have all the facts at hand. If you don't know what your State job loss would be if we fail to act, we have that. We will give it to you. But there is no way you can run away from what you know.

We had 85 votes to proceed to this bill. That was a long time ago. It seems like ages ago. Yet we can't get off dead center because people are offering unrelated amendments. So my hope is we will get to 60. My hope is we can, in short order, get this bill done and send a message of hope to the people.

I heard just now that Speaker BOEHNER has said he is very interested in the Senate bill; that he is going to take a look at the Senate bill because, at this point, they haven't been able to get a bill that they feel has a chance. This bill, I would reiterate for America, is bipartisan, the most bipartisan bill I have ever seen around here, and it unites people who fight and argue on everything else. When INHOFE and BOXER agree on something, you know that is a real good compromise. And we do agree. When VITTER and BAUCUS come in and agree on the same thing that INHOFE and BOXER have agreed to, it is a good day around here. And that is what we have before us.

So I call on colleagues to vote aye on the cloture vote and let's get on with this. Let's spare the people the untold suffering that will come if we have to lay off 1.8 million workers and hurt more than 11,000 businesses.

I thank the Chair, 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.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the time during these quorum calls be charged to both sides equally.

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

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

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

Mr. REID. We appreciate everyone's patience. The Republican leader and I wanted to come and say a few words. The measure before the Senate today is moderate bipartisan legislation. Its four component parts were reported out of four different committees with bipartisan support. Eighty-five Senators voted to begin debate on this legislation. As everyone will remember, we had to file cloture on a motion to proceed to this bill, and the Senate agreed we should move forward on this legislation.

This bill will create or save 3 million middle-class jobs, and it enjoys broad support among rank-and-file members. Over 1,000 different organizations support this legislation—from the Chamber of Commerce, to the AFL–CIO, and AAA. It has the endorsement of one of the Senate's most conservative Members and one of its most liberal Members, the two main managers of this legislation. Democrats and Republicans have agreed additionally to 30 other germane and relevant amendments, so there should be nothing standing in the way of progress on this crucial legislation. Yet for weeks Republicans have refused to work with Democrats to finalize a path forward. So in a few moments the Senate will vote on whether to end debate on this measure and to end another filibuster.

The bill before this body is a bill that has been generated by the Environment and Public Works Committee. We have a provision in it from the Commerce Committee, the Finance Committee, and the Banking Committee that is before this body. But in addition to that, we have 37 amendments that are part of this measure that is before the body.

If we did nothing else but invoked cloture on this legislation and passed it and sent it to the House where we would have a conference, we would be way ahead because this bipartisan piece of legislation would help the American people save millions of jobs.

It is hard to comprehend that I had to file cloture on such a bipartisan bill, a measure Republican President Eisenhower and Democratic President Clinton could have agreed on and would have agreed on. Forty years after President Eisenhower won passage of the first highway bill, President Clinton said the law had succeeded in bringing Americans closer to each other. President Clinton said:

> We were connected city-to-city, town-to-town, family-to-family, as we had never been before. That law did more to bring Americans together than any other law in this century.

That was said by Bill Clinton, but it was almost a copy of what President Eisenhower said in his memoir about the most important thing he did as President of the United States was this piece of legislation, and that says a lot coming from President Eisenhower.

I had great optimism that the transportation legislation before the Senate today would bring our two parties closer together as the interstate highways brought the American people closer together in the 1950s, 1960s, and 1970s. So it is disappointing that the Republican leadership would jeopardize this legislation and 3 million American jobs to pursue this ideological agenda.

I am hopeful the Senate will vote to move this much needed jobs legislation forward. Only seven Republicans are needed to allow us to do this. Only 7 of the 47 have to join us and move forward, but it seems more likely that my Republican colleagues will continue to take orders from the tea party and filibuster this jobs measure. Republicans are quite plainly holding up the surface transportation bill when they vote against cloture. That is what ''cloture'' means; it means the Senate agrees we need to focus on the germane amendments and bring endless debate to a close.

Senate Republican leaders are taking a page out of the book of the carnival magician. They have been saying since February 9: Look over here; look over here. They have been insisting on votes on contraception, on loosening clean water standards, and on drilling for oil pretty much anywhere there is water. But as the carnival magician says: Look over here, there is no need to look over there because it is just an effort to divert attention from what is really happening. No one should be fooled by what is going on here.

A vote against cloture is a vote against moving forward on this very important bipartisan legislation, and that is true no matter what diversions anyone might use to try to distract attention from this very important piece of legislation that is now ours to move forward on.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, as the majority leader indicated, we have had a number of very constructive conversations about reaching an agreement on voting on both germane and nongermane amendments to this bill. I think we are very close to getting there. My concern is that if cloture is invoked right now, we would not get an agreement, and amendments that we are very close to agreeing to have considered on both sides—the amendments that are sought to be offered are not just on the Republican side but on the Democratic side as well—will end up being shut out.

If we were not so close, I might have a different view, but we are very close to getting an agreement. If we invoke cloture right now, that agreement will not come together.

So I would encourage a ''no'' vote—not to stop the bill. This is a bill that is not going to be stopped. It has broad bipartisan support. Senator BOXER and Senator INHOFE have worked very hard on this legislation, and we anticipate being able to wrap it up.

But just to underscore where we are, I have indicated I would like to offer a unanimous consent agreement that kind of summarizes where I think we are.

I would ask unanimous consent that the pending Reid amendment be withdrawn, that it be in order to offer a new perfecting amendment cleared by both leaders which contains the three titles; further, that the following nonrelevant amendments be in order to S. 1813, and they be subject to the 60-vote affirmative threshold; Senator COLLINS No. 1660, Boiler MACT; Senator VITTER No. 1535, OCS; Wyden side-by-side relevant to Hoeven No. 1537; Hoeven No. 1537 related to the Keystone Pipeline; Levin amendment on offshore tax havens; McConnell or designee relevant to Levin amendment; a Cantwell amendment on energy tax extenders; a McConnell or designee amendment relevant to the Cantwell amendment; Menendez amendment on natural gas; and a Coburn amendment, No. 1738, on duplication.

I further ask unanimous consent that the following highway-related amendments also be in order: DeMint No. 1756; Coats No. 1517; Blunt No. 1540; Paul No. 1556; Portman No. 1736; Portman No. 1742; Corker No. 1785; Corker, on highway trust fund, No. 1786; Hutchison No. 1568; McCain No. 1669; and 10 highway-related amendments to be offered by the majority leader or his designee.

I further ask unanimous consent that following the disposition of the above-listed amendments and the managers' package of amendments to be cleared by both managers of the bill, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended.

Finally, I ask unanimous consent that following passage of S. 1813, the bill be held at the desk and that when the Senate receives the companion measure from the House, the Senate proceed to its immediate consideration, all after the enacting clause be stricken, the text of S. 1813 as passed be inserted in lieu thereof; that the bill then be read three times and passed, the Senate insist on its amendment, request a conference with the House, and

the Chair be authorized to appoint conferees on the part of the Senate with a ratio agreed to with the concurrence of both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I don't know why everything we do has to be a fight—not a disagreement, a fight. This bill was brought up on February 7, and we have been spending the better part of a month dealing with contraception—by the way, an amendment I had to offer because they wouldn't bring it up so we could vote on it.

My math says this agreement that has been suggested by the Republican leader calls for 34 amendments. I understand and I appreciate that some of them are related to what is in this bill—some of them are. As I indicated earlier, we have been dealing with contraception. There are amendments dealing with clean water standards and clean air standards. Nothing in this bill should deal with America having to breathe more mercury, more lead, and then, just for good measure, how about some arsenic? That has nothing to do with the highway bill.

As I said before, the amendment I looked at from my friend from Louisiana calls for drilling for oil anyplace there is water. Next they will be going to Lake Mead outside Las Vegas. We are producing more domestic oil now than in decades. The President has opened areas in Alaska that have never been opened before.

Why can't we just invoke cloture on this bill and move forward on it? It is not easy to get to conference—we know that—but we could go to conference. The House is doing its best to come up with a bill. They are struggling hard.

On the first day of April, it will be April Fools' Day for a lot of people in America because we will lose almost 800,000 jobs on April 1. It will be a real April Fools' Day. So if we can't move forward on this—why can't we get seven Republicans to break from the pack over here and say that not everything we do has to be an arm-wrestling contest?

I appreciate that we at least have something in writing. I appreciate that. I will take a look at it, but I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, not to continue to debate much further, but I would point out that there are demands for amendments on both sides here. We are very close to getting an agreement. I think a ''no'' vote on cloture is not the end of this bill but the beginning. It gives us an opportunity to go on and wrap up discussions that have been going on entirely too long, it seems to me, and I know the majority leader has been frustrated by it, and so have I. But we are very close to getting agreement on a list of amendments, and we should be able to finish this bill by the end of the week.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am, for lack of a better word, disappointed. These amendments are going to do nothing to advance the work product of almost 3 million Americans—none of them.

We should invoke cloture. I ask my Republican colleagues: Break this impasse. Do something that is good for the American people. Invoke cloture and stop the filibuster—another one.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 1761 to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

Harry Reid, Barbara Boxer, Christopher A. Coons, Robert P. Casey, Jr., Tom Harkin, Mark Udall, Richard Blumenthal, Debbie Stabenow, Patrick J. Leahy, Herb Kohl, Frank R. Lautenberg, Max Baucus, Tom Udall, Kent Conrad, Robert Menendez, Kirsten E. Gillibrand, Jeff Bingaman.

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

The question is, Is it the sense of the Senate that debate on amendment No. 1761, offered by the Senator from Nevada, Mr. REID, to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—52

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

NAYS—44

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Blunt	Hoeven	Reid
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Snowe
Corker	Lee	Thune
Cornyn	Lugar	Toomey
Crapo	McCain	Vitter
DeMint	McConnell	Wicker
Enzi	Moran	

NOT VOTING—4

Begich	Kirk
Heller	Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Reid amendment.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote with respect to the underlying bill be vitiated.

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

Mr. REID. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF MARY ELIZABETH PHILLIPS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI

NOMINATION OF THOMAS OWEN RICE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

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

The legislative clerk read the nominations of Mary Elizabeth Phillips, of Missouri, to be United States District Judge for the Western District of Missouri, and Thomas Owen Rice, of Washington, to be United States District

Judge for the Eastern District of Washington.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided in the usual form.

Mr. LEAHY. Mr. President, today the Senate will vote on the confirmation of two highly qualified, consensus nominees to the Federal bench: Mary Elizabeth Phillips to the U.S. District Court for the Western District of Missouri and Thomas Owen Rice to the U.S. District Court for the Eastern District of Washington. I thank the majority leader for pressing for these votes. These are nominees who were reported unanimously by the Senate Judiciary Committee last October, almost 5 months ago. They are both supported by their home State Senators, Democrats and Republicans, as are all of the judicial nominations of this President been who have been voted on by the Senate Judiciary Committee.

Last month the majority leader had to file cloture petitions to end a 4-month and 2-day filibuster of the confirmation of Judge Adalberto Jordan of Florida and to end the 5 month filibuster of the nomination of Jesse Furman, a former counselor to Attorney General Mukasey. The majority leader should not have had to file cloture petitions for the Senate to vote on these outstanding judicial nominees. Senate Republicans have filibustered nine of President Obama's judicial nominations despite the fact that he has reached out to both Republican and Democratic home State Senators and nominated qualified, ideologically moderate men and women to fill vacancies on our Federal courts.

From the start of President Obama's term, Republican Senators have applied a double standard to this President's nominees. Last week, at a meeting of the Judiciary Committee, the Senator from Utah conceded that a ''new standard'' is being applied to President Obama's nominations. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home State Senators. Instead, an unprecedented number of President Obama's highly qualified district court nominees have been targeted for opposition and obstruction.

The nominations the Senate considers today did not receive a single negative vote in the Judiciary Committee. Still, they have been stalled from confirmation for almost 5 months. It is good that Senate Republicans are finally allowing them to be considered. But we need to do much more. These are only 2 of the 14 remaining judicial nominations voted on by the Judiciary Committee last year that have been stalled by Senate Republicans for months. They all should have been considered and confirmed last December. President Obama's nominees are being treated differently than those of any President, Democratic or Republican, before him.

Of those 14 judicial nominations still on the calendar from last year, none are the kind of divisive ideological nominees that should lead to the kinds of delay we have seen, let alone filibusters. President Obama should be praised by Republicans and Democrats for making consensus picks like his two nominations to fill vacancies on Federal Circuit courts, Stephanie Dawn Thacker of West Virginia, nominated to the Fourth Circuit, and Judge Jacqueline Nguyen of California, nominated to fill one of the many judicial emergency vacancies on the Ninth Circuit. Ms. Thacker, an experienced litigator and prosecutor, has the strong support of her home State Senators, Senators ROCKEFELLER and MANCHIN. Judge Nguyen, whose family fled to the United States in 1975 after the fall of South Vietnam, was confirmed unanimously to the district court in 2009 and would become the first Asian Pacific American woman to serve on a U.S. court of appeals. Both were reported unanimously by the Judiciary Committee last year, and both should be considered and confirmed by the Senate without additional damaging delays.

With 1 out of nearly every 10 Federal judgeships vacant, the Senate should be acting on all of the judicial nominations approved by the Senate Judiciary Committee but that Republican objections are stalling from final action. Regrettably, delay and obstruction have stalled action on President Obama's judicial nominees since the beginning of his administration. After the first year of President Obama's first term, only 12 Federal circuit and district court judges were confirmed, the lowest total in 50 years. Senate Republicans allowed the Senate to confirm only 48 circuit and district court nominations the next year. That set a modern record for fewest judicial nominations confirmed during a President's first 2 years in office, the lowest in 35 years. As a result, judicial vacancies rose again over 110 and stayed around 90 for the longest period of historically high vacancies in 35 years. This is in stark contrast to the 100 confirmations that I oversaw during the last 17 months of President Bush's first 2 years in office. That action led to a significant reduction in judicial vacancies.

The truth is that the actions of Senate Republicans in stalling judicial nominations during President Obama's administration has led to what the Congressional Research Service documented as the longest period of historically high judicial vacancy rates in modern times. At the end of President Obama's second year and again at the end of last year, Senate Republicans opted to obstruct final confirmation votes on consensus judicial nominees for no good reason. Last year it took us until June to make up the ground we lost when Senate Republicans refused to complete action on judicial nominees at the end of 2010. This year the Senate started with 19 judicial nominees pending on the Senate's calendar, all but 1 of them reported with significant bipartisan support, and 16 of them unanimously. To date, the Senate has only been allowed to work its way through five. This means that it could again be summer before the Senate is allowed to work its way through the judicial nominees who could, and should, have been confirmed the year before.

The result of the Senate Republicans' obstruction is that the ability of our Federal courts to provide justice to Americans around the country is compromised. Millions of Americans, who are in overburdened districts and circuits, experience unnecessary delays in having their cases resolved. One hundred and thirty million Americans live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans would just agree to vote on the nominations now pending on the Senate calendar. It is wrong to delay votes on these qualified, consensus judicial nominees.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who turn to their courts for justice to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of his or her medical expenses, that plaintiff should not have to wait 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute.

In his ''2010 Year-End Report on the Federal Judiciary,'' Chief Justice Roberts rightly called attention to the problem of overburdened courts across the country. Unfortunately, the unprecedented obstruction of consensus judicial nominations by Senate Republicans who dramatically departed from the Senate's longstanding tradition of regularly considering consensus, noncontroversial nominations, marked a new chapter in what Chief Justice Roberts calls the ''persistent problem'' of filling judicial vacancies.

If Republican Senators were concerned about ensuring that our courts have the judges they need to administer justice for the American people, they would not have refused consent for the Senate to consider these consensus judicial nominees. The obstruction reminds me of the Republican pocket filibusters that blocked more than 60 of President Clinton's judicial nominations from Senate consideration.

When I became chairman in 2001 and made the committee blue slip process public for the first time and worked to confirm 100 judicial nominees of a conservative Republican President in 17 months, I hoped we were past these partisan tactics. I am disappointed that, after working for more than a decade to restore transparency and fairness to the process of considering

judicial nominations, we see the Senate Republicans again using obstruction to block progress at filling judicial vacancies.

I wish that the Republican Senators who came to the Senate and the Senate Judiciary Committee in 2003 and decried what they characterized as a broken judicial confirmation process would acknowledge the 100 confirmations in 17 months that we accomplished in 2001 and 2002 when President Bush was not consulting closely with home State Senators and, instead, insisted on sending the Senate ideological nominees. I have done my part to fix and to improve the process.

By contrast, those Republicans who deemed filibusters unconstitutional and demanded up-or-down votes for every judicial nominee just a few years ago have now filibustered nine of President Obama's judicial nominees. What happened to their principle that a partisan minority should not be allowed to frustrate the will of the majority? They used to say that judicial nominees ''should not be required to serve an indefinite period of time in the stocks as targets for these special interest groups that attack them on a regular basis.'' Now these same Republican Senators obstruct votes on qualified, consensus nominees and allow reputations to be savaged without good cause.

In 2005, the so-called Gang of 14 adopted a standard for filibusters that require ''exceptional circumstances.'' That standard was abandoned by Republicans who filibustered the nomination of Caitlin Halligan last year. The Washington Times' banner headline on December 7, 2011, noted what had long been apparent to me: ''GOP Ends Truce on Judicial Hopefuls.''

It is wrong to dismiss the delays resulting from the Senate Republicans' obstruction as merely political tit for tat. These are new and damaging tactics that Senate Republicans have devised. The standard had been that noncontroversial judicial nominees reported by the Judiciary Committee were confirmed by the Senate before the end of the year. That is the standard we should have followed in 2010 and 2011, but Senate Republicans did not. Senate Republicans set a new and destructive standard to hold up qualified, consensus judicial nominees for no good reason. A New York Times editorial from January 4, 2011, refers to Senate Republicans' ''refusal to give prompt consideration to noncontroversial nominees'' a ''terrible precedent.'' In a column last week, the president of the American Bar Association reiterated the call for a ''sustained, concerted and bipartisan effort'' to ''make meaningful progress toward filling vacancies on the federal bench.

While consensus judicial nominations are stalled without a final vote by the Senate, millions of Americans across the country are being harmed by delays. The American people and our Federal courts cannot afford these unnecessary and damaging delays. As the ABA president noted last week:

> Backlogs mean justice delayed in cases involving protection of individual rights, advancement of business interests, compensation of injured victims and enforcement of federal laws.
>
> Longstanding vacancies on courts with staggering caseloads impede access to the courts. They create strains that, if not eased, threaten to reduce the quality of our justice system. They erode confidence in the courts' ability to uphold constitutional rights and render fair and timely decisions.
>
> Delay at the federal courts puts people's lives on hold while they wait for their cases to be resolved. Businesses face uncertainty and costly holdups, preventing them from investing and creating jobs. In sum, judicial vacancies kill jobs.
>
> Justice delayed, as the famous maxim goes, is justice denied. It's bad for business, it's unfair to individuals, and it slows government enforcement actions, which ultimately costs taxpayers money.

The Senate remains far behind where we should be in considering President Obama's judicial nominations. The Senate had confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. In stark contrast, the Senate confirmed nearly 87 percent of President George W. Bush's nominees, nearly 9 out of every 10 nominees he sent to the Senate over two terms.

The Senate remains well behind the pace set during President Bush's first term. By the end of President Bush's first term, the Senate had confirmed 205 district and circuit nominees. To date now in the fourth year of President Obama's first term, the Senate has confirmed only 129 district and circuit nominees. By this date in 2004, the Senate had confirmed 170 district and circuit nominees. Today the total is more than 40 confirmations shy of the mark.

Another way to think about this is that during President Bush's first term, the Senate confirmed the 130th nominee to our circuit and district courts in early June of his third year in office. Here we are, approaching the spring of President Obama's fourth year, nearly 9 months later, and we are just reaching that milestone—9 months later. It has taken us far too long to reach this point. That is why the judicial vacancy rate remains nearly double what it was at this point in the Bush administration.

Today we can finally confirm these two highly qualified, consensus nominees. Mary Elizabeth Phillips has been nominated to the U.S. District Court for the Western District of Missouri. Ms. Phillips is the first woman to serve as the U.S. attorney for the Western District of Missouri. Her nomination has the bipartisan support of both of her home State Senators, Democratic Senator CLAIRE MCCASKILL and Republican Senator ROY BLUNT. Ms. Phillips previously worked in private practice and as a local prosecutor Jackson County, MO. The ABA's Standing Committee on the Federal Judiciary unanimously rated her ''well qualified'' to serve on the U.S District Court, its highest possible rating.

Thomas Owen Rice has been nominated to the U.S. District Court for the Eastern District of Washington. Currently the first assistant U.S. attorney in the Eastern District of Washington, Mr. Rice has spent his entire career in public service as a Federal prosecutor, including as chief of the Criminal Division in the Eastern District of Washington. Both of Washington's Senators Senators MURRAY and CANTWELL—support Mr. Rice's nomination. Both of these nominations were reported by the Judiciary Committee by voice vote with no dissent nearly 5 months ago in October 2011.

I thank the majority leader for his efforts to break through the Republicans' obstructionist tactics. Last Tuesday, several other Democratic Senators also came before the Senate to talk about the need for more action to fill the judicial vacancies that have remained historically high for far too long. I thank Senators DURBIN, SCHUMER, FEINSTEIN, COONS, CARDIN, and KLOBUCHAR for their involvement and their thoughtful statements.

Last Thursday, we had a discussion before the Judiciary Committee, as well. I commended Senator COBURN for the statement he made at that time in which he called upon Senators to step back and return to the practice of moving forward on consensus nominees and that we need to build bridges instead of burn them.

It is important that we confirm these two nominees so they can serve the people of Missouri and Washington, but we need to do much more. The Senate needs to proceed without delay to consider all 20 of the judicial nominees currently before it and to promptly consider those being sent to the Senate by the Judiciary Committee. That is how we can fulfill our responsibilities to the American people. That is how we can begin to restore the American's people's confidence in this institution.

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

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

Mr. DURBIN. Mr. President, I yield back any pending time on the first nomination.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that there be 2 minutes of debate between the two votes equally divided and controlled between the two leaders or their designees.

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

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Mary Elizabeth Phillips, of Missouri, to be United States District Court Judge for the Western District of Missouri.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 26 Ex.]

YEAS—95

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

NAYS—2

DeMint	Lee

NOT VOTING—3

Begich	Heller	Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the Rice nomination.

The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to support the nomination of Thomas Rice to the U.S. District Court for the Eastern District of Washington. He is one of our State's rising legal stars and has left his mark defending the community in which he was born. For nearly 25 years he served in the U.S. Attorney's Office in eastern Washington, and in that time he successfully prosecuted a variety of criminal cases to protect our eastern Washington communities. He has wide support from his peers and numerous accolades.

I hope my colleagues will support his nomination, making Gonzaga University, his alma mater, Spokane, and the State of Washington proud of his nomination.

The PRESIDING OFFICER. Is there further debate? If not, the question is, Will the Senate advise and consent to the nomination of Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. HELLER).

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

The result was announced—yeas 93, nays 4, as follows:

[Rollcall Vote No. 27 Ex.]

YEAS—93

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

NAYS—4

Chambliss	Isakson
DeMint	Lee

NOT VOTING—3

Begich	Heller	Kirk

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will immediately be notified of the Senate's action, and the Senate will resume legislative session.

The Senator from New Jersey.

MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

REMEMBERING CONGRESSMAN DONALD PAYNE

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a long-time friend from New Jersey. It is a sad day for all of us from New Jersey who knew Congressman DONALD PAYNE from north New Jersey, and I pay tribute to my colleague who died this morning after a battle with colon cancer.

Congressman PAYNE was the first African American from New Jersey to be elected to Congress. He was a trailblazer and a fine leader, one of the finest our State has ever known. For more than two decades, Congressman PAYNE served New Jersey with distinction, but the whole world benefited from his leadership. He was a proud son of Newark and became an expert on foreign relations and led efforts to restore democracy and human rights around the world, including places as far away from one another as northern Ireland and Sudan. President Clinton chose Congressman PAYNE to accompany him on his historic tour of Africa in 1998.

The Congressman also worked hard. He secured more than $100 million to treat victims of malaria, tuberculosis, HIV and AIDS, and stopped the spread of these diseases in Africa's poorest nations.

Three years ago, against the State Department's advice, Congressman PAYNE went to Somalia to see the turmoil there for himself, narrowly escaping with his life when insurgents launched a mortar attack near his airplane when he was leaving.

The Congressman also helped with passage of a resolution declaring the killings in Darfur as genocide and raising global awareness of these travesties.

At home Congressman PAYNE was a tireless advocate for his constituents. He brought significant economic development to counties in New Jersey, including Essex, Hudson, and Union. He was a former schoolteacher and was a leader on education. He worked hard to close the achievement gap, with making college more affordable and bringing more equity to school funding. Congressman DONALD PAYNE was a man of conscience and conviction.

I knew him for many years, and I was always struck by his soft-spoken demeanor, and that kind of made him a rarity in politics. But Congressman PAYNE knew he didn't need to raise his voice; his ideas were powerful enough. The Congressman put it best when he said: ''There is a lot of dignity in being able to achieve things without having to create rapture.''

As I mentioned, DONALD PAYNE was a teacher in the Newark public schools, and Newark was a poverty-stricken city. His mission was to inspire young people to use education in their lives to

achieve opportunity. The people of New Jersey sent him to Washington for the first time in 1988, and they continued sending him back by overwhelming margins for the next 22 years. He became an inspiration to many, including members of his family who followed him into careers in public service.

But most of all, DONALD PAYNE was an inspiration to the people he served. He gave them hope. He gave them some ideas of what they could make of their lives. His voice sounded important and deliberate enough to convince people to try harder, and he did succeed many times.

In 1988, during his first campaign for the House, Congressman PAYNE told a reporter: ''I want to be a role model for the kids I talk to on the street corners.'' He used to see a lot of them. He worked hard within his congressional district. He said: ''I want to see there are no barriers to achievement.''

DONALD PAYNE achieved this goal. An entire generation of New Jerseyans has come of age knowing and respecting Congressman DONALD PAYNE. He has undoubtedly inspired many young New Jerseyans to enter public service, and I expect we will one day see some of them walking the Halls of Congress and following in DONALD PAYNE's footsteps, but today these Halls feel emptier without his presence.

I am going to miss DON PAYNE. We will mourn his absence from our lives, but we will also take comfort in the knowledge that his legacy will endure for a long time to come, way beyond his life. We thank him at this time for all of the good he did and that he brought to our people and our State.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

INDIANA TORNADO DAMAGE

Mr. COATS. Mr. President, I wish to speak as in morning business on a matter that affects a lot of Hoosiers. I do so with a great sense of heartfelt condolence to all who have suffered from the tragic storm and tornadoes that swept across the southern part of our State this past Friday, gratitude for all of those who responded in such a wonderful way to address this situation, and deep pride for the people of Indiana for how they have come together to help one another. Mother Nature's unforgiving force Friday afternoon, changed the lives of many Hoosiers. Imagine, if you would, a stretch of land extending for nearly 50 miles, between a quarter of a mile and a half mile wide, with everything in its path destroyed by tornadoes that touched down and moved with such unimaginable force.

Most of us from the Midwest are used to tornadoes that usually jump around and take out a shed here, a barn there, maybe a home, in perhaps a short stretch of space, but I have never seen—and most have never seen—a tornado that touches down and stays down for miles and miles with 175 mile-per-hour winds crushing everything in its path. On Sunday, I flew over the path of the tornadoes and walked on the ground and saw a site of total destruction. Every home and every business in that path destroyed. Every open field was strewn with debris. Some debris carried for miles before it was deposited. Every tree was stripped bare and flattened, every car or truck within that path damaged with either softball-sized hail or turned upside down by 175 mile-per-hour winds. A house miraculously still intact was picked up off its foundation and moved 100 yards east.

Several rural towns—small rural towns in southern Indiana—were totally destroyed by the force of nature. A high school of more than 1,100 students now lies in complete shambles. Buses stationed at the schools and cars were hurled into the buildings across the street. An entire family—mom, dad, and children—were killed just because the storm hit seconds before they were able to reach the steps leading down to the basement.

Yet, through all of these devastating images, I saw and heard firsthand stories of heroism, generosity and resolve that I will always remember:

Two schoolbus drivers who made a split-second decision to turn around and get the kids off the bus and into a shelter—both of those buses were totally destroyed just moments later. The first responders, local police, fire, and rescue teams who searched for victims, helped the injured and did everything they could to offer support in light of this tragedy; neighbors who rushed in to help the injured, citizens from nearby towns and counties who poured into the area offering food and drink and shelter; people saying: Do you have a place to stay? Do you have something to eat? What can we do to help? Former strangers became immediate friends.

On Sunday morning, as I walked through what was the town of Henryville, I witnessed a remarkable scene: displaced homeowners picking through the rubble of their homes trying to recover lost memories and precious keepsakes; one man planting an American flag on the rubble of his former home. I was deeply moved by the indomitability of the American spirit, a spirit still so alive and well in a time of tragedy.

Soon the first responders will be returning home, if they haven't already, from a job well done, to wait for the next call to action while the State and Federal assessment teams begin the process of restoration. Piece by piece, day by day, the people of Indiana will rebuild their homes, their churches, their schools, and their communities destroyed by these tornadoes. One woman captured the feeling of Hoosiers' best when she turned to me while standing on the remains of what used to be her home and said: We will go on. We will recover. We will make it right again.

I am asking all Americans to keep Hoosiers, Kentuckians, and all of the victims of these tragic storms which raced through the Midwest in their thoughts and prayers. I ask all Americans to remember how quickly life can change, but also to remember the American spirit which compels us to reach out and help a neighbor in trouble.

I am going to continue to work with Indiana Governor Daniels, his homeland security team, the administration, and FEMA to make sure Hoosiers and the communities impacted are receiving the help they need.

We will never be able to replace the lives of those lost from Mother Nature's destruction, but Hoosiers will come together to rebuild one day at a time. It is the Hoosier way, and thank goodness it is still the American way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the order now?

The PRESIDING OFFICER. The Senate is considering the Transportation bill.

Mr. KERRY. Thank you, Mr. President.

TALK HAS CONSEQUENCES

Mr. President, several of us in the Senate have run for the office of President of the United States. Two of us have been our party's nominees, and dozens of others have played major roles in tough campaigns. So none of us in the Senate are strangers to the rough and tumble of American politics. I think we all understand on a personal level what the humorist said at the turn of the century when he wrote: ''Politics ain't beanbag.'' One has to have a thick skin and a strong backbone to survive in this business. One has to be able to take a punch and deliver one, and we all understand that.

So it is not as an innocent that I come to the floor today to say that I was troubled—deeply troubled—to read an op-ed in this morning's Washington Post by the likely Republican nominee for President Mitt Romney. It was an attack on the administration's Iran policy, and it was as inaccurate as it was aggressive.

Every candidate for the Oval Office has the right to criticize the President. But, particularly this week, while Prime Minister Netanyahu is in Washington meeting with the administration to determine the road forward that might mean the difference between war or a diplomatic solution—particularly at that moment when so much is on the line, we all ought to remember that the nuclear issue with Iran is deadly serious business, and it ought to invite sobriety and serious-minded solutions, not sloganeering and fiction and sound bites.

I don't think we should allow Iran to become another party's applause line on the Presidential stump. Talk has consequences, particularly when it is talk about war, and talk of war only helps Iran and others at this moment, by increasing the price of Iranian crude

oil that pays for its nuclear program. To create false differences with the President just to score political points does nothing to move Iran off a dangerous nuclear course. Worst of all, Governor Romney's op-ed does not even do readers the courtesy of describing how a President Romney would, in fact, do anything different from what President Obama and this administration has already done. So if we are going to disagree, let's at least disagree responsibly—and honestly.

So examine the op-ed I am talking about. From the very opening paragraphs, Mr. Romney garbles history. Going back to the Iranian revolution, he calls President Carter ''feckless,'' saying he did nothing for over a year while Iranian revolutionaries held Americans captive. In fact, it was the months of President Carter's negotiations, leading up to an all-night session of negotiation—the very night before the inauguration of President Reagan on January 20—that actually freed the hostages.

I bring up the hostage crisis for another reason, because when those helicopters went down in the desert during the failed rescue attempt in 1980, the United States not only lost the opportunity to get our people back sooner but President Carter fundamentally lost any chance he had at reelection. Notwithstanding that reality, notwithstanding the lesson of Desert One and those helicopters that crashed and the failed mission—notwithstanding that—President Obama, whom Governor Romney calls ''the most feckless President since Carter,'' threw that lesson out the window, knowing if he attempted to go into Pakistan and failed he would probably lose his chance at reelection—notwithstanding that, he authorized the gutsy and dangerous raid in Pakistan that finally killed Osama bin Laden.

Despite everything that could have gone wrong with that raid, the mission was ordered with confidence, executed with courage, and the man who plotted the September 11 attacks was finally held accountable for the murder of thousands of Americans. George W. Bush may have said, ''Wanted: Dead or Alive,'' but it was President Obama who delivered.

I don't know if Governor Romney has checked the definition of the word ''feckless'' lately, but that raid ain't it.

The rest of Romney's argument doesn't get any better. In fact, he goes on to propose action after action that President Obama has already taken. Just look at the analysis. Let me read the first sentences from an article in today's New York Times:

> To rein in Tehran's nuclear ambitions, Mitt Romney says he would conduct naval exercises in the Persian Gulf. . . . He would try to ratchet up Security Council sanctions on Iran, targeting its Revolutionary Guards, and the country's central bank and other financial institutions. And if Russia and China do not go along, he says, the United States should team up with other willing governments to put such punitive measures in place. As it turns out—

And this is part of the quote—

> As it turns out, that amounts to what President Obama is doing.

Ambassador Nick Burns, President Bush's lead negotiator on Iran, said:

> The attacks on Obama basically say, ''He's weak and we're strong.'' But when you look at the specifics, you don't see any difference.

That is a quote.

So let's go point by point through the Romney plan. He writes he would proceed with missile defenses to protect Iran. He ignores the fact that one of the very first things the Obama administration did was to issue its plans for the phased adaptive approach—so that we would be able to sooner protect our friends and allies against the Iranian missile threat and to provide increasing levels of capability as the technology advances. During the debate over the New START treaty, the Senate heard in great detail—including from the Commander of the Strategic Command and the Director of the Missile Defense Agency—how that particular system was going to work and how the administration planned to proceed with it. In fact, the President sent the Senate a letter affirming his commitment to missile defense, and over the past year he has stuck by that promise.

So then Romney goes on to say that President Obama doesn't understand the seriousness of the threat from nuclear terrorism. Again, just look at the record: For the first time, the President set as a national goal securing all vulnerable nuclear material around the world within 4 years. He won international endorsement of that effort at the 2010 Nuclear Security Summit.

Last year alone, the Department of Energy removed or eliminated over 250 kilograms of highly enriched uranium from places such as Ukraine, Belarus, Serbia, and Kazakhstan. In the budget request before Congress, the administration plans to eliminate highly enriched uranium from nine countries, including Vietnam, Ukraine, and Mexico.

That is clearly an administration and leader who understands the danger of nuclear material, far more than any effort previously.

Then Romney lays out the single greatest willful avoidance of facts in his article. He calls for ever-tightening sanctions on Iran.

I don't know what he thinks has been going on around here for the last few years, but when President Obama took office Iran was in the ascendancy. As the Vice President used to say when he chaired the Senate Foreign Relations Committee: Freedom wasn't on the march; Iran was on the march. Its reach through proxies such as Hezbollah threatened the United States, its allies, and the region, and particularly, obviously, Israel.

The international community was divided; diplomacy—both multilateral and bilateral—was stalled. But in June 2010, with a decisive push from President Obama, the United Nations put in place the most comprehensive and biting international sanctions the Iranian Government has ever faced—imposing restrictions on Iran's nuclear activities, ballistic missile program, conventional military exports to Iran, Iranian banks and financial transactions, and the Islamic Revolutionary Guard Corps.

What is more, in coordination with allies such as the European Union, Japan, South Korea, Australia, Canada, and others, the Obama administration put in place additional measures, ratcheting up pressure on the country's petrochemical industry, oil and gas industry, and financial sector. Recently, Europe announced the ban of oil imports from Iran, which will further pressure Iran's economy, and that has come with significant leadership effort and diplomacy by Secretary Clinton and by the administration and Secretary Geithner.

That is just on the multilateral front. President Obama also worked closely with Congress to pass the Comprehensive Iran Sanctions, Accountability, and Investment Act, which strengthened existing U.S. sanctions. He made it harder for the Iranian Government to buy refined petroleum and to modernize its oil and gas sector. Recently, we imposed tough new sanctions on the Central Bank of Iran. So one doesn't have to take my word for it.

Let me quote Iran's President Ahmadinejad, who is the one feeling the pressure. Here is what he said last fall: ''Our banks cannot make international transactions anymore.''

Today, all of these sanctions are beginning to bite. Iran is now virtually cut off from large parts of the international financial system.

Almost $60 billion in energy-related projects in Iran have been put on hold or discontinued. Iran is starting to lose oil sales to key customers in Europe and Asia. All you have to do is look at the front page of today's newspapers and read the stories of Iran hastily running around and looking for additional people to buy their oil. In fact, they have lost customers in Asia. Those losses could reach up to 40 percent of its daily sales, according to the International Energy Agency.

Banking sanctions have prevented several of Iran's customers from paying for its petroleum products, leaving the Central Bank short of hard currency and driving down the unofficial foreign exchange rate by 40 percent in a single month.

Mr. Romney needs to understand what is going on if he wants to run for President. Just yesterday the deputy chief of the Iranian Revolutionary Guard Corps was quoted as saying, ''The regime is at the height of isolation.'' This is the Revolutionary Guard speaking:

> The regime is at the height of isolation and in the midst of a technological, scientific and economic siege. We are not in a situation of imaginary threats and sanctions. Threats and sanctions against us are effectively being pursued.

Iran is also divided internally and isolated diplomatically like never before. Iran's most important ally, Syria, is facing regime collapse, which a former director of Israel's Mossad recently said could be a bigger strategic setback for Iran than a military strike against them. That came from the former director of Israel's Mossad.

To talk about Israel for a second, we all ought to remember that President Obama has provided record amounts of security funding to help Israel maintain its qualitative military edge. Prime Minister Netanyahu has spoken of President Obama's ironclad commitment to Israel's security. He said, ''Our security cooperation is unprecedented, and President Obama has backed those words with deeds.''

So when you add it all up, Mitt Romney evidently is trying to ignore, twist, and distort the administration's policy. For what purpose? For his own gain—simply to try to drive a wedge in American politics. It seems to be that the strategy of his campaign is to just say anything. It does not matter what it is based on—just say it. Put it out there whether or not it is true.

I might say that I think that is exactly what the American people are tired of and fed up with, what has turned them off of all of our politics, and what threatens the quality of our democracy in this great country of ours.

We should be crystal clear. Yes, we have to prevent Iran from acquiring a nuclear weapon. That is not a question of containment and never has been; it is a question of prevention, outright denial of this ability. That is why President Obama again made that clear in his public comments yesterday, even as he builds pressure for a diplomatic solution.

I think it is appropriate to have a President who first seeks a diplomatic solution. I am one of those here in the Senate who, together with a few others of our generation, served in Vietnam—very few—and with one or two, I think, who served in World War II: Senator INOUYE, Senator LAUTENBERG, maybe Senator COCHRAN. I don't recall if there are still more here. But the fact is that I think anybody who has served in a war first wants leaders who try to find if there is a way to make that war inevitable, if it has to happen, and at least turns over every stone possible to find out if diplomacy can find a solution to a problem.

President Obama has reiterated that all of the options are on the table. In its long history, Iran has had many amazing moments and has provided great accomplishments, culturally and in other ways, to its history and to all of us. This regime, many people believe, is something different and some hope might even become something different at some point in time, although it has a long way to go to evidence that. But President Obama has emphasized—in his approach, he has said, ''I don't bluff.'' I am convinced, as I think all of us are, that the President means exactly what he says, that Iran cannot have this weapon. I think you can ask Osama bin Laden what President Obama means when he says that he means what he says.

I know we are going to have tough debates going forward. That is appropriate. And we are going to have a bruising election season. That is OK if it is on the up-and-up, if it is really about real differences and real issues. And we ought to have those tough fights. That has proven to be how we decide the big issues in the United States. We always have. But let's have an honest debate, not a contrived one, not a phony set of propositions that have nothing to do with the reality of the situation. The American people deserve more than that.

Governor Romney can debate the man in the White House instead of inventing straw men on the op-ed pages of our newspapers. He ought to be armed with facts instead of empty rhetoric.

If we are going to succeed, as the American people want us to do in order to avoid a war in Iran, then at some point all of us have to act like statesmen, not candidates. We need to be clear-eyed about what we have accomplished and what we have yet to do. That is precisely what Americans expect from their Commander in Chief, and that is exactly what Americans deserve—no less.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

REMEMBERING CONGRESSMAN DON PAYNE

Mr. MENENDEZ. Madam President, I rise to mourn the passing of a great man, a great leader, a proud New Jerseyan, and my friend, Congressman DONALD PAYNE. I am saddened beyond words by his death. Personally, I have lost a close friend and the people of New Jersey have lost a tireless voice, a true advocate who spent a lifetime fighting for fairness, for justice, and for the little guy.

Wherever there was injustice, intolerance or suffering, wherever someone was downtrodden by the more powerful and didn't have a fair chance, DONALD PAYNE was there intervening. From his earliest days in Congress, he focused on New Jersey, but his influence was profoundly felt around the world. As a senior member of the House Committee on Foreign Affairs and the ranking member of the Subcommittee on Africa, Global Health, and Human Rights, DONALD PAYNE followed his passion to restore democracy and human rights in places where the suffering was greatest.

If we asked him what his greatest accomplishment was—and there were many—he would tell us it was working on global health issues, cofounding the Malaria Caucus that he launched with First Lady Laura Bush, securing $50 million to fight drug-resistant tuberculosis, and $50 billion for HIV/AIDS, TB, and malaria that literally—and I have heard these stories—literally saved whole villages in Sub-Saharan Africa, because that is the kind of man he was.

He built a reputation as chairman of the Africa and Global Health Subcommittee for his integrated approach to Africa, combining health, development, economic growth, and improvements for a better quality of life. He once said:

> Malaria, TB and HIV/AIDS are diseases that are caused, as well, by poverty, and until we really start dealing with poverty elimination, we are going to continue to have these diseases that follow poverty. We cannot be serious about development [assistance or engagement] without effectively dealing with these three major diseases.

He did everything he could to live up to those words.

He could not ignore the fact, as he pointed out, that:

> . . . more than 29 million people in Sub-Saharan Africa live with HIV/AIDS . . . that malaria and HIV together kill more than 4 million people each year . . . that 90 percent of them are in Africa . . . that, for millions around the world—particularly in Sub-Saharan Africa, where the global malaria burden is heaviest—the disease is a daily reality, an enduring epidemic that kills millions and impedes the progress of entire nations . . .

He believed in putting an end to the scourge of these diseases and helped broaden our focus in dealing with poverty, disease, and development as a single issue and always said: ''These are global problems that warrant a global collaborative approach . . . ''

On World Malaria Day in 2010 he said: ''This is not an endeavor for which we lack the knowledge, skills or resources to win . . . ''

DONALD PAYNE was determined to win.

When he put his mind to it, he could do anything. He believed he could change the world one village at a time, and he did because that is the kind of man he was.

I served with DONALD PAYNE in the House. I got to know him. I grew to respect his deep and passionate commitment to the institution and the people he served, his belief in the process as it was intended by our Founders, to bring all of us together, no matter what our politics or persuasion, to make a difference for his district, for New Jersey, for the Nation, and for people around the world.

DONALD considered himself hugely lucky to serve. He saw it as a honor and he made a difference because that too is the kind of man he was. DONALD PAYNE was a Congressman's Congressman. To me he was what public service is all about. He embodied the concept of Congress, the assembly of a few good people committed to the betterment of all of us.

In his passion for these issues, he worked in common cause to bring together people who were often from totally different ends of the political spectrum. Many of us would refer to him as ''the great convener'' because he had the unique ability to bring together people of disparate beliefs on behalf of these issues he believed in and felt so passionately about.

DON's career and accomplishments were exemplary. Before he was elected to Congress, he was an educator in the Newark and Passaic Public School Districts. He was the former national president of the YMCA. He became New Jersey's first African-American Congressman, winning election overwhelmingly in 1988, and was serving, at the time of his death, his 12th consecutive term—this year. He was a senior member of the House Committee on Education and the Workforce, and he was a steadfast vocal advocate for early childhood education. He was instrumental in making K–12 education more successful and for making college more affordable. He worked to cut in half the cost of the Stafford loans and increased the Pell grants. He was a tireless champion of working families, always an advocate of increasing the minimum wage, always enforcing workforce protections, because that is the kind of man DONALD PAYNE was. Through his life and service, he was a man of the people, and the people of New Jersey will never forget what he did for Essex, Hudson, and Union Counties or for the State as a whole.

In the end Congressman PAYNE will be remembered for the dignity and honor he brought to this institution and the Congress and the district he represented, always putting the interests of the community, New Jersey, and humanity first, because that is the kind of man he was. DONALD made New Jersey proud, and he will forever be missed by all of us who were touched by his warmth and compassion. I join my colleagues in mourning the passing of a great man.

I visited Congressman PAYNE on Saturday at the hospital and talked to his brother, who said leaders throughout the world had been calling to inquire as to how he was. Leaders throughout the world mourn his passing. They knew how he touched the lives of their citizens.

Our thoughts and prayers go out to DONALD's beloved children and his entire family and all of those who were touched by him throughout his life. He will be missed and we certainly hope God will bless this great man who gave back much more than he ever received in life.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

MORNING BUSINESS

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

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

REMEMBERING JAMES LAWRENCE ROSE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to an individual who worked tirelessly to strengthen Kentucky's economy through his contributions to the coal and the banking industries. James Lawrence ''Jim'' Rose of Lexington, KY, passed away on December 19, 2011. He was 73 years old. Although Mr. Lawrence may not be with us today, the legacy he has forged throughout his lifetime will carry on for many years to come.

Jim Lawrence was born in Clay County, KY, but received his education in the small town of Berea, where he graduated from the Berea Foundation High School and Berea College before completing his education at the University of Kentucky in Lexington. Jim was passionate about education and made it a priority for himself, and he set out to make it one for the youth of the Commonwealth as well. He was in large part responsible for the project to construct Lexington Christian Academy's 75-acre ''Rose Campus'' in Lexington, KY.

Although Mr. Rose was involved in all sorts of different business aspects, his most noted business accomplishments were those in the banking and coal industries. Mr. Rose returned to Clay County and started a small coal company in 1959. Over the next three decades, his business would receive numerous national awards for conducting the best mining rescues and operating the safest mines in the United States, and the company would eventually grow to be one of the top three producers of coal in the State of Kentucky upon his retirement in 1993.

Mr. Rose made tremendous strides in the world of banking as well. He formed a bank holding company in his hometown of Manchester, KY; the town served as the site where Jim would also open his first bank in 1978. He went on to open seven more banks throughout central and southern Kentucky. Mr. Rose was an exceptional consultant and manager, and under him the many banks he had acquired flourished.

We are all undoubtedly aware that Mr. Rose made a permanent mark on the economy of Kentucky, but let us not forget today that Jim was first and foremost a devout man of God and a beloved family man. Mr. Rose was a husband and a father who is survived by his wife of 49 years, Judy Sizemore Rose, and by his son James F. Rose and by his daughter Sonya Rose Hiler. Jim also leaves behind eight grandchildren and three step-grandchildren. He was preceded in death by his son, Dwayne Scott Rose.

The legacy left by Mr. Rose is one that will not be easily forgotten. He was able to give so much to the business world, working tirelessly for the people of Kentucky, and he was also able to pour his heart into building relationships with his employees and his family members. Mr. Rose led a life that one could be nothing but proud of.

I would like to ask my colleagues in the United States Senate to join me in commemorating the life and works of Mr. James Lawrence Rose, an innovative, committed and truly genuine entrepreneur.

There was an article recently printed in the Laurel County-area publication the Sentinel Echo on the accomplished life of Mr. James Lawrence ''Jim'' Rose. I ask unanimous consent that the article be printed in the RECORD.

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

[From the Sentinel Echo, Dec. 23, 2011]

BANK, COAL COMPANY FOUNDER DIES AT 73

(By Carol Mills)

James ''Jim'' Rose, 73, died Monday of complications from a heart attack in Lexington.

Rose, who moved to Lexington in 1988, was a former Laurel Countian. He began his career by starting a small coal company in 1959 in Clay County where he was born. He moved his family to Laurel County in 1975.

Over three decades he grew his coal business dramatically, founding Interstate Coal Company, which had several operations in eastern Kentucky, including one in Laurel County on Ky. 192 where College Park is now. The coal stacks are still on the property, which is owned by the city and the county. Rose retired from the coal business in 1993.

While Rose was still in the coal business, he entered the banking business by buying a bank in his hometown of Manchester in 1978. He formed a bank holding company, United Bancorp of Kentucky, and acquired seven additional banks in London (London Bank & Trust, now PNC), Danville, Nicholasville, Richmond, Versailles, Corbin, and Harlan. United Bancorp merged with National City in 1995.

Lawrence Kuhl went to work for Rose at the London Bank & Trust in 1983 as vice-president and two years later as president.

''He was an outstanding person,'' Kuhl said. ''He was so compassionate for humanity. He loved to help people in need. He hired a number of people throughout southeastern Kentucky to work in his coal mines as well as in his banks, and he was a very, very caring person. He helped a lot of individuals. His whole family is like that. He has given Cardinal Hill millions of dollars to help recuperate people. He was a super fellow, very intelligent, a good businessman.''

Charles Elza worked for Rose as president of London Bank & Trust for seven years from 1978 to 1985 before Kuhl took the helm.

''He was a great guy, a hard worker,'' Elza said. ''He was a great family man. He loved his kids. He and his wife really had a heart for people who had a hard time. He worked hard. Before he made a lot of money, I heard

he would go to work in the coal business Monday morning and wouldn't come home until Friday. He would sleep on the job. He provided a lot of jobs for people.

''I was in the coal business, too, before working at the bank,'' Elza recalled. ''My brother and I sold coal to Interstate Coal Company, which he (Rose) owned.''

Dr. Paul Smith and his wife, Ann, have been friends with Rose ever since he moved his family to London from Manchester.

''We got acquainted through our children,'' Ann Smith said. ''They were all in the band, some played sports. We went to what our children did and they went to what their children did and we just got together. We had the same values in rearing our family.

''Mr. Rose was a wonderful man,'' she added. ''He was absolutely a good man. He was a hard worker, he was always helping someone out, and he walked the talk. He was nice, and so is Judy (wife). They're both very talented musicians. Jim was a classical pianist, just as well as playing boogie, woogie. They're just a wonderful family. Jim was a good person to work for. He was very well liked by his workers. He was very fair and just.''

Rose was a graduate of Berea Foundation High School and attended Berea College and the University of Kentucky. He served in leadership positions in numerous coal and banking organizations. He was also active in civic and charitable organizations such as the Scott Rose Foundation, which was formed in memory of his son, Dwayne Scott, who was killed in an automobile crash in Richmond. The foundation helps mentally and physically handicapped people. Rose also started the Scott Rose Games in honor of his late son. The games, which helped raise money for charity, ran its course after several years and was discontinued.

Rose had served on the boards of UK., Centre College, Lees College, and the U.K. Medical Center, and was a founding member of Kentucky Educational Television (KET).

He leaves his wife Judy Sizemore Rose, a son James ''Jamie'' Rose, a daughter Sonya Rose Hiler, eight grandchildren, and three step-grandchildren.

Services were Thursday at the Lexington Christian Academy chapel and a private burial will follow at a later date at A.R. Dyche Memorial Park in London.

REMEMBERING WILLIAM SCHUBERT

Mr. PORTMAN. Mr. President, I rise today to remember Dr. William Schubert of Cincinnati, OH, for his many years of outstanding leadership and service to Cincinnati Children's Hospital Medical Center and our Greater Cincinnati community. Dr. Schubert, a Cincinnati native, died on February 25, 2012.

Bill Schubert graduated from Walnut Hills High School and then went on to attend the University of Cincinnati. Shortly after his arrival on campus, he was drafted into the U.S. Navy. After his service in the Navy, Dr. Schubert graduated from the University of Cincinnati and the University of Cincinnati College of Medicine.

Bill Schubert's 33 year career at Cincinnati Children's Hospital Medical Center included 13 years of service as the center's president and chief executive officer. Under his leadership, Cincinnati Children's Hospital Medical Center was ranked within the top 5 best pediatric medical centers in our country and was also designated as a Level 1 pediatric trauma center. Some of his other notable career achievements include establishing new clinical and research divisions for the center and overseeing the opening of the hospital's first two satellite outpatient centers.

In addition to his service to the Cincinnati Children's Hospital Medical Center, Bill Schubert remained active in the Cincinnati community through his involvement in various local and national organizations. In 1993, he was named a Great Living Cincinnatian by the Greater Cincinnati Chamber of Commerce. He left a legacy of leadership and kindness, and his devotion to his community serves as an example for others to follow.

I would like to remember Dr. William Schubert for his dedication to Cincinnati Children's Hospital and for the extraordinary impact he made on our community.

ADDITIONAL STATEMENTS

RECOGNIZING YOUNG AUDIENCES ARTS FOR LEARNING

• Mr. BROWN of Ohio. Mr. President, I wish to acknowledge the 60th anniversary of Young Audiences Arts for Learning and commend it for its contributions to our Nation's school children. Young Audiences is the Nation's leading source of arts-in-education services. Comprised of 30 affiliates and 5,000 teaching artists, Young Audiences, in 2011 alone, reached 5 million children in over 6,000 schools.

Specifically, I would like to recognize the Young Audiences affiliate in my home state of Ohio, Young Audiences of Northeast Ohio, YANEO. Serving 18 counties, YANEO has enabled over 2,000 students in urban, rural, and suburban Ohio school districts to benefit from arts education through more than 7,000 programs during the 2009–2010 school year.

Young Audiences' mission and goal is to help make the arts an essential part of education. For this reason, Young Audiences offers programs for students throughout the P–16 pipeline. From integrating music into a middle school math class to providing poetry writing classes for high school students, Young Audiences takes a comprehensive and innovative approach toward strengthening students' academic experiences.

According to the Arts Education Partnership, art plays a central role in a child's social, emotional, and cognitive development. Over time, this can help make students more engaged in school and thus better learners.

Arts education can alter a student's entire school experience. Involvement in the arts fosters creativity and problem solving—both of which help students during the school day and in their personal lives. From helping a student find a new social group, to providing a student with a new avenue of achievement, arts-in-education can keep students engaged and enrolled in school. Young Audiences has helped numerous students get back on track in the classroom and on a path towards higher education or the workforce.

Young Audiences not only plays a valuable role in our classrooms, but can benefit entire neighborhoods. Members of the Fullerton School community in Cleveland participated in the 'Parents as Arts Partners' program. With the guidance of a Young Audience artist, community members were able to design and install a mural that now brightens the Cleveland neighborhood. The experience was so positive for the parents, students, and the Fullerton community, they are now looking for funding to create another community mural.

To all the students who participate in Young Audiences, thank you for taking a stake in your education and in your community.

To the teachers and parents like those in the Fullerton community, thank you for your commitment to integrating arts throughout your students' lives. Even during challenging economic times, you go above and beyond your duties to provide your students with a well-rounded academic experience.

And to the dedicated artists of Young Audiences of Northeast Ohio, thank you for your service to the students throughout the region. Your passion and dedication for the arts will help lead to a new generation of artists and musicians—and engaged citizens.

I am proud to celebrate the work of Young Audiences nationwide. Thank you, for your 60 years of service.•

TRIBUTE TO BISHOP JOHN R. BRYANT

• Mr. CARDIN. Mr. President, I wish to recognize the 50th anniversary of the ministry of Bishop John R. Bryant, senior bishop and presiding prelate of the Fourth Episcopal District of the African Methodist Episcopal, AME, Church. Bishop Bryant is a native of Baltimore and a graduate of Baltimore City College and Morgan State University. From a young age, he learned the importance of spiritual and civic leadership from his father, Rev. Harrison Bryant, who was a Baltimore pastor and civil rights activist.

After John Bryant graduated from Morgan State, he served in Liberia with the Peace Corps, beginning his lifelong involvement in Africa. He returned to the United States and earned graduate degrees in theology and ministry and served as a pastor in Boston before returning to Baltimore in 1975, where he took on the mantle of leadership at Bethel AME Church, where his father had been pastor. At age 31, he was the youngest pastor in the church's history. He brought incredible energy to the pulpit and the congregation grew by the thousands. He was

committed to both spiritual leadership and community development and transformed the church's Labor Day celebration into a job fair for the unemployed. He created an outreach center for the poor, 40 specialized ministries, and a Christian day school for children from kindergarten to fourth grade.

In 1988, Rev. Dr. Bryant was named Bishop of the AME Church's 14th Episcopal District, which included 101 churches in West Africa and shortly added the 10th District, including Texas and the Southwest. In 2000, he was named bishop of the Fifth District, which included 200,000 church members in 14 Western States. In 2008, he was appointed senior bishop and president prelate of the Fourth Episcopal District, which includes much of the Midwest and Canada.

Bishop Bryant's wife, the Reverend Dr. Cecilia Bryant, has been an integral partner in his ministry. She founded the AME Church in the Republic of Ivory Coast, cofounded the AME Church in India, and is currently serving alongside her husband as supervisor of the church's Fourth Episcopal District. Their children, the Reverend Dr. Jamal Harrison Bryant, pastor of Baltimore's Empowerment Temple, and Dr. Thelma Bryant-Davis, a psychologist, poet, dancer, and minister, continue the family tradition of spiritual leadership.

I ask my colleagues to join me in congratulating Bishop John R. Bryant on 50 years of ministry in the African Methodist Episcopal Church. He has built a legacy of outstanding leadership, and he has delivered a message of social reform and economic justice in Baltimore, in Maryland, throughout our Nation, and around the world.●

RECOGNIZING THE 11TH STREET FAMILY HEALTH SERVICES CENTER

● Mr. CASEY. Mr. President, on January 17, 2012, I visited to the 11th Street Family Health Services Center of Drexel University. The Center is located in north Philadelphia, PA, and provides outpatient health care services to one of the most underserved communities in the city. As we work to ensure that all Americans have access to quality, affordable health care, the 11th Street Family Health Services Center serves as a model that is both innovative and effective, and I wish to highlight its efforts today.

The Center was born out of a partnership between the College of Nursing at MCP/Hahnemann University, now Drexel University's College of Nursing and Health Professions, and the Philadelphia Housing Authority to address the community's health concerns. It began as a Center focused on health promotion and disease prevention, but thanks to the tireless work of community leaders and Dr. Patty Gerrity, it quickly evolved into a comprehensive, nurse-managed, federally qualified health center.

In 1998, the center received a Health Resources and Services Administration grant for over $3 million, which it used to build a state-of-the-art health center that was opened in 2002. That facility and the nurses that manage it now provide primary care, behavioral health, dental health and health and wellness programs to more than 2,500 adult patients annually. In fact, in 2011, the Center provided 30,000 patient visits to a section of Philadelphia that has the highest percentage of unemployed adults, the highest percentage of families living in poverty and the highest rate of diabetes in Philadelphia.

Not only does the Center serve as a creative model to address chronic health issues in underserved communities, it also serves as a great educational tool. As operated by the Drexel University College of Nursing and Health Professions, the Center encourages employment in the health care field and provides nursing students with the opportunity to learn, first-hand, the skills needed to work in today's health care industry.

As we move forward with the ongoing fight to ensure that quality and affordable care is accessible to all Americans, I strongly recommend that we learn from and seek to emulate innovative models like the 11th Street Family Health Services Center. It effectively serves our most vulnerable citizens, improves their general health and in doing so reduces the burden on our larger hospitals while decreasing medical costs in the long-term.●

TRIBUTE TO DR. MARY PAT SEURKAMP

● Mr. CARDIN. Mr. President, I wish to recognize the outstanding leadership and accomplishments of Mary Pat Seurkamp, Ph.D., president of Notre Dame of Maryland University.

The College of Notre Dame of Maryland was founded in Baltimore by the School Sisters of Notre Dame to educate women and the poor. The institution was chartered in 1895 and was known as the College of Notre Dame of Maryland until September of 2011, when it was officially renamed Notre Dame of Maryland University. The undergraduate Women's College of the School of Arts and Sciences remains at the heart of the university and is the only women's college in Maryland. Under Dr. Seurkamp's leadership, Notre Dame of Maryland has flourished as one of the Nation's strongest women's institutions, fully embracing its role in preparing young women to understand and meet society's challenges.

Under Dr. Seurkamp's leadership, the college has also found new ways to meet society's needs. The Accelerated College was founded to help working women and men earn their undergraduate degrees. Now known as the College of Adult Undergraduate Studies, this division has continued to adapt to the needs of working adults and community institutions, offering courses on the Baltimore campus and at regional higher education centers and partnering hospitals.

Dr. Seurkamp, responding to expanding job opportunities in the area of health care, worked to found the Notre Dame of Maryland University School of Pharmacy, the second pharmacy school in Maryland and the first at a women's college in the United States. The School of Pharmacy, like the new School of Nursing and the School of Education, offers professional education rooted in the Catholic tradition of the liberal arts and service to others.

As part of the implementation of the campus's 20-year master plan, Dr. Seurkamp worked not only to enhance the beauty of the university grounds but also to ensure that university buildings are environmentally sustainable.

Dr. Seurkamp has been honored with numerous leadership awards, as well as the papal honor of Dame of the Order of St. Gregory. Her work reminds us of the critical role that higher education plays in defining our country's workforce and shaping our country's future.

I ask my colleagues to join me in congratulating Dr. Seurkamp on her 15 years of outstanding accomplishments as president of Notre Dame University of Maryland and in wishing her well in her retirement.●

RECOGNIZING HOSMER, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I wish to recognize Hosmer, SD. The town of Hosmer will commemorate the 125th anniversary of its founding this year.

Hosmer was platted on May 9, 1887. The name Hosmer comes from Stella A. Hosmer, who was the wife of a railroad agent from Illinois. A great majority of Hosmer's residents claim German-Russian as their ancestry. Because of this heritage, the early settlers were able to thrive in the harsh South Dakota conditions which proved to be similar to those of their home countries.

From the beginning, Hosmer has been known to provide excellent services to its citizens. In the 1920s, the town prided itself on its fine educational system, as well as a road system that was well ahead of its time. Hosmer maintained a strong business reputation in the mid-1900s, when Dun and Bradstreet gave its businesses some of the best credit ratings of any Midwestern city. Hosmer's citizens are strong and determined like their ancestors. They have endured the hardships that are common in rural communities and have not only survived but have excelled.

Hosmer has been a successful community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of

Hosmer on this landmark occasion and wish them continued prosperity in the years to come.●

TRIBUTE TO MIKE SHAW

● Mr. UDALL of Colorado. Mr. President, today I want to recognize Mike Shaw, an outstanding Coloradan and this year's recipient of the prestigious TIME Dealer of the Year award. This award is given to outstanding new-car dealers who have also performed community service and exhibited a commitment to improving the world. Mike is an exceptional business owner in Colorado, an active philanthropist, and a role model in his community. I applaud Mike's achievement and would like to take a few moments to share his work with you.

Mike has long been devoted to serving his community, a value that was instilled early in his life. He is a veteran of the U.S. Army, having served in Vietnam, and as a member of the Senate Armed Services Committee, I want to extend my gratitude for his service to our country.

After returning home and entering the new-car business, Mike opened the Mike Shaw Chevrolet Saab dealership in the heart of Denver. Today he is the owner of seven dealerships throughout Colorado, Louisiana, and Texas. Mike's entrepreneurial spirit serves as a perfect example of how small businesses take root and help drive our economy, creating jobs and taking care of their customers and communities.

The auto industry has served as the backbone of American manufacturing. When it was hit hard by the 2008 recession and neared bankruptcy in 2009, thousands of dealerships across the country were at risk of closing. I had the privilege of working with Mike to help give these important Colorado businesses and the jobs they support a second chance. He stood up to inform Congress of the actual impacts of closing auto dealerships and helped promote solutions to keep them in business. He has been a steadfast leader in Colorado, and we can all learn from his principled approach. As Mike says, ''My mantra in business is that quality comes first, customers are always the focus, and integrity is never compromised.''

I also want to commend him for his commitment to expanding education and opportunity for the youth in our State. His reach has extended to countless organizations and boards on which he has served or contributed to in other ways. The Denver Zoological Foundation, the Urban League of Denver, Kempe Children's Foundation, the National Western Stock Show Association, and St. Joseph Hospital Foundation are just a few that have felt his impact.

His exceptional leadership in the auto industry and involvement with these important community partners has earned Mike the Dealer of the Year award. His achievements are far-reaching, and each one of them is in the spirit of service to his community.

Mike is a determined and selfless community leader whose drive has helped provide our children a brighter future and made Colorado a better place to live. I extend to him my congratulations for being honored as the 2012 TIME Dealer of the Year, and I look forward to his continued leadership throughout Colorado.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:04 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1134. An act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 11:07 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3413. An act to designate the facility of the United States Postal Service at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''.

H.R. 3637. An act to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the ''Roy Schallern Rood Post Office Building''.

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

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 35. Concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 21, 2013.

S. Con. Res. 36. Concurrent resolution to authorize the use of the rotunda and Emancipation Hall of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

At 4:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 571. Resolution relative to the death of the Honorable DONALD M. PAYNE, a Representative from the State of New Jersey.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 1710. An act to designate the United States courthouse located at 222 West 7th Avenue, Anchorage, Alaska, as the James M. Fitzgerald United States Courthouse.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

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

H.R. 3413. An act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3637. An act to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the ''Roy Schallern Rood Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 6, 2012, she had presented to the President of the United States the following enrolled bill:

S. 1134. An act to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values.

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–5191. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Wooden Handicrafts from China'' ((RIN0579–AC90) (Docket No. APHIS–2007–0117)) received in the Office of the President of the Senate on March 2, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5192. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Designation of Biobased Items for Federal Procurement'' (RIN0503–AA39) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5193. A communication from the Director of Operational Test and Evaluation, Office of the Secretary of Defense, transmitting, pursuant to law, the Director of Operational Test and Evaluation's fiscal year 2011 annual report; to the Committee on Armed Services.

EC–5194. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of seven (7) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5195. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the

grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–5196. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Kingdom of Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC–5197. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time to File Estate Tax Return to Elect Portability of a Spousal Unused Exclusion Amount'' (Notice 2012–21) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Finance.

EC–5198. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—March 2012'' (Rev. Rul. 2012–9) received in the Office of the President of the Senate on February 29, 2012; to the Committee on Finance.

EC–5199. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–5200. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure'' (RIN1210–AB08) received during adjournment of the Senate in the Office of the President of the Senate on February 3, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–5201. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending June 30, 2011''; to the Committee on the Judiciary.

EC–5202. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''U.S. Department of Transportation's 2011 Annual Report to Congress and the National Transportation Safety Board Responding to Issues on the National Transportation Safety Board's Most Wanted List''; to the Committee on Commerce, Science, and Transportation.

EC–5203. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided services during fiscal year 2011; to the Committee on Commerce, Science, and Transportation.

EC–5204. A communication from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the National 911 Program; to the Committee on Commerce, Science, and Transportation.

EC–5205. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a biennial report entitled ''Deep Sea Coral Research and Technology Program 2012 Report to Congress''; to the Committee on Commerce, Science, and Transportation.

EC–5206. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Television Broadcasting Services; Lincoln, Nebraska'' (MB Docket No. 11–192; DA 12–91) received in the Office of the President of the Senate on February 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5207. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Threatened and Endangered Status for Distinct Population Segments of Atlantic Sturgeon in the Northwest Region'' (RIN0648–XJ00) received in the Office of the President of the Senate on February 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5208. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Listing Determinations for Two Distinct Population Segments of Atlantic Sturgeon (Acipenser oxyrinchus oxyrinchus) in the Southeast'' (RIN0648–XN50) received in the Office of the President of the Senate on February 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5209. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals; U.S. Navy's Research, Development, Test and Evaluation Activities Within the Naval Sea Systems Command Naval Undersea Warfare Center Keyport Range Complex'' (RIN0648–AX11) received in the Office of the President of the Senate on March 1, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5210. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; 2012 Atlantic Shark Commercial Fishing Season'' (RIN0648–BB36) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5211. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Gulf of Alaska; Amendment 83; Correction'' (RIN0648–AY53) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5212. 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; Trip Limit Reduction'' (RIN0648–XA952) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5213. 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; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XA954) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5214. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category Fishery'' (RIN0648–XA948) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5215. 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; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA955) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5216. 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; Trip Limit Increase'' (RIN0648–XA974) received in the Office of the President of the Senate on February 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5217. A communication from the Acting Director, 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; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting Seasons'' (RIN0648–XA927) received during adjournment of the Senate in the Office of the President of the Senate on February 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5218. 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–XA946) received in the Office of the President of the Senate on February 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5219. 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; Pacific Cod by Catcher Vessels Greater Than or Equal To 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA947) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5220. 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–XA944) received in

the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5221. 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; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested'' (RIN0648–XA926) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5222. 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; Pacific Cod by Non-American Fisheries Act Crab Vessels Operating as Catcher/Processors Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XA956) received in the Office of the President of the Senate on February 28, 2012; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–65. A petition transmitted by a private citizen relative to pro-se prisoner litigants; to the Committee on the Judiciary.

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. BEGICH:

S. 2156. A bill to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mr. RUBIO):

S. 2157. A bill to ensure that all of Brevard County, Florida, is treated as a HUBZone, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KOHL:

S. 2158. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2159. A bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. MANCHIN):

S. 2160. A bill to improve the examination of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 2161. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for certain plug-in vehicles; to the Committee on Finance.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. BEGICH, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 2162. A bill to provide for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD:

S. 2163. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits for individuals with kidney disease, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. 2164. A bill to authorize the Secretary of the Army to carry out activities to manage the threat of Asian carp traveling up the Mississippi River in the State of Minnesota, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself, Mr. ISAKSON, and Ms. COLLINS):

S. 2165. A bill to enhance strategic cooperation between the United States and Israel, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BAUCUS (for himself, Mrs. MURRAY, Mr. REID, Mr. DURBIN, Mrs. FEINSTEIN, Mr. TESTER, Mr. ISAKSON, and Mrs. BOXER):

S. Res. 389. A resolution designating the first week of April 2012 as ''National Asbestos Awareness Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 227

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 381

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 381, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 394

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 687

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

S. 1190

At the request of Mr. TESTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1190, a bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients.

S. 1374

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

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1942

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1942, a bill to amend title 49, United States Code, to improve transportation for seniors, and for other purposes.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United

States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 1965

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1965, a bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes.

S. 2066

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

S. 2104

At the request of Mr. CARDIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2104, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

S. 2148

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2148, a bill to amend the Toxic Substance Control Act relating to lead-based paint renovation and remodeling activities.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Florida (Mr. RUBIO), the Senator from Michigan (Ms. STABENOW), the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. WARNER), the Senator from Delaware (Mr. CARPER) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 1540

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 1540 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1652

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 1652 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1774

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 1774 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

AMENDMENT NO. 1784

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 1784 intended to be proposed to S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 2158. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KOHL. Mr. President. I wanted to speak today regarding a bill I am introducing to establish the Fox-Wisconsin Heritage Parkway National Heritage Area. The Fox-Wisconsin Heritage Parkway would cut diagonally across Wisconsin through parts of 15 counties following the Fox River from Green Bay to Portage and the Wisconsin River from Portage to the Mississippi River. This parkway marks the route taken in 1673 by explorers Father Jacques Marquette and Louis Joliet through Wisconsin.

The Fox-Wisconsin Heritage Parkway concept was created in 1991 by the National Trust for Historic Preservation and the Wisconsin Department of Commerce with the purpose of highlighting and enhancing the unique heritage of the State of Wisconsin. The Fox and Wisconsin rivers that serve as the pathway of Wisconsin's first explorers will increase heritage and recreational tourism to sites within the 280 mile Parkway and create awareness of this region's contributions to United States history.

A National Heritage Area designation would revitalize the Parkway as an economic, environmental and recreational resource and ensure it for future generations. This project has the strong support of local towns, cities, businesses and non-profits that are located within this proposed parkway. I look forward to working with my colleagues in Congress on this National Heritage Area designation.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 2159. A bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to join with Senator GRASSLEY to introduce the Drug Free Communities Reauthorization Act of 2012, a bill to reauthorize the successful Drug Free Communities Program. It is crucial that communities around the country have the support and resources needed to respond to serious drug problems in a comprehensive and coordinated manner. Drug Free Community, DFC, coalitions have been proven to significantly lower substance abuse rates in our communities nationwide.

The DFC program encourages local citizens to become directly involved in solving their community's drug issues through grassroots organizing and data-driven approaches. Since the program's inception, DFC grants, which must be matched dollar for dollar, have helped to fund nearly 2,000 coalitions and have mobilized nearly 9,000 community volunteers. Today's legislation will reauthorize the DFC Program for an additional 5 years, at a reduced rate to reflect current fiscal realities. The community coalition model has proven extremely effective and has achieved impressive outcomes. It is critical that today's bill become law.

The DFC Program strategically invests Federal anti-drug resources at the community level with those who have the most power to reduce the demand for drugs—parents, teachers, business leaders, local media, religious leaders, law enforcement, youth, and others in the community. Grantees execute collaborative strategies to address their communities' unique substance use and abuse issues. This is the optimal way to ensure that the entire community benefits from prevention. I have consistently supported funding for these coalitions, and was pleased that last year, eight Vermont coalitions were awarded Drug Free Community grants totaling $946,852.

In Vermont, we have felt the presence of drug abuse and drug-related crime in our communities, and prescription drug abuse is on the rise. The myth persists that drug abuse and drug-related crime are only big-city problems, but rural America is also coping with these issues. I have brought the Judiciary Committee to Vermont several times to examine these problems and gain perspectives to help shape solutions. One thing is clear. Law enforcement, while crucial, cannot solve the problem on its own. Reducing substance abuse requires a comprehensive approach with equal attention to law enforcement, prevention and education, and treatment, all with active community buy-in.

We see significant results in the fight against youth drug abuse when we have people working together at the local, State, and Federal levels, and in the law enforcement, prevention, and treatment fields. We have seen success driven by DFC coalitions in Vermont and throughout the country, but there is more work to be done. Drug abuse and drug-related crime is a persistent problem in major metropolitan areas and rural communities alike. I hope all Senators will support this bipartisan bill so that communities nationwide can sustain effective community coalitions to reduce youth drug use.

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. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE DRUG-FREE COMMUNITIES SUPPORT PROGRAM THROUGH FISCAL YEAR 2017.

Section 1024(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1524(a)) is amended by striking paragraph (9) and all that follows and inserting the following:

''(9) $90,000,000 for fiscal year 2006;
''(10) $99,000,000 for fiscal year 2007;
''(11) $109,000,000 for fiscal year 2008;
''(12) $114,000,000 for fiscal year 2009;
''(13) $119,000,000 for fiscal year 2010;
''(14) $124,000,000 for fiscal year 2011;
''(15) $129,000,000 for fiscal year 2012;
''(16) $100,000,000 for fiscal year 2013;
''(17) $100,000,000 for fiscal year 2014;
''(18) $100,000,000 for fiscal year 2015;
''(19) $100,000,000 for fiscal year 2016; and
''(20) $100,000,000 for fiscal year 2017.''.

Mr. GRASSLEY. Mr. President, throughout my years in Congress, I have worked to keep drugs out of our communities. We have all seen the destructive impact drugs have on our communities, and our families. For years, we have heard tragic stories of the lives impacted by drug abuse. These problems plague our society and we must remain united in this struggle to end abuse and addiction.

In 1997 I, along with then-Senator BIDEN, sponsored legislation to create the Drug Free Communities, DFC, program. I believed then—as I still do today—that one of the most effective ways to prevent drug abuse is by supporting community antidrug coalitions to identify, prevent and eradicate the sources of abuse at the grass roots. Since the enactment of the Drug Free Communities Act, thousands of community antidrug coalitions have received Federal support to further their efforts to halt drug abuse in their communities.

Coalitions, across the country and in my home State of Iowa, are confronted with unique challenges, but they are leading their communities in finding ways to overcome them. For example, the Van Buren Safe Coalition in Keosauqua, IA implemented comprehensive community wide strategies to address the growing marijuana problem in their community. They conducted town hall meetings to raise awareness about the dangers of drug use; facilitated various community and youth education opportunities; and partnered with local schools to ensure drug policies and codes of conduct were in place. As a result, the Van Buren County SAFE Coalition reduced marijuana use among 11th graders by one-third in a 5-year time span according to the Iowa Youth Survey.

The Kossuth Connections coalition, which is headquartered in Algona, IA, is also taking action to fight underage drinking and smoking within its communities. According to the Iowa Youth Survey, current underage drinking and smoking, although still below the statewide average, has increased slightly between 2008 and 2010 in this county. As a result, the Kossuth Connections coalition has partnered with local businesses that sell alcohol and tobacco to ensure compliance with laws requiring age restrictions on selling alcohol and tobacco products. Youth from the county have surveyed area stores, inspected advertisements and product placements, and helped to determine whether or not the store displays a ''We ID'' sticker at the counter. These youth are committed to ensuring local stores are in compliance with the law and are actively working to reduce underage drinking and smoking.

These coalitions are a small sampling, but they represent the incredible efforts that many are putting into controlling and reducing drug abuse in our communities. Now is not the time to abandon community drug prevention efforts.

Unfortunately, recent trends indicate youth drug use nationally is on the rise and new synthetic drugs like K2/Spice and bath salts are gaining in popularity. In fact, the latest Monitoring the Future Survey indicates that one in nine high school seniors used synthetic drugs like K2/Spice in the past year. This is the first year this survey tested students on synthetic drug use. The high number of users in such a short time span illustrates how rapidly drug use can spread among certain populations and communities. It is discouraging to see these surveys and to read about more tragedies on a daily basis. These negative trends will continue if they are not aggressively addressed.

It is vital that communities are made aware of abuse trends and the new drugs coming on the horizon. The actions community antidrug coalitions can take to stem the growing tide of rising drug abuse, like synthetic drug abuse, can and have made a real difference. By holding town hall meetings, launching school programs, and confronting local businesses that market or sell inappropriate products community coalitions are making a real positive difference.

Whether it is a synthetic drug outbreak, a meth epidemic in a Midwestern town, or an increase in underage drinking, community antidrug coalitions will lead the way to unite their community against drug abuse. It is vital in these tough times that these coalitions continue to receive support from their communities and from the Federal Government. That is why I am pleased to join my colleague, Senator LEAHY, in introducing a bill to reauthorize The Drug Free Communities Support Program for an additional 5 years.

This reauthorizing legislation recognizes the good work local antidrug coalitions have done over the years, but it also recognizes the fact that resources at the Federal level are tight and that authorizations need to more closely resemble appropriations. Further, this program is part of an ongoing review conducted by the Government Accountability Office (GAO) that I, along with Senator FEINSTEIN, requested to study the effectiveness of the program. This study will take some time to develop and should not hinder our efforts to reauthorize the program, but should also be taken into consideration once the results are available.

We must remain vigilant and not relent in our efforts to eradicate drug abuse. Drug abuse flourishes when the problem is ignored. If we are going to make a better future for our children and communities, we must face this menace together.

By Mr. REED (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. BROWN of Ohio, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. BEGICH, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 2162. A bill to provide for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I introduce the Project Rebuild Act today, and I thank Senators DURBIN, SCHUMER, LEAHY, AKAKA, SHERROD BROWN, WHITEHOUSE, MERKLEY, BEGICH, FRANKEN, and BLUMENTHAL for joining me as original cosponsors of this bill.

Rhode Island, like America, is facing a foreclosure crisis. The bill we are introducing offers an opportunity to address this crisis—tackling foreclosures and affordable rental housing at the same time.

Building upon the successful, proven, and bipartisan Neighborhood Stabilization Plan, NSP, which has helped put Americans back to work stabilizing neighborhoods, the Project Rebuild Act could provide $43 million for Rhode Island to help create jobs and overhaul distressed neighborhoods and commercial properties.

Nationwide, about $10 billion would be directed to States and local governments through a formula modeled after NSP, and $5 billion would be distributed through new competitive grants.

We are facing a challenging budget environment, but this is the right time to make smart investments in strengthening our communities, putting more construction workers back to work, and bolstering the economy. This initiative will provide a flexible source of funding to help local communities leverage federal dollars to effectively address vacant and blighted properties.

In communities across Rhode Island and the country, we have seen how the foreclosure crisis has affected not just those who have lost their homes, but also how it has impacted entire neighborhoods.

I helped ensure that Rhode Island would receive additional NSP funding to assist communities hit hardest by the foreclosure crisis. Based on my visits to many NSP sites in Rhode Island, the State's NSP allotment of $26 million is making a difference in neighborhoods all over the State. This crucial investment in Rhode Island has not only begun to help reverse the fallout from foreclosures, but has also provided families with affordable rental housing.

But more needs to be done. According to the Department of Housing and Urban Development, despite three rounds of NSP funding, ''there is unaddressed high need in more than 76 percent of high need census tracts across the country.'' According to the Federal Reserve's recent housing white paper, the number of new homes that will have completed the foreclosure process could be as high as 1 million properties per year in 2012 and 2013.

We need to act to gain traction in our housing market so that we can firmly anchor a sustainable economic recovery that actually reaches and touches all Americans.

The Project Rebuild Act takes us in the right direction towards gaining this needed traction by making important enhancements to NSP, such as broadening eligible uses to include commercial vacancies.

It would offer new grants for fixing up vacant commercial properties, complementing the abilities of private developers.

It would also increase support for ''land banking.'' Land banks work with communities to buy, hold, and redevelop distressed properties as part of a long-term redevelopment strategy. Our bill would help more communities utilize successful land bank models and provide additional resources for Rhode Island Housing's Land Bank.

The U.S. Department of Housing and Urban Development, HUD, estimates Project Rebuild could create over 190,000 jobs and renovate 150,000 properties nationwide.

Just as NSP was supported on a bipartisan basis, I hope we can build bipartisan support for this effort to help revitalize neighborhoods, create jobs, and accelerate economic growth.

I urge my colleagues to join us in supporting this bill and other efforts to address foreclosures and bolster our nation's recovery.

By Mr. CONRAD:

S. 2163. A bill to amend title XVIII of the Social Security Act to improve Medicare benefits for individuals with kidney disease, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, I am introducing the Kidney Disease Equitable Access, Prevention, and Research Act. This legislation recognizes the importance of patient choice, access to care, and educational efforts to assist the more than 400,000 Americans with kidney failure to manage their disease and understand the treatment options.

First, the legislation seeks to maintain patient choice to retain their private insurance options, even after they qualify for Medicare by virtue of their disease state. Under current law, an individual diagnosed with kidney failure, or End Stage Renal Disease, ESRD, has the choice to maintain his/her current group health plan or transition immediately to Medicare. The legislation introduced today would direct the Secretary to clarify that this long-standing requirement also applies to group health plans established through Health Benefit Exchanges, as well as more traditional plans.

Second, the legislation seeks to improve access to preventive and educational services by expanding access to coverage for kidney disease education services.

Finally, the legislation seeks to address barriers to receiving this life-sustaining treatment, including transportation issues and factors that lead to disparities among minority populations. It also calls on the Secretary to report on gaps in quality and care management metrics to support ongoing efforts to continue quality improvement in the Medicare ESRD program.

I call on my colleagues to reaffirm the Congressional commitment to Americans with ESRD by ensuring equitable access to care for individuals with kidney disease, supporting research to improve access to high quality kidney care, and improving access to preventive care for individuals with ESRD. The Kidney Disease Equitable Access, Prevention, and Research Act is a comprehensive bill that improves upon the Medicare ESRD program. I urge my colleagues to join with me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 389—DESIGNATING THE FIRST WEEK OF APRIL 2012 AS ''NATIONAL ASBESTOS AWARENESS WEEK''

Mr. BAUCUS (for himself, Mrs. MURRAY, Mr. REID of Nevada, Mr. DURBIN, Mrs. FEINSTEIN, Mr. TESTER, Mr. ISAKSON, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas, generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 1,100 metric tons of the fibrous mineral for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2012 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1800. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table.

SA 1801. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1802. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1803. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1804. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1805. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 1741 submitted by Mr. LEVIN (for himself and Mr. CONRAD) and intended to be proposed to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1806. Mr. BARRASSO submitted an amendment intended to be proposed to

amendment SA 1776 submitted by Ms. CANTWELL and intended to be proposed to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1807. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, supra; which was ordered to lie on the table.

SA 1808. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1886, to prevent trafficking in counterfeit drugs.

TEXT OF AMENDMENTS

SA 1800. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1454, between lines 8 and 9, insert the following:

(c) AGENCY APPROVALS FOR POSITIVE TRAIN CONTROL.—

(1) COORDINATION.—The Secretary and the Chairman shall coordinate to expedite approvals of associated technology essential to implementing a positive train control system pursuant to section 20157(a) of title 49, United States Code.

(2) APPROVAL PROCESS.—

(A) IN GENERAL.—The Chairman shall give priority to all actions essential to implementing the system described in paragraph (1).

(B) SPECTRUM APPLICATIONS.—The Chairman—

(i) shall approve or deny applications for spectrum necessary to implement positive train control not later than 180 days after the submission of a complete application, unless additional time is sought by the applicant; and

(ii) in determining whether to grant an application described in subparagraph (A), shall consider the interests of public safety.

(C) EXTENSION OF TIME FOR APPROVING OR DENYING APPLICATIONS.—The Chairman may extend the time for approving or denying an application under subparagraph (B)(i) for 1 additional period of 180 days for good cause if the Chairman provides to the applicant—

(i) a statement of the grounds for the extension; and

(ii) a target date for approving or denying the application.

(3) SEMI-ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, and every 6 months thereafter, the Secretary and the Chairman shall jointly submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) the status of the applications described in paragraph (2)(B);

(B) any additional agency approvals or actions that may be necessary; and

(C) the additional agency resources that will be required to facilitate expeditious approvals and actions.

SA 1801. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1323, between lines 13 and 14, insert the following:

(d) RELATIONSHIP TO OTHER LAWS.—Section 5107(g)(2) is amended by inserting ", or section 34007 of the Hazardous Materials Transportation Safety Improvement Act of 2012," after "section 5106".

SA 1802. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—PUBLIC SAFETY OFFICERS AND VOLUNTEERS

Subtitle A—Public Safety Officers Benefits

SEC. ___21. SHORT TITLE.

This subtitle may be cited as the "Dale Long Public Safety Officers' Benefits Improvements Act of 2012".

SEC. ___22. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS AND CERTAIN TRAINEES; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking "and" at the end;

(B) in paragraph (27), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(28) the term 'hearing examiner' includes any medical or claims examiner.";

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking "follows:" and all that follows and inserting the following: "follows (if the payee indicated is living on the date on which the determination is made)—

"(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

"(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

"(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

"(4) if there is no surviving spouse of the public safety officer and no surviving child—

"(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

"(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

"(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

"(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.";

(B) in subsection (b)—

(i) by striking "direct result of a catastrophic" and inserting "direct and proximate result of a personal";

(ii) by striking "pay," and all that follows through "the same" and inserting "pay the same";

(iii) by striking "in any year" and inserting "to the public safety officer (if living on the date on which the determination is made)";

(iv) by striking "in such year, adjusted" and inserting "with respect to the date on which the catastrophic injury occurred, as adjusted";

(v) by striking ", to such officer";

(vi) by striking "the total" and all that follows through "For" and inserting "for"; and

(vii) by striking "That these" and all that follows through the period, and inserting "That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.";

(C) in subsection (f)—

(i) in paragraph (1), by striking ", as amended (D.C. Code, sec. 4–622); or" and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking ". Such beneficiaries shall only receive benefits under such section 8191 that" and inserting ", such that beneficiaries shall receive only such benefits under such section 8191 as"; and

(II) by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).";

(D) by amending subsection (k) to read as follows:

"(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

"(1) the public safety officer, while on duty—

"(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

"(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

"(2) the heart attack, stroke, or vascular rupture commences—

"(A) while the officer is engaged or participating as described in paragraph (1);

"(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

"(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

"(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors."; and

(E) by adding at the end the following:

"(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or

executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.'';

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking ''death'', each place it appears except the second place it appears, and inserting ''fatal''; and

(B) in paragraph (1), by striking ''or catastrophic injury'' the second place it appears and inserting '', disability, or injury'';

(4) in section 1203 (42 U.S.C. 3796a–1)—

(A) in the section heading, by striking ''**WHO HAVE DIED IN THE LINE OF DUTY**'' and inserting ''**WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY**''; and

(B) by striking ''who have died in the line of duty'' and inserting ''who have sustained fatal or catastrophic injury in the line of duty'';

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking ''consequences of an injury that'' and inserting ''an injury, the direct and proximate consequences of which'';

(B) in paragraph (3)—

(i) in the matter preceding clause (i)—

(I) by inserting ''or permanently and totally disabled'' after ''deceased''; and

(II) by striking ''death'' and inserting ''fatal or catastrophic injury''; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking ''post-mortem'' each place it appears and inserting ''post-injury'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking ''death'' and inserting ''fatal or catastrophic injury'';

(D) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a prehospital emergency medical response agency;''; and

(E) in paragraph (9)—

(i) in subparagraph (A), by striking ''as a chaplain, or as a member of a rescue squad or ambulance crew;'' and inserting ''or as a chaplain;'';

(ii) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.'';

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

''(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.'';

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking ''dependent'' each place it appears and inserting ''person'';

(8) in section 1212 (42 U.S.C. 3796d–1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Subject'' and all that follows through '', the'' and inserting ''The''; and

(ii) in paragraph (3), by striking ''reduced by'' and all that follows through ''(B) the amount'' and inserting ''reduced by the amount'';

(B) in subsection (c)—

(i) in the subsection heading, by striking ''DEPENDENT''; and

(ii) by striking ''dependent'';

(9) in section 1213(b)(2) (42 U.S.C. 3796d–2(b)(2)), by striking ''dependent's'' each place it appears and inserting ''person's'';

(10) in section 1216 (42 U.S.C. 3796d–5)—

(A) in subsection (a), by striking ''each dependent'' each place it appears and inserting ''a spouse or child''; and

(B) by striking ''dependents'' each place it appears and inserting ''a person''; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking ''described in'' and all that follows and inserting ''an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''section 1204(9)(A)'' and inserting ''section 1204(10)(A)''; and

(2) by striking ''42 U.S.C. 3796b(9)(A)'' and inserting ''42 U.S.C. 3796b(10)(A)''.

SEC. ___23. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.

The matter under the heading ''PUBLIC SAFETY OFFICERS BENEFITS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking ''decisions'' and inserting ''determinations'';

(2) by striking ''(including those, and any related matters, pending)''; and

(3) by striking the period at the end and inserting the following: '': *Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

''(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

''(2) payment shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

''(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

''(4) a certification submitted under any such statute may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations, except as the Bureau may indicate otherwise.''.

SEC. ___24. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this subtitle), the amendments made by this subtitle shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this subtitle, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

Subtitle B—Liability Protection for Volunteer Pilots That Fly for Public Benefit

SEC. ___41. SHORT TITLE.

This subtitle may be cited as the ''Volunteer Pilot Protection Act of 2012''.

SEC. ___42. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Many volunteer pilots fly for public benefit and provide valuable services to communities and individuals.

(2) In 2006, volunteer pilots provided long-distance, no-cost transportation for more than 58,000 people during times of special need.

(b) PURPOSE.—The purpose of this subtitle is to promote the activities of volunteer pilots who fly for public benefit and to sustain the availability of the services that such volunteers provide, including the following:

(1) Transportation at no cost to financially needy medical patients for medical treatment, evaluation, and diagnosis.

(2) Flights for humanitarian and charitable purposes.

(3) Other flights of compassion.

SEC. ___43. LIABILITY PROTECTION FOR VOLUNTEER PILOTS THAT FLY FOR PUBLIC BENEFIT.

Section 4(a)(4) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(a)(4)) is amended by striking ''craft, or vessel'' and all that follows and inserting the following: ''craft, or vessel to possess an operator's license or maintain insurance, except that this paragraph does not apply to a volunteer who— ''

''(A) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

''(B) was properly licensed and insured for the operation of the aircraft.''.

SA 1803. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—PUBLIC SAFETY OFFICERS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Dale Long Public Safety Officers' Benefits Improvements Act of 2012''.

SEC. ___02. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS AND CERTAIN TRAINEES; MISCELLANEOUS AMENDMENTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901(a) (42 U.S.C. 3791(a))—

(A) in paragraph (26), by striking ''and'' at the end;

(B) in paragraph (27), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(28) the term 'hearing examiner' includes any medical or claims examiner.'';

(2) in section 1201 (42 U.S.C. 3796)—

(A) in subsection (a), by striking ''follows:'' and all that follows and inserting the following: ''follows (if the payee indicated is living on the date on which the determination is made)—

''(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

''(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

''(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

''(4) if there is no surviving spouse of the public safety officer and no surviving child—

''(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

''(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

''(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

''(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.'';

(B) in subsection (b)—

(i) by striking ''direct result of a catastrophic'' and inserting ''direct and proximate result of a personal'';

(ii) by striking ''pay,'' and all that follows through ''the same'' and inserting ''pay the same'';

(iii) by striking ''in any year'' and inserting ''to the public safety officer (if living on the date on which the determination is made)'';

(iv) by striking ''in such year, adjusted'' and inserting ''with respect to the date on which the catastrophic injury occurred, as adjusted'';

(v) by striking '', to such officer'';

(vi) by striking ''the total'' and all that follows through ''For'' and inserting ''for''; and

(vii) by striking ''That these'' and all that follows through the period, and inserting ''That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.'';

(C) in subsection (f)—

(i) in paragraph (1), by striking '', as amended (D.C. Code, sec. 4–622); or'' and inserting a semicolon;

(ii) in paragraph (2)—

(I) by striking ''. Such beneficiaries shall only receive benefits under such section 8191 that'' and inserting '', such that beneficiaries shall receive only such benefits under such section 8191 as''; and

(II) by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).'';

(D) by amending subsection (k) to read as follows:

''(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

''(1) the public safety officer, while on duty—

''(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

''(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

''(2) the heart attack, stroke, or vascular rupture commences—

''(A) while the officer is engaged or participating as described in paragraph (1);

''(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

''(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

''(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.''; and

(E) by adding at the end the following:

''(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.'';

(3) in section 1202 (42 U.S.C. 3796a)—

(A) by striking ''death'', each place it appears except the second place it appears, and inserting ''fatal''; and

(B) in paragraph (1), by striking ''or catastrophic injury'' the second place it appears and inserting '', disability, or injury'';

(4) in section 1203 (42 U.S.C. 3796a–1)—

(A) in the section heading, by striking ''**WHO HAVE DIED IN THE LINE OF DUTY**'' and inserting ''**WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY**''; and

(B) by striking ''who have died in the line of duty'' and inserting ''who have sustained fatal or catastrophic injury in the line of duty'';

(5) in section 1204 (42 U.S.C. 3796b)—

(A) in paragraph (1), by striking ''consequences of an injury that'' and inserting ''an injury, the direct and proximate consequences of which'';

(B) in paragraph (3)—

(i) in the matter preceding clause (i)—

(I) by inserting ''or permanently and totally disabled'' after ''deceased''; and

(II) by striking ''death'' and inserting ''fatal or catastrophic injury''; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (5)—

(i) by striking ''post-mortem'' each place it appears and inserting ''post-injury'';

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking ''death'' and inserting ''fatal or catastrophic injury'';

(D) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a prehospital emergency medical response agency;''; and

(E) in paragraph (9)—

(i) in subparagraph (A), by striking ''as a chaplain, or as a member of a rescue squad or ambulance crew;'' and inserting ''or as a chaplain;'';

(ii) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(iii) in subparagraph (C)(ii), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.'';

(6) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

''(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.'';

(7) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking ''dependent'' each place it appears and inserting ''person'';

(8) in section 1212 (42 U.S.C. 3796d–1)—

(A) in subsection (a)—

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Subject'' and all that follows through '', the'' and inserting ''The''; and

(ii) in paragraph (3), by striking ''reduced by'' and all that follows through ''(B) the amount'' and inserting ''reduced by the amount'';

(B) in subsection (c)—

(i) in the subsection heading, by striking ''DEPENDENT''; and

(ii) by striking ''dependent'';

(9) in section 1213(b)(2) (42 U.S.C. 3796d–2(b)(2)), by striking ''dependent's'' each place it appears and inserting ''person's'';

(10) in section 1216 (42 U.S.C. 3796d–5)—

(A) in subsection (a), by striking ''each dependent'' each place it appears and inserting ''a spouse or child''; and

(B) by striking ''dependents'' each place it appears and inserting ''a person''; and

(11) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking ''described in'' and all that follows and inserting ''an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(1)(4)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''section 1204(9)(A)'' and inserting ''section 1204(10)(A)''; and

(2) by striking ''42 U.S.C. 3796b(9)(A)'' and inserting ''42 U.S.C. 3796b(10)(A)''.

SEC. ____03. AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.

The matter under the heading ''PUBLIC SAFETY OFFICERS BENEFITS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking ''decisions'' and inserting ''determinations'';

(2) by striking ''(including those, and any related matters, pending)''; and

(3) by striking the period at the end and inserting the following: '': *Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

''(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

''(2) payment shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

''(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

''(4) a certification submitted under any such statute may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

Provided further, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations, except as the Bureau may indicate otherwise.''.

SEC. ____04. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall—

(1) take effect on the date of enactment of this Act; and

(2) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(b) EXCEPTIONS.—

(1) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(8) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this title), the amendments made by this title shall apply to injuries sustained on or after June 1, 2009.

(2) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this title, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

SA 1804. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division D, insert the following:

SEC. ___. TERMINATION OF PROVISIONS.

Sections 4022(g) and 4044(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(g) and 1344(e)), as added by section 404 of the Pension Protection Act of 2006, are repealed as of October 1, 2011, and shall not apply with respect to proceedings initiated under title 11, United States Code, or under any similar Federal law or law of a State or political subdivision, on or after such date.

SA 1805. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 1741 proposed by Mr. LEVIN (for himself and Mr. CONRAD) and intended to be proposed to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

SEC. ___. TREATMENT OF FOREIGN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES AS DOMESTIC CORPORATIONS.

(a) IN GENERAL.—Section 7701 (relating to definitions) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CERTAIN CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES TREATED AS DOMESTIC FOR INCOME TAX.—

''(1) IN GENERAL.—Notwithstanding subsection (a)(4), in the case of a corporation described in paragraph (2) if—

''(A) the corporation would not otherwise be treated as a domestic corporation for purposes of this title, but

''(B) the management and control of the corporation occurs, directly or indirectly, primarily within the United States,

then, solely for purposes of chapter 1 (and any other provision of this title relating to chapter 1), the corporation shall be treated as a domestic corporation.

''(2) CORPORATION DESCRIBED.—

''(A) IN GENERAL.—A corporation is described in this paragraph if—

''(i) section 7874(b) would apply to such corporation but for the application of the date in section 7874(a)(2)(B)(i) or the last sentence of section 7874(a)(2)(B), and

''(ii)(I) the stock of such corporation is regularly traded on an established securities market, or

''(II) the aggregate gross assets of such corporation (or any predecessor thereof), including assets under management for investors, whether held directly or indirectly, at any time during the taxable year or any preceding taxable year is $50,000,000 or more.

''(B) WAIVER FOR CERTAIN CORPORATIONS.—A corporation shall not be treated as described in this paragraph if—

''(i) such corporation was treated as a corporation described in this paragraph in a preceding taxable year,

''(ii) such corporation—

''(I) is not regularly traded on an established securities market, and

''(II) has, and is reasonably expected to continue to have, aggregate gross assets (including assets under management for investors, whether held directly or indirectly) of less than $50,000,000, and

''(iii) the Secretary grants a waiver to such corporation under this subparagraph.

''(C) EXCEPTION FROM GROSS ASSETS TEST.—Subparagraph (A)(ii)(II) shall not apply to a corporation which is a controlled foreign corporation (as defined in section 957) and which is a member of an affiliated group (as defined section 1504, but determined without regard to section 1504(b)(3)) the common parent of which—

''(i) is a domestic corporation (determined without regard to this subsection), and

''(ii) has substantial assets (other than cash and cash equivalents and other than stock of foreign subsidiaries) held for use in the active conduct of a trade or business in the United States.

''(3) MANAGEMENT AND CONTROL.—

''(A) IN GENERAL.—The Secretary shall prescribe regulations for purposes of determining cases in which the management and control of a corporation is to be treated as occurring primarily within the United States.

''(B) EXECUTIVE OFFICERS AND SENIOR MANAGEMENT.—Such regulations shall provide that—

''(i) the management and control of a corporation shall be treated as occurring primarily within the United States if substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are located primarily within the United States, and

''(ii) individuals who are not executive officers and senior management of the corporation (including individuals who are officers or employees of other corporations in the same chain of corporations as the corporation) shall be treated as executive officers and senior management if such individuals exercise the day-to day responsibilities of the corporation described in clause (i).

''(C) CORPORATIONS PRIMARILY HOLDING INVESTMENT ASSETS.—Such regulations shall also provide that the management and control of a corporation shall be treated as occurring primarily within the United States if—

''(i) the assets of such corporation (directly or indirectly) consist primarily of assets being managed on behalf of investors, and

''(ii) decisions about how to invest the assets are made in the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the date which is 2 years after the date of the enactment of this Act.

SA 1806. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1776 proposed by Ms. CANTWELL and intended to be proposed to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 323____. EXEMPTION FROM ELECTRONIC ON-BOARD RECORDING DEVICE REQUIREMENT.

Section 31137(a)(1), as amended by section 32301(a)(3) of this Act, is further amended by striking ''a commercial motor vehicle'' and inserting ''any commercial motor vehicle

(except for vehicles owned and operated by an independent truck operator)''.

SA 1807. Mr. BROWN of Ohio (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 1761 proposed by Mr. REID to the bill S. 1813, to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 888, line 18, strike ''Section'' and insert the following:

(a) IN GENERAL.—Section

Beginning on page 896, strike line 22 and all that follows through page 897, line 22, and insert the following:

''(3) BUY AMERICA WAIVER REQUIREMENTS.—

''(A) NOTICE AND COMMENT OPPORTUNITIES.—

''(i) IN GENERAL.—If the Secretary receives a request for a waiver under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, the Secretary shall provide notice of, and an opportunity for public comment on, the request not later than 15 days before making a finding based on such request.

''(ii) NOTICE REQUIREMENTS.—Each notice provided under clause (i)—

''(I) shall include the information available to the Secretary concerning the request, including the requestor's justification for such request; and

''(II) shall be provided electronically, including on the official public Internet website of the Department.

''(B) PUBLICATION OF DETAILED JUSTIFICATION.—If the Secretary issues a waiver pursuant to the authority granted under a provision referenced in subparagraph (A)(i), the Secretary shall publish, in the Federal Register, a detailed justification for the waiver that—

''(i) addresses the public comments received under subparagraph (A)(i); and

''(ii) is published before the waiver takes effect.

''(C) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—This paragraph shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

''(D) REVIEW OF NATIONWIDE WAIVERS.—Not later than 1 year after the date of the enactment of the Moving Ahead for Progress in the 21st Century Act, and at least once every 5 years thereafter, the Secretary shall review each standing nationwide waiver issued pursuant to the authority granted under any of the provisions referenced in subparagraph (A)(i) to determine whether continuing such waiver is necessary.

On page 900, between lines 9 and 10, insert the following:

''(10) APPLICATION TO TRANSIT PROGRAMS.—The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

On page 904, between lines 6 and 7, insert the following:

(b) BUY AMERICA PROVISIONS.—

(1) SURFACE TRANSPORTATION.—Section 313 of title 23, United States Code, is amended by adding at the end the following:

''(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.''.

(2) AMTRAK.—Section 24305(f) of title 49, United States Code, is amended by adding at the end the following:

''(5) The requirements under this subsection shall apply to all contracts eligible for Federal funding for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this chapter.

''(6) If a project receives funding under this chapter and under the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), the Buy America requirements set forth in the Passenger Rail Investment and Improvement Act of 2008 shall apply to all contracts in the project within the scope of the applicable finding, determination, or decision under he National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)''.

(3) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The amendments made by this subsection shall be applied in a manner that is consistent with United States obligations under relevant international agreements.

(c) BUY AMERICA REPORTING.—Section 308 of title 49, United States Code, is amended by inserting after subsection (c) the following:

''(d) Not later than February 1, 2013, and annually thereafter, the Secretary shall submit a report to Congress that—

''(1) specifies each highway, public transportation, or railroad project for which the Secretary issued a waiver from a Buy America requirement pursuant to the authority granted under section 313(b) of title 23, United States Code, or under section 24305(f)(4) or 24405(a)(2) of title 49, United States Code, during the preceding calendar year;

''(2) identifies the country of origin and product specifications for the steel, iron, or manufactured goods acquired pursuant to each of the waivers specified under paragraph (1); and

''(3) summarizes the monetary value of contracts awarded pursuant to each such waiver.''.

SA 1808. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1886, to prevent trafficking in counterfeit drugs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Counterfeit Drug Penalty Enhancement Act of 2011''.

SEC. 2. COUNTERFEIT DRUG PREVENTION.

Section 2320(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) COUNTERFEIT DRUGS.—

''(A) IN GENERAL.—Whoever commits an offense under subsection (a) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

''(i) if an individual, be fined not more than $4,000,000, imprisoned not more than 20 years, or both; and

''(ii) if a person other than an individual, be fined not more than $10,000,000.

''(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

''(i) if an individual, shall be fined not more than $8,000,000, imprisoned not more than 20 years, or both; and

''(ii) if other than an individual, shall be fined not more than $20,000,000.''.

SEC. 3. SENTENCING COMMISSION DIRECTIVE.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(b)(2) of title 18, United States Code, as amended by section 2, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 6, 2012, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 March 6, 2012, at 10 a.m., to conduct a committee hearing entitled ''Spurring Job Growth Through Capital Formation While Protecting Investors, Part II.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. 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 March 6, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 6, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform Options: Incentives for Capital Investment and Manufacturing.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 6, 2012, at 2:30 p.m., to hold a hearing entitled, ''International Development Priorities in the FY 2013 Budget.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 6, 2012, at 10:30 a.m.

The PRESIDING OFFICER. With objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 6, 2012, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 6, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 6, 2012, at 2:45 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Keeping America Competitive through Investments in R&D.''

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

COUNTERFEIT DRUG PENALTY ENHANCEMENT ACT OF 2011

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 253, S. 1886.

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

The legislative clerk read as follows:

A bill (S. 1886) to prevent trafficking in counterfeit drugs.

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

Mr. LEAHY. Mr. President, I am pleased that the Senate will act today to combat the increasing problem of counterfeit pharmaceuticals. I thank Senators GRASSLEY and BENNET, and the other cosponsors, along with the bipartisan sponsors of the House companion bill. This is important legislation to deter the influx of counterfeit medication. The bill will not only support the American economy and job creation by protecting American intellectual property, but it will protect the health and safety of American consumers.

The illegal counterfeit pharmaceutical trade is a multi-billion dollar criminal industry. The Alliance for Safe Online Pharmacies wrote in support of this legislation that ''criminals are drawn to counterfeit drugs because of the significantly higher profits in comparison to the very low risks and penalties.''

We cannot allow the counterfeiting of life-saving medicine to be just one more low-risk venture from which international organized criminals can profit. The Counterfeit Drug Penalty Enhancement Act raises the maximum sentences for trafficking in counterfeit pharmaceutical products and requires the United States Sentencing Commission to consider amending its guidelines to account for the harm to the public and need for an effective deterrent.

We should not expect that enactment of this or any legislation will completely deter the serious problem of counterfeit medication entering the American supply chain, but it is an important step in the fight.

Passage of this legislation today by the Senate is also evidence that Congress can work together in a bipartisan manner to protect American consumers and promote American industries. I urge the House of Representatives to act quickly on this legislation and send it to the President's desk.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Leahy-Grassley substitute amendment at the desk be agreed to; the bill, as amended, be read a third time, and the Senate proceed to vote on the passage of the bill, as amended.

The amendment (No. 1808) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Counterfeit Drug Penalty Enhancement Act of 2011''.

SEC. 2. COUNTERFEIT DRUG PREVENTION.

Section 2320(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) COUNTERFEIT DRUGS.—

''(A) IN GENERAL.—Whoever commits an offense under subsection (a) with respect to a drug (as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) shall—

''(i) if an individual, be fined not more than $4,000,000, imprisoned not more than 20 years, or both; and

''(ii) if a person other than an individual, be fined not more than $10,000,000.

''(B) MULTIPLE OFFENSES.—In the case of an offense by a person under this paragraph that occurs after that person is convicted of another offense under this paragraph, the person convicted—

''(i) if an individual, shall be fined not more than $8,000,000, imprisoned not more than 20 years, or both; and

''(ii) if other than an individual, shall be fined not more than $20,000,000.''.

SEC. 3. SENTENCING COMMISSION DIRECTIVE.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(b)(2) of title 18, United States Code, as amended by section 2, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill.

The bill (S. 1886), as amended, was passed.

Mr. DURBIN. I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

NATIONAL ASBESTOS AWARENESS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to S. Res. 389 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 389) designating the first week of April 2012 as ''National Asbestos Awareness Week.''

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

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

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

The resolution (S. Res. 389) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 389

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause cancer such as mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas, generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 1,100 metric tons of the fibrous mineral for use in certain products throughout the United States;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana suffer from asbestos-related diseases, including mesothelioma, at a significantly higher rate than people in the United States as a whole; and

Whereas the establishment of a ''National Asbestos Awareness Week'' will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2012 as ''National Asbestos Awareness Week'';

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

ORDERS FOR WEDNESDAY, MARCH 7, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, March 7, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to 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; that following morning business, the Senate resume consideration of S. 1813, the surface transportation bill; and that the Senate recess from 5 p.m. to 6 p.m to allow for a Senators-only briefing.

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

PROGRAM

Mr. DURBIN. Mr. President, we continue to work toward a path to finishing the surface transportation bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 6:58 p.m., adjourned until Wednesday, March 7, 2012, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 2012:

THE JUDICIARY

MARY ELIZABETH PHILLIPS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI.

THOMAS OWEN RICE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.