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Senate

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

PRAYER

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

Let us pray.

Lord God of the nations, Your word declares: ''Righteousness exalts a nation but sin is a reproach to any people.'' May our lawmakers and the citizens of this great land strive to please You through right living and submission to Your will. Help us to flee from the dead end path of transgression that leads to national ruin. Enable us to turn from thoughts, words, and deeds that violate Your precepts and commands.

Lord, fill our Senators with a hunger for holiness and a hatred of evil. Enlarge their influence and use them for Your glory. Reinforce them by the constant assurance of Your presence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will proceed to a period of morning business until 11 a.m. today. During that time, Senators will be permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes, and the remaining time until 11 a.m. will be equally divided and controlled between the two leaders or their designees, with the majority controlling the final half.

At 11 a.m., the Senate will proceed to vote on passage of the 2-week continuing resolution. Upon disposition of that matter, the Senate will resume consideration of the America Invents Act. Additional rollcall votes in relation to amendments to the America Invents Act are expected to occur throughout the day.

BUDGETING AND JOBS

Mr. REID. Madam President, we have worked for weeks now in moving forward on this funding measure for the country. What Democrats have said for weeks now is that we are committed to working with all sides to find a middle ground that helps us move forward and move toward a fiscally responsible budget for the rest of the year.

Yesterday the House acted and soon the Senate will act as well. Our priorities are twofold: One, keeping the country running so essential services do not get interrupted—and certainly they should not be interrupted—at a time we can least afford it.

We have 2 more weeks to do this. We have heard today in the news that JOHN MCCAIN's economic adviser said if the Republicans continue going on the route they have talked about, it will eliminate 700,000 jobs in this struggling economy. Goldman Sachs issued a study yesterday indicating it would hurt the gross national product by up to 2 percent, and that is devastating.

So our priorities are twofold: One, keeping the country running so essential services do not get interrupted at a time we can least afford it; and, two, equally as important, we need to lay the groundwork with a budget that invests in what works and cuts what doesn't. We have to begin to bring down the deficit without forfeiting our future.

This has not been an easy process. But we need to set aside partisan motivations and remember we work for the American people, not our political parties. I am pleased the Republicans have agreed with the President's suggested cuts and dropped all those riders—provisions meant only to send messages, only to create unnecessary hurdles, and kill progress.

We are going to keep working toward a solution. This time around, it may not include everything Democrats want or everything Republicans want. But we need to have a compromise which will be part of an ongoing conversation. Just like our overarching priority when we budget—that we must live within our means—this next step recognizes that we must do the best with what we have.

Today we will also work toward finishing the patent reform bill. It is called the America Invests Act, a jobs bill. It is a priority. We have to finish

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

this matter. This matter, this patent legislation, is important in returning America's economy to a position of strength.

As we speak, there are 750,000 patent applications that are stuck in the Patent Office because they do not have enough people to do the work. It is true to Democrats' agenda from day one: creating jobs and ensuring America can compete in the 21st century's global economy.

Now, Madam President, I see my friend from Oklahoma on the Senate floor. A couple of things he has done in recent days have been extremely important: first of all, the money that is collected in the Patent Office should be used in the Patent Office. I also think it is important people recognize we have an entity around here called the General Accounting Office, which is the watchdog of Congress. It is an important entity. It is available to both Democrats and Republicans.

My friend from Oklahoma wrote a letter, as he has a right to do, about a couple different areas finding where there was duplication of services. They studied this and came back with what I think are some matters to which we need to direct our attention.

Duplication in different entities around here has become untoward. So I commend and applaud my friend from Oklahoma in helping us go down this path that I think is going to be extremely important for us to work our way out of the problems we have.

I know we have a lot of work to do, and it is important we do that work. We are going to get this spending matter out of the way today. Then we will have, as I have indicated, a little over 2 weeks to work something out on a long-term basis. The President has said he would like a longer period of time. We could not work that out with our friends on the Republican side. I hope, I hope they do not need a government shutdown—and I am not referring to my friends in the Senate but the House. I hope they do not need a government shutdown to do what is necessary for this country. I think we should avoid that shutdown, and we can avoid that shutdown and still recognize that there are costs that need to be cut from government spending. It cannot all come from our domestic discretionary side of the ledger. There are Pentagon moneys that can be saved. There are other programs that have been untouchable in past years that we need to look at for a long-term solution to the country's problems.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 15, S. Res. 81.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 81) authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013.

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

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements related to this resolution be printed in the RECORD.

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

The resolution (S. Res. 81) was agreed to, as follows:

S. RES. 81

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2011, through September 30, 2011, in the aggregate of $70,790,674, for the period October 1, 2011, through September 30, 2012, in the aggregate of $121,355,435, and for the period October 1, 2012, through February 28, 2013, in the aggregate of $50,564,763, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2011, through September 30, 2011, for the period October 1, 2011, through September 30, 2012, and for the period October 1, 2012, through February 28, 2013, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $2,800,079, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $4,800,136, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $2,000,057, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $4,749,869, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $8,142,634, of which amount—

(1) not to exceed $80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,392,765, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $4,304,188, of which amount—

(1) not to exceed $11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $7,378,606, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,074,419, of which amount—

(1) not to exceed $8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $4,489,241, of which amount—

(1) not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $21,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $7,695,840, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $36,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,206,599, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $4,636,433, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $7,948,171, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,311,738, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $3,924,299.

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $6,727,369.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $2,803,070.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration,

to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $3,612,391, of which amount—

(1) not to exceed $4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $6,192,669, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $2,580,278, of which amount—

(1) not to exceed $3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $5,333,808, of which amount—

(1) not to exceed $17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $9,143,671, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,809,862, of which amount—

(1) not to exceed $12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,166, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $4,393,404, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $7,531,549, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,138,145, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $6,115,313, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $10,483,393, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $4,368,081, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $6,902,759, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $11,833,302, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $4,930,543, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2011, through February 28, 2013, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 73, agreed to March 10, 2009 (111th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $6,684,239, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $11,458,695, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $4,774,457, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $1,840,717, of which amount—

(1) not to exceed $43,750, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $7,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $3,155,515, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $1,314,798, of which amount—

(1) not to exceed $31,250, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $1,732,860, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $2,970,617, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $1,237,755, of which amount—

(1) not to exceed $25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $1,602,238, of which amount—

(1) not to exceed $59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $2,746,693, of which amount—

(1) not to exceed $100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $1,144,455, of which amount—

(1) not to exceed $42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $1,937,114, of which amount—

(1) not to exceed $117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $3,320,767, of which amount—

(1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012,

through February 28, 2013, expenses of the committee under this section shall not exceed $1,383,653, of which amount—

(1) not to exceed $85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $4,249,113, of which amount—

(1) not to exceed $37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $7,284,194, of which amount—

(1) not to exceed $65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $3,035,081, of which amount—

(1) not to exceed $27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2011, through February 28, 2013, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2011.—The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this section shall not exceed $1,482,609, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2012 PERIOD.—The expenses of the committee for the period October 1, 2011, through September 30, 2012, under this section shall not exceed $2,541,614, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2013.—For the period October 1, 2012, through February 28, 2013, expenses of the committee under this section shall not exceed $1,059,007, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account ''Expenses of Inquiries and Investigations'' appropriated by the legislative branch appropriation Acts for fiscal years 2011, 2012, and 2013, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed $4,375,000, shall be available for the period March 1, 2011, through September 30, 2011; and

(2) an amount not to exceed $7,500,000, shall be available for the period October 1, 2011, through September 30, 2012; and

(3) an amount not to exceed $3,125,000, shall be available for the period October 1, 2012, through February 28, 2013.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

CONTINUING RESOLUTION

Mr. MCCONNELL. Madam President, I wish to start this morning by acknowledging the progress that has been made this week. Senator REID's prediction that the Senate will follow the House in approving a $4 billion cut for the current fiscal year is a small step, but it is indeed a step in the right direction. This is a long-awaited acknowledgment by Democrats in Congress that we have a spending problem around here. It is hard to believe when we are spending $1.6 trillion more than we are taking in in a single year that it would take this long to cut a penny in spending, but it is progress nonetheless. It was also encouraging to hear the White House say yesterday that they would be supportive of a 4-week CR with $8 billion in cuts. So it is encouraging that the White House and congressional Democrats now agree that the status quo won't work and that the bills we pass must include spending reductions.

Beyond that, the GAO report which Senator COBURN requested and which we all saw yesterday makes it pretty clear—to me, at least—that there are a lot of very obvious targets for additional cuts. I wish to thank Senator COBURN for requesting the report, first of all. I don't think most Americans are surprised to hear that Washington is wasting so much money. I do think some people might be surprised at how rampant it is and, frankly, the sheer idiocy—the sheer idiocy—of some of the waste we have been tolerating around here.

I can't imagine anyone in the Senate voting against a bill that would return to taxpayers money we are wasting on the bloated and duplicative programs outlined in this report, programs which, as ABC put it, are chewing up billions of dollars in funding every year. It would be an embarrassment and a double indictment of Congress to not act. The report is damning, but it comes at a good time. Right when we are looking to make cuts on which both parties can agree, we learn that we have a roadmap showing more than 100 programs dealing with surface transportation issues, 82 programs monitoring teacher quality, 80 programs for economic development, 47 programs for job training, and 17 different programs for disaster preparedness. Here is my favorite: 56 programs to help people understand finances.

How do you like that? There are 56 programs to help people understand finances. If that isn't an emblem of government waste, I don't know what is. We are going to be $1.6 trillion in the red this year alone. Not only do we think we are in a position to teach other people about financial literacy, we have 56 overlapping programs to do it. If we are going to create the conditions for private sector job growth in this country, this is a good place to start.

We have to stop spending money we don't have on more government and calling that progress. Democrats have tried that. They have borrowed $3 trillion over the past 2 years to expand the size and scope of government. And what has it gotten us? It has gotten us 3 million more lost jobs.

We have made some progress this week—a very small step, perhaps, but one in the right direction. At the same time, the White House took another step backward this week by failing to fulfill another responsibility. According to the 2003 Medicare Modernization Act, the President is required to submit a reform proposal for Medicare if more than 45 percent of the program's finances are being drawn from the government's general revenue fund instead of a fund specifically set aside for Medicare for 2 years in a row. As of today, that is the situation. As of today, that is the situation. The President is supposed to have taken care of this, but he hasn't. He is punting on this responsibility just as he punted on other reforms in the 10-year budget plan he released last month.

Washington's unsustainable spending on entitlements such as Medicare and Medicaid and Social Security must be addressed now—now—and we will never be able to ensure the stability and solvency of any of them without Presidential leadership. In this case, that is not just my opinion; the law actually requires it.

Now, just one more word on the continuing resolution. Once we pass this stopgap spending measure, we will be right back at it again 2 weeks from now unless we can reach an agreement on a long-term measure before then.

The House has sent us a bill that will keep the government funded through the end of the year. At the moment this next continuing resolution expires, we will be nearly halfway through the fiscal year. The House bill contains a much needed defense spending bill for the rest of the year. Many important programs have been delayed, and Secretary Gates has made clear that further delay will harm combat readiness. So there are many compelling reasons for us to reach agreement on a longer term bill.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes, the majority controlling the next 30 minutes, and the remaining time until 11 a.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the final half.

The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent to speak in morning business for up to 20 minutes.

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

Mr. COBURN. I also ask the Chair to advise me when I have consumed 15 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

GAO REPORT

Mr. COBURN. Madam President, I thank the majority leader and the minority leader both for their comments on this report. It is important for the American people to know that this is the first of three reports we are going to receive. This report just covers what the GAO has looked at in the last 4 to 5 years. It truly only covers about one-third of the Federal Government, and I am talking discretionary programs, not mandatory programs such as Social Security and Medicare and Medicaid.

The GAO report shows at least $100 billion in savings if we could do our job. We are going to have a large debate over the next 2 weeks focused on funding the government for the next 6 months of this fiscal year and what the funding is going to be like in the next year. If I were sitting at home as a regular American looking at Congress, having read this report, the question I would ask is, Why will there be any debate at all? The GAO has given us a roadmap. They have said: Here is where $100 billion—those are my numbers, not theirs—of savings can come on an annualized basis on the first third of the discretionary side of the Federal Government. The discretionary programs of this government are 24 percent greater now than they were 2 years ago.

The challenge we face before us as a nation is a far greater challenge than anything we have ever faced. That sounds like a gigantic overstatement, but when the Chairman of the Joint Chiefs of Staff, who is head of all of our military, reporting to our civilian officials, says the greatest threat to this country is our debt, we ought to wake up and pay attention to it. The average American—75 percent of Americans—across this land wants the size of the Federal Government and its spending reduced, and that includes Democrats, Republicans, and Independents. What is lacking today is the leadership to define the problem for the American people so that we can come together as a nation and solve this greatest of all challenges before us.

Let me spend a minute talking about what is going to happen if we don't solve it. We heard the minority leader, the Senator from Kentucky, talk about the $1.65 trillion deficit this year. Today, the United States is borrowing money, on average, for everything we have borrowed, for about 2 percent. The historical average at which we borrow money is around 6 percent. Over the next 2 years, we are going to add, if we don't change things drastically—and I am talking drastically—another $3.5 trillion to the debt, to bring us to almost $18 trillion worth of debt. If we apply our historical interest rate to the debt—which we will be at in 2 or 3 years, there is no question about that—of 6 percent to $18 trillion, what we get is $1.08 trillion a year in interest costs. Think about that. We spent $127 billion this last year on interest, and we are going to take $1 trillion.

What happens if that happens? What that means is there is no discretionary budget. That means there is no money for the military; there is no money for education; there is no money for any or all of the programs other than Medicare, Medicaid, and Social Security. That is the only thing that is left. And if that happens, our ability to borrow money in the international market will markedly decline, and the likelihood is that interest rates will go even higher than our historical average of 6 percent.

So the time to call us together, the time for shared sacrifice—not for sacrifice's sake but so we can restore the hope of prosperity for our Nation—is now. It is not tomorrow, it is now.

We are going to have a small bill on the floor that over the next 2 weeks will eliminate $4 billion by advancing terminations of programs both President Bush and President Obama want to terminate and eliminate $2.7 billion worth of earmarks that are inappropriate. So that is $4 billion over 2 weeks. Our interest cost today and what we are borrowing is $3 billion. That is what we are borrowing a day that we don't have. Every day, we go into the markets and borrow $3 billion. So over these 2 weeks, 14 days—14 days—we are going to borrow $42 billion, and we are only going to save $4 billion. Do my colleagues see the magnitude of the problem? We cannot continue to go in this direction.

The bill the House sent us is a step in the right direction but far less than what is needed based on the reality of what is in front of us. Every dollar this government spends, we borrow 40 cents of it—40 cents. What do we think a 20-year-old individual out there is going to see 20 years from now as a consequence of us going down the drain in

terms of the interest costs and the debt?

Necessity is the mother of invention. We have a need now as a nation—not as Republicans and Democrats but as a Nation—to come together and make the decisions that will put us on a course that guarantees the future for our kids and grandkids. The easiest way I know right now to take some of the sting out of the parochialism and partisanship is for every Member of this body and those in the House to become acutely aware of what this report says.

The minority leader listed a few of the programs. Let me go through these. Sitting at home or sitting in your office, think about if any of this makes sense.

There are 82 separate teacher training programs run by the Federal Government—82 separate sets of bureaucracies and sets of Federal employees. None of these teacher training programs, by the way, have a metric on them to evaluate whether they are successful. So when we are not successful—and I question whether it is even the role of the Federal Government to be involved in teacher training. I couldn't find it in the Constitution. Thomas Jefferson couldn't find it in the Constitution. Roosevelt couldn't find it in the Constitution. Johnson couldn't find it in the Constitution. They all said so. We have quotes on that. Yet we have 82 programs, none of which do we know whether they are working.

We have 47 job training programs, 44 of which overlap one another—some to the degree of 100 percent, some 60 percent. We spend $18 billion a year on it, and not one of them has a measurement of whether it is effective. We have a great need in our country today to retrain people to available jobs. Yet we don't have any idea whether these will work. If you are trying to figure out how to get through these programs, you need another government program to help you figure out how to get through them.

We have 20 offices with programs for homeless people—20 different programs—at the Federal level. Again, if you read the Constitution and the enumerated powers, you find a real difficulty in saying whether that is a Federal responsibility versus a State responsibility. Yet we have 20 separate programs for homeless people. How about one that works—if, in fact, it is a responsibility of the Federal Government.

We run 80 separate economic development programs—80 of them. That is in four different Cabinet agencies. We spend $6.5 billion a year, and what the GAO says is you cannot say whether there is any economic development that has come out of this $6.5 billion.

The Department of Transportation spends $58 billion on 100 separate programs run by 5 different agencies with 6,000 employees, with no idea whether that is the most efficient or effective way to do it because nobody has ever put a metric on it.

We have 30 separate programs on food safety, run by 15 different Federal agencies. We just added a whole bunch more with the last food safety bill—none of which had a metric on it, none of which perfected the food safety in terms of interstate transport, which is undoubtedly a Federal responsibility. How about an efficient and effective way to do that. How about 1 agency being responsible for food safety instead of 15.

We have 18 domestic food and nutrition programs—we spend $62.5 billion—11 of which we have no idea whether they are performing effectively.

The first question you might ask is, How in the world did we get all these programs? We got all these programs because somebody saw a need and thought that would solve that need. They did so without the benefit of one of the No. 1 obligations of Congress, which is the oversight of the bureaucracy. We have all these complaints by those who favor the earmarking process that if we don't earmark it, then the Federal agencies will spend the money where they are. They forget one little clue in terms of the Congress. We have absolute power to oversee every branch of the Federal Government in terms of their effectiveness and their efficiency.

Yet we have not done it. The Congress has that. Whether it is run by Republicans or Democrats, it is not done. It is not a partisan issue. It is laziness on our part. It is far easier to write a new bill that solves the same problem and not oversee the others. Consequently, we answer the humanitarian, compassionate call to fix something we have done by treating symptoms rather than the disease.

We have a real disease in our country today. The disease is a cancer that will take away our freedom. If you look back in history, all republics have fallen. The average age of a republic is 206 years. How did they fail? What caused them to fail? If you read the history books and look at all of them, you will find that even though they might have been overrun by an enemy, the key factor that caused them to fail was fiscal every time. They lived beyond their means. Look at what is happening to us in the world today. The scope of our power militarily is being limited by our economic power because we are extremely far in debt. When you go to the lead economists, such as Ken Rogoff and Carmen Reinhart—the book they have written is ''This Time is Different.'' The economists tell us our debt right now—not what is coming this next year but right now—with the interest costs we have today, is costing 1 percent of GDP. We are only going to grow about 3.5 percent this year. If we didn't have the debt, it would be 4.5 percent. That means 1 million more people would have great-paying jobs this year if we didn't have this debt. So there is a clarion call out there coming from America—not inside Washington—to fix the real problems.

As a physician, what I know is this: If I treat the symptoms of a disease and do not treat the real disease, I ultimately make the disease much worse. I cover up the signs and symptoms of the disease. The disease we have is a disease of not recognizing the very critical nature that you cannot—never—you can never live above and beyond your means without ultimately paying a greater price. The difference between the Federal Government, most of the State governments, and every family is when you have maxed out the credit card, it is maxed. You are not going to get another credit card company to give you more. You will either have to start paying or you will default on it.

The question comes, Will we honor our true commitments? Will we make the hard decisions that are required to put us on a path for renewed prosperity? Will we take real information—and I have offered 70 amendments on this over the past 6 years, which have been voted down—and will we start paying attention now because, ultimately, if we don't make decisions today that will control and set us on a path of prosperity, we are going to be in a position where our debtholders will make our decisions for us. That is when liberty declines. That is when American exceptionalism dies. That is when our destiny is taken from our hands. It should not be that way.

I, again, call on the President to lead this Nation to define the problem, the real threat to our freedom, and come forward and pull us together and let's solve this problem, with everyone recognizing that everyone is going to sacrifice, but the sacrifice will create a future benefit that will be rewarded in the lives of our children and grandchildren.

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

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

GOVERNMENT SPENDING

Mr. KIRK. Madam President, I rise to support this continuing resolution. As we know, the Senate is set to pass a short-term funding bill, while negotiations continue on a longer term funding bill for the rest of the year.

The administration has presented us with a request also to fund the government next year and is expected to ask for an increase in the Federal debt ceiling. This legislation cuts about $4 billion. Up against our annual deficit or the total debt, it is but a microdrop in the budget.

The Federal Government is on track to spend about $3.7 trillion this fiscal

year, while taking in only $2.2 trillion in revenue. If we compared this to a middle-class example, it would be as if someone was spending $37,000 a year, with an income of only $22,000.

Replace ''thousand'' for ''trillion'' and you get a good idea of how fiscally irresponsible the Federal Government has become. We have a $14 trillion debt and, as we all know now, we are borrowing 40 cents of every $1 we spend. Clearly, there is a growing danger in the country from tremendous debt and runaway spending. It is this resolution that will help in a very small way to put us on a better track.

I encourage us to use a multipronged approach as we move forward. We need to reverse the current spending trend of the Congress. We need to address long-term obligations and put statutory backstops into place to make sure it will be very difficult for future Congresses to do what past Congresses have done.

As a very new member of the Senate Appropriations Committee, I will be asking Federal agencies to identify further programs and ways to reduce Federal spending. The administration has been on the right track in several key areas. They have proposed to cut or terminate almost 150 discretionary programs that would save about $21 billion and defense programs that would save about $25 billion. But that savings should be put to reducing our total need to borrow and not bumped back into additional spending by the government.

Additionally, we need to incorporate what we just learned from the Government Accountability Office about inefficient and duplicative areas of the Federal budget. GAO's recommendations for consolidations and eliminating programs should be fully reviewed and, in many places, implemented for next year's budget.

Treasury Secretary Geithner will soon ask the Congress to increase the allowable Federal debt a fourth time for the last 2 years. In my judgment, Congress should say no unless such an increase is coupled with new and dramatic antispending reforms that would make any future additions to our debt nearly impossible.

While defaulting on U.S. bonds is not an option, Congress must tie future debt limit extensions to reforms that produce much smaller and smarter government. As Indiana's Governor Daniels has said: ''You will never know how much government you won't miss.''

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

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

DEALING WITH THE DEFICIT

Mr. SANDERS. Madam President, we face as a nation some of the most difficult circumstances this country has faced since the Great Depression. Two of the major issues we are facing is the collapse of the middle class and, simultaneously, while poverty increases and the middle class in this country disappears, we also find ourselves with a $14 trillion national debt and a $1.6 trillion deficit.

At this momentous time in American history, the question arises as to how we, in fact, will deal with the deficit. Will we deal with it in a way that is fair and just or will we, at a time when the gap between the very wealthy and everybody else is growing wider, in fact, try to balance the budget on the backs of the middle class, on the backs of the poor, on the backs of the elderly, the sick, the children?

That is the question we have to address right now.

Yes, the deficit is a serious problem. Yes, we have to go forward in deficit reduction. But, no, in the midst of a major recession, it is morally wrong and economically bad policy to balance the budget on the backs of those people who are already hurting.

I find it interesting that some of the loudest voices who come before us every day talking about the serious problem of the deficit are precisely those people who have voted time after time after time to raise the deficit, raise the national debt. Yet now they come forward and say we have to cut programs for the elderly, the poor, and the children in order to balance the budget.

I suppose it turns out that now I and a few others are the real deficit hawks in the Senate. When it came to the war in Iraq—which will end up costing us some $3 trillion—I didn't hear a whole lot of discussion about how that war was going to be paid for. I voted against that war.

When it came to giving huge tax breaks to the wealthiest people in this country, I didn't hear my Republican friends say: Oh, gee, we can't do that because it is going to drive up the deficit. I voted against tax breaks for the wealthy.

When it came to passing an unfunded $4 billion Medicare Part D prescription drug program—written by the insurance companies and the drug companies—I didn't hear my Republican friends say our kids and grandchildren are going to have to pay for that. I voted against that.

Madam President, you will recall that after the crooks on Wall Street drove this Nation into a recession and they needed a bailout from the American people, you didn't hear too many of our friends who voted for that bailout say: Oh, we can't do that; it is unpaid for. It is going to drive up the deficit and the national debt. You didn't hear that.

But now, suddenly we have people who have great concern about the national debt and the deficit, and they intend to balance that budget on the backs of working people, the elderly, the sick, the poor, and the children. Among other things, which is incomprehensible to me, at a time when approximately 16 percent of our people are truly unemployed—way above the official levels, the official numbers, because the official numbers do not include those people who have given up looking for work, those people working part-time when they want to work full-time—the Republicans come up with a deficit reduction package which will cost us some 700,000 jobs.

Now, I don't know how or why in the middle of a severe recession, when unemployment is so high, they would come up with a proposal that costs 700,000 jobs.

Madam President, you well know that we do an abysmal job in this country in terms of taking care of our children. We have the highest rate of childhood poverty in the industrialized world. We have a totally inadequate early childhood education program in this country. Head Start, to the degree that it is funded adequately, does a good job. But in the midst of the crisis in early childhood education and childcare, the Republican proposal would cut Head Start—Head Start—one of the most important programs in America, giving low-income kids a chance to maybe get into school in the first grade, in kindergarten, on par with the other kids. They want to cut that program by 20 percent from fiscal year 2010, depriving over 200,000 little kids the opportunity not only to receive early childhood education but health care benefits and nutrition benefits from this important program.

I worked very hard to expand community health centers in America because maybe—just maybe—it is a bad idea that 45,000 Americans are going to die this year because they do not get to a doctor. Pick up the papers all over America. Tens of thousands of people are going to be thrown off Medicaid. What do you do if you don't have health insurance and you are 40 or 50 years of age and you get sick? What do you do? Yet the Republican proposal would cut community health centers by $1.3 billion, denying 11 million patients access to quality primary health care. In the midst of a major health care crisis, when millions of people are uninsured—50 million uninsured and people being thrown off Medicaid—you don't shut down community health centers and deny people access to health care.

In Vermont—and I am sure in New York State—young people are finding it very difficult to afford a college education. They are coming out of college deeply in debt. In some cases, they can't go to college. We are falling behind other countries in terms of the percentage of our young people graduating from college. Yet the Republican proposal would reduce by 17 percent the average Pell grant, and 9.4

million low-income college students would lose some or all of their Pell grant.

At this moment in American history where we are involved in an international, global economy, with so much pressure from abroad, we have to invest more in education, more in higher education, not less.

In the State of Vermont, the Community Services Block Grant Program provides vital services to low-income people who are in need of emergency food, emergency housing—emergency services. They do a great job. The Republican proposal would cut the Community Services Block Grant Program by $405 million, which would harm 20 million low-income people, including millions of seniors.

Lastly—not lastly because there is a long list of these cuts which make no sense to me—I want to mention a cut of $1.3 billion to the Social Security Administration. Our Republican friends say we are not cutting Social Security, but they are proposing a $1.3 billion cut to the Social Security Administration—the people who administer the program. What does that mean?

Right now, there is a significant delay if you are looking for disability benefits—a huge delay. People are calling my office all the time saying they can't find anybody to process their claims. Yet the Republicans would propose a $1.3 billion cut, which would delay Social Security benefits to about 500,000 Americans.

The issue is pretty clear: The top 1 percent in America earns 23 percent of all income, more than the bottom 50 percent. The wealthiest people in this country over the last 20 years have seen a reduction—a reduction—in the tax rates they pay. Today, at 16 percent, the wealthiest people in this country are paying the lowest tax rates that the rich have paid in many decades.

This is not a complicated issue. This issue is, do we move forward to balance the budget on the backs of people who are on Social Security, on the backs of little children who need Head Start, on the backs of seniors in the State of Vermont who depend upon heating assistance? Do we balance the budget on the backs of the weak, the vulnerable, the elderly or the poor or do we say: When we have an increasingly unequal distribution of income—the rich are doing very well—do we ask the wealthiest people to start paying their fair share of taxes?

The American people are pretty clear on this matter. They think it is wrong to balance the budget on the backs of those people who are already hurting in a recession. Let's ask the people on top to start paying their fair share so we can see some shared sacrifice in the midst of this recession.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. What is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. DURBIN. I ask consent to speak in morning business for a few minutes.

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

THOUGHTFUL BUDGETING

Mr. DURBIN. Madam President, in a few minutes the Senate will gather here to vote on the continuing resolution which funds our Federal Government, in this case for 2 weeks. It is hard to believe we have reached that point in Washington where we are going to fund our government 2 weeks at a time. Critics may look at us and say that certainly the men and women who serve in the House and Senate ought to be able to gather together, to sit down like adults, Democrats and Republicans, and really plot the spending and budget for our government for at least the remaining 7 months of this year. It does not seem like an unreasonable request. Instead, we appear to be lurching from 1 month to 2 weeks, and I don't know what is next.

What is at issue is how much money will be spent in the remainder of this year and whether we will follow the House lead in a bill known as H.R. 1, the House budget bill, which made $100 billion in cuts for the remainder of this year. The Senate has already made some $41 billion in cuts in an effort to use these spending cuts to reduce the deficit, but the House wants to move that to a higher level.

I just returned this past week from a visit to my State when we had a week of recess and went from one end of the State to the other to measure the House budget cuts and their impact on my State of Illinois. What I found is, in community after community, many of the cuts that were made by the House were not done in a thoughtful manner.

I was a member of the deficit commission. I acknowledge we have to deal with this deficit in a timely and serious way. I was 1 of the 11 who voted for the commission report, and I stand by the commission report, at least in its goal to bring all of our spending on the table and to look at it seriously so we bring this deficit down and not saddle our children and grandchildren with this obligation to pay off our debt. But we took a measured, thoughtful approach and engaged all levels of government spending to reach our goal.

The House took 14 percent of the Federal budget, the so-called domestic discretionary section, and made all the cuts there—all of them. As a result, they went too far. Let me give an example of how they went too far.

My last visit was to the Argonne National Laboratory outside of Chicago. I had representatives there from the Fermilab, a national accelerator laboratory in the same region. The resulting cuts from the House budget will reduce the amount of money available for those two key national laboratories by 20 percent. That sounds painful but not crippling; yet it is because it is a cut that has to take place in 7 months.

In the Argonne National Laboratory, they will have to lay off one-third of their scientists and support staff and cut back their research by 40 to 50 percent for the remainder of this year. Well, so what. What difference would it make? Here is the difference. Right now, the Argonne National Laboratory is doing critical research and work in areas of innovation. Where is the fastest computer in the world today? Good old USA, right? No. The fastest computer in the world today is in China. We have been doing research to make sure we develop the next ''fastest computer.'' It is not just bragging rights either; it is developing the technology that helps us develop our economy and develop our businesses and create jobs.

Part of this laboratory, the Advanced Photon Source, brings in pharmaceutical companies from all over the United States that test drugs that cure disease. They do it right there, Argonne National Laboratory.

I asked the person from Eli Lily what happens if they close down for the next 6 months.

He said: I don't know where we will go. We may have to go overseas.

I said: Where?

Well, Europe, he said, or perhaps India or China.

Time and again, there is a recurring theme here. When we back off of an investment in America, our competitors have an advantage and an opportunity. That is why the House budget was so shortsighted to cut back in research and innovation.

The day before, I had gone to the Northwestern University Cancer Research Center and met with 50 or 60 medical doctors and researchers who said the cuts in the House budget would force them to lay off medical researchers for the remainder of this year. Is there anyone among us who has not had a moment in life when someone sick in their family needs help? You look for the best doctor and best hospital and ask that question we all would ask: Doctor, is there anything going on? Is there a drug we can turn to? Is there some experimental opportunity here?

The clinical trials that are part of the National Institutes of Health will be cut back by 20 percent during the remainder of this year. The oncologist at the Southern Illinois University School of Medicine said: I have 100 people suffering from cancer who are gravely ill, and unfortunately I can only put 80 of

them in a clinical trial because of these budget cutbacks. Senator, which ones should I turn away?

That is why the decisions on cutting money should require more than just bragging rights of how much you cut. We should be thoughtful. We should not cut education and training; that is tomorrow's workforce. The Pell grants that are denied today stop children, young people from low-income families, from going to school and getting an education and being prepared for the workforce. The cutback in innovation and research we have seen here with this House budget goes too far. The idea that we cannot invest in basic infrastructure for America so our economy moves forward is so shortsighted.

Today, we are likely, by a strong bipartisan vote, to extend the budget of the U.S. Government for 2 weeks. In the meantime, we have to sit down and be honest, honest about reducing the deficit in a thoughtful way that does not cripple our economy, that does not kill basic research, that does not stop the job training and education we need for the workforce of the 21st century because, I will tell you this, if we don't think about it carefully, our competitors around the world, particularly the No. 2 economy in the world today—China—will have an opportunity for a toehold and an opportunity to move forward at the expense of American businesses and American workers.

In this recession, with 15 million Americans out of work, we cannot afford to make the wrong decision on our budget. We have to sit down and make the right decision, carefully cutting waste and inefficiency—and there is plenty of it—but not cutting the essential services of our government that will build our economy and give us a chance to succeed in the future.

Mark Zandi, who is with Moody's, has said that H.R. 1, the House budget, will literally kill 700,000 jobs in America. With 15 million Americans out of work, is that the best Congress can do? I don't think so. Let's be thoughtful about what we are going to do. Let's make sure we get this economy moving forward and creating good-paying jobs for Americans so we can walk into a store someday, pick up a product, flip it over, and smile when we read ''Made in the U.S.A.'' Wouldn't that be a great thing to prepare for by spending our money, investing our resources today for the workforces and businesses of tomorrow?

THE CONTINUING RESOLUTION

Mr. INOUYE. Madam President, this is the fifth time this fiscal year that I have urged the Senate to support a continuing resolution to keep the Federal Government running. CRs are inefficient and hamstring our agencies and departments, especially the Department of Defense in a time of war. A CR funds programs that should be terminated and does not fund programs that need to be initiated. There is only one advantage to a CR—it is better than the alternative, a government shutdown.

The House has proposed a 2-week continuing resolution, which would keep the government operating through March 18. The proposal includes $4 billion in cuts, many of which were recommended by the President in his fiscal year 2012 budget request. Clearly, the 2-week extension in this CR does not provide sufficient time to hammer out a final agreement. At this point, however, it would appear that the only alternative is a government shutdown. This is an unacceptable outcome—the consequences for our economy and the American people would be severe. As a result, I have come to the reluctant conclusion that we should pass this extension quickly and send it to the President for his signature.

As things stand today, I believe that we will find ourselves in the same place 2 weeks from now. I am not optimistic that there will be sufficient time to work out a final deal that will pass the House and Senate prior to March 18. I hope I am wrong, but the reality is that the two Houses remain far apart and the negotiations will be long and intense. By accepting this extension, Senate Democrats have demonstrated a good faith effort to work with our House and Senate Republican counterparts on a reasonable compromise that will end the current budget stalemate. Let us hope that our colleagues on the other side of the aisle are willing to meet us half way as we move forward with these critical negotiations in the weeks to come.

Mr. LEVIN. Madam President, let us be clear about where we are. The legislation before us is designed to avoid a shutdown of the Federal Government. It would provide funding for a 2-week period while we continue to debate and negotiate funding levels for the rest of fiscal year 2011. The price its supporters want to exact for that 2-week respite is our agreement to major cuts in spending, without any attempt to address our deficit by closing tax loopholes.

I do not believe we should pay that price. Let me offer one example why. Under this continuing resolution, the Army Corps of Engineers' investigations budget—the funding for Army Corps studies of possible projects—would be reduced by 35 percent, for the whole year, not just this 2-week period. The Corps' construction budget would be reduced by 17 percent. What does that mean? It means that the Army Corps of Engineers, which already faces a huge backlog of necessary projects, would be deprived of a big chunk of the funding it needs to do its vital work, funding that was included in the President's budget for 2011.

This legislation exacts other big cuts. It reduces funding for surface transportation projects by $293 million. We will not build needed roads and bridges—and we will not gain the jobs those projects would create—under those cuts. We will also cut tens of millions of dollars from energy research projects at the very moment our Nation faces the urgent task of liberating ourselves from dependence on foreign oil. These cuts will damage our economy today, and they will damage our competitiveness tomorrow. They will do our country harm.

The new House Republican majority sent us those spending cuts while continuing big tax cuts for upper income taxpayers. Last year, when we approved the extension of those tax cuts, I opposed them. I did so because I feared that they would create such strain in the budget that some would argue for massive, damaging cuts in spending levels. The legislation before us is confirmation that those fears were justified. The cuts it would impose would do very little to reduce our budget deficit, while doing much to harm working Americans, and leave untouched one large cause of deficits, the unfair and unnecessary tax cuts for upper bracket Americans. In fact, the price of those tax cuts for upper bracket taxpayers, about $30 billion a year, far exceeds the $4 billion in spending cuts included in this bill. In other words, we could avoid draconian spending cuts if we do not continue the Bush tax cuts for the roughly one in 50 U.S. households with incomes above $250,000 a year, households that have done very well in the last 10 years while the middle class has lost ground.

That is not a fair approach. I cannot agree to it, and I will vote against this continuing resolution.

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

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 44, which the clerk will report by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 44) making further continuing appropriations for fiscal year 2011, and for other purposes.

The joint resolution was ordered to a third reading and was read the third time.

Mr. UDALL of New Mexico. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on passage of the joint resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—91

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

NAYS—9

Crapo	Lee	Paul
Harkin	Levin	Risch
Hatch	Murray	Sanders

The joint resolution (H.J. Res. 44) was passed.

Mr. LEAHY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PATENT REFORM ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 23, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 23) to amend title 35, United States Code, to provide for patent reform.

Pending:

Leahy amendment No. 114, to improve the bill.

Bennet amendment No. 116, to reduce the fee amounts paid by small entities requesting prioritized examination under Three-Track Examination.

Bennet amendment No. 117, to establish additional USPTO satellite offices.

Lee amendment No. 115, to express the sense of the Senate in support of a balanced budget amendment to the Constitution.

Kirk-Pryor amendment No. 123, to provide a fast lane for small businesses within the U.S. Patent and Trademark Office to receive information and support regarding patent filing issues.

Menendez amendment No. 124, to provide for prioritized examination for technologies important to American competitiveness.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

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

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, yesterday, we were finally able to make progress when the Senate proceeded to a vote on the managers' amendment, the Leahy-Grassley-Kyl amendment, to the America Invents Act. That was a very important amendment, with contributions from many Senators from both sides of the aisle. It should ensure our moving forward to make the changes needed to unleash American innovation and create jobs without spending a single dollar of taxpayer money. In fact, according to the Congressional Budget Office, enactment of the bill will save millions of dollars.

I also thank those Senators who have stayed focused on our legislative effort, and who joined in tabling those amendments that have nothing to do with the subject of the America Invents Act. Extraneous amendments that have nothing to do with the important issue of reforming our out-of-date patent system so that American innovators can win the global competition for the future have no place in this important bill. They should not be used to slow its consideration and passage. If America is to win the global economic competition, we need the improvements in our patent system that this bill can bring.

I continue to believe, as I have said all week, that we can finish this bill today, and show the American people that the Senate can function in a bipartisan manner. We have not been as efficient as I would have liked. We have been delayed for hours at a time, and forced into extended quorum calls rather than being allowed to consider relevant amendments to this bill. Nonetheless, we are on the brink of disposing of the final amendments and passing this important legislation.

Today we should be able to adopt the Bennet amendment on satellite offices and the Kirk-Pryor amendment regarding the creation of an ombudsman for patents relating to small businesses. I hope that we can adopt the Menendez amendment on expediting patents for important areas of economic growth, like energy and the environment, as well. I am prepared to agree to short time agreements for additional debate, if needed, and votes on those amendments.

The remaining issue for the Senate to decide will be posed by an amendment that Senator FEINSTEIN has filed to turn back the advancement toward a first-inventor-to-file system.

I want to take a moment to talk about an important component of the America Invents Act, the transition of the American patent system to a first-inventor-to-file system. I said yesterday that the administration strongly supports this effort. The administration's Statement of Administration Policy notes that the reform to a first-inventor-to-file system ''simplifies the process of acquiring rights'' and describes it as an ''essential provision [to] reduce legal costs, improve fairness and support U.S. innovators seeking to market their products and services in a global marketplace.'' I agree, and believe it should help small and independent inventors.

This reform has broad support from a diverse set of interests across the patent community, from life science and high-tech companies to universities and independent inventors. Despite the very recent efforts of a vocal minority, there can be no doubt that there is wide-ranging support for a move to a first-inventor-to-file patent system. A transition to first-inventor-to-file is necessary to fulfill the promises of higher quality patents and increased certainty that are the goals of the America Invents Act.

This improvement is backed by broad-based groups such as the National Association of Manufacturers, the American Intellectual Property Law Association, the Intellectual Property Owners Association, the American Bar Association, the Association for Competitive Technology, the Business Software Alliance, and the Coalition for 21st Century Patent Reform, among others. All of them agree that transitioning our outdated patent system to a first-inventor-to-file system is a crucial component to modernizing our patent system. I also commend the assistant Republican leader for his remarks yesterday strongly in favor of the first-inventor-to-file provisions.

A transition to a first-inventor-to-file system is needed to keep America at the pinnacle of innovation by ensuring efficiency and certainty in the patent system. This transition is also necessary to better equip the Patent and Trademark Office, PTO, to work through its current backlog of more than 700,000 unexamined patent applications through work-sharing agreements with other patent-granting offices.

The Director of the PTO often says that the next great invention that will drive our economic growth may be sitting in its backlog of applications. The time consuming ''interference proceedings'' that are commonplace in our current, outdated system are wasting valuable resources that contribute to this delay, and unfairly advantage large companies with greater resources.

A transition to a first-inventor-to-file system was recommended in the 2004 Report by the National Academy of Sciences. The transition has been a part of this bill since its introduction four Congresses ago. This legislation is the product of eight Senate hearings and three markups spanning weeks of consideration and many amendments. Until very recently, first-inventor-to-file had never been the subject of even a single amendment in committee.

Senator FEINSTEIN has worked with me on this bill, has cosponsored it in the past and has voted for it.

I urge Senators who support the goals of the America Invents Act to vote against this amendment to strike the bill's important reform represented by the first-inventor-to-file provision. Every industrialized nation other than the United States uses a patent priority system commonly referred to as a ''first-to-file'' system. In a first-inventor-to-file system, the priority of a right to a patent is based on the earlier filed application. This adds simplicity and objectivity into a very complex system. By contrast, our current, outdated method for determining the priority right to a patent is extraordinarily complex, subjective, time-intensive, and expensive. The old system almost always favors the larger corporation and the deep pockets over the small, independent inventor.

The transition to a first-inventor-to-file system will benefit the patent community in several ways. It will simplify the patent application system and provide increased certainty to businesses that they can commercialize a patent that has been granted. Once a patent is granted, an inventor can rely on its filing date on the face of the patent. This certainty is necessary to raise capital, grow businesses, and create jobs.

The first-inventor-to-file system will also reduce costs to patent applicants and the Patent Office. This, too, should help the small, independent inventor. In the outdated, current system, when more than one application claiming the same invention is filed, the priority of a right to a patent is decided through an ''interference'' proceeding to determine which applicant can be declared to have invented the claimed invention first. This process is lengthy, complex, and can cost hundreds of thousands of dollars. Small inventors rarely, if ever, win interference proceedings. In a first-inventor-to-file system, however, the filing date of the application is objective and easy to determine, resulting in a streamlined and less costly process.

Importantly, a first-inventor-to-file system will increase the global competitiveness of American companies and American inventors. As business and competition are increasingly global in scope, inventors must frequently file patent applications in both the United States and other countries for protection of their inventions. Since America's current, outdated system differs from the first-inventor-to-file system used in other patent-issuing jurisdictions, it causes confusion and inefficiencies for American companies and innovators. Harmonization will benefit American inventors.

Finally, the first-inventor-to-file provisions that are included in the America Invents Act were drafted with careful attention to needs of universities and small inventors. That is why the bill includes a 1-year grace period to ensure that an inventor's own publication or disclosure cannot be used against him as prior art, but will act as prior art against another patent application. This will encourage early disclosure of new inventions, regardless of whether the inventor ends up trying to patent the invention.

For these reasons among others, the transition is supported by the overwhelming majority of the patent community and American industry, as well as the administration and the experts at the Patent and Trademark Office.

This past weekend, the Washington Post editorial board endorsed the transition, calling the first-inventor-to-file standard a ''bright line,'' and stating that it would bring ''certainty to the process.'' The editorial also recognizes the ''protections for academics who share their ideas with outside colleagues or preview them in public seminars'' that are included in the bill.

The Small Business & Entrepreneurship Council has expressed its strong support for the first-inventor-to-file system, writing that ''small firms will in no way be disadvantaged, while opportunities in the international markets will expand.''

The Intellectual Property Owners Association calls the first-inventor-to-file system ''central to modernization and simplification of patent law'' and ''very widely supported by U.S. companies.''

Independent inventor Louis Foreman has said the first-inventor-to-file transition will help ''independent inventors across the country by strengthening the current system for entrepreneurs and small businesses.''

And, in urging the transition to the first-to-file system, the Association for Competitive Technology, which represents small and mid-size IT firms, has said the current first-to-invent system ''negatively impacts entrepreneurs'' and puts American inventors ''at a disadvantage with competitors abroad who can implement first inventor to file standards.''

If we are to maintain our position at the forefront of the world's economy, if we are to continue to lead the globe in innovation and production, if we are to win the future through American ingenuity and innovation, then we must have a patent system that is streamlined and efficient. The America Invents Act, and a transition to a first-inventor-to-file system in particular, are crucial to fulfilling this promise.

Madam President, in summary, as I said, yesterday we were finally able to make progress when the Senate proceeded to a vote on the managers' amendment, the Leahy-Grassley-Kyl amendment, to the America Invents Act. It was a very important amendment, with contributions from many Senators from both sides of the aisle.

I think it was a little bit frustrating for the public to watch. They saw us several hours in quorum calls and then having an amendment that passed 97 to 2. I would hope we might, in doing the Nation's business, move with a little bit more speed. But I do thank those Senators who supported it.

The Leahy-Grassley-Kyl amendment should ensure our moving forward to make the changes needed to unleash American innovation and create jobs without spending a single dollar of taxpayer money. In fact, according to the Congressional Budget Office, enactment of the bill will save millions of dollars. These are not bumper slogan ideas of saving money. These are actually doing the hard work necessary to save money.

I thank those Senators who have stayed focused on our legislative effort and who joined in tabling nongermane amendments that had nothing to do with the subject of the America Invents Act.

Extraneous amendments that have nothing to do with the important issue of reforming our out-of-date patent system so American innovators can win the global competition for the future have no place in this important bill.

We are at a time when China and Europe and the rest of Asia are moving ahead of us. We need the tools to keep up. We should not waste time with a lot of sloganeering amendments that would stop the bill. What we ought to focus on is making America good and making sure we can compete with the rest of the world. We should not have amendments used to slow this bill's consideration and passage. If America is going to win the global economic competition, we need the improvements in our patent system this bill can bring.

I continue to believe, as I have said all week, we can finish the bill—we actually could have finished it yesterday, when you consider all the time wasted in quorum calls—but I believe we can finish it today and show the American people the Senate can function in a bipartisan manner.

We have not been as efficient as I would have liked. We have been delayed for hours at a time and forced into extended quorum calls rather than being allowed to consider relevant amendments to the bill. But we are on the brink of disposing of the final amendments and passing this important legislation.

We should be able to adopt the Bennet amendment on satellite offices either by a voice vote or a rollcall, I would hope in the next few minutes, and the Kirk-Pryor amendment regarding the creation of an ombudsman for patents relating to small businesses.

I hope we can adopt the Menendez amendment on expediting patents for important areas of economic growth, such as energy and the environment, as well. I am prepared to agree to very short time agreements for additional debate, if needed. If a rollcall is called for, I am happy to have those.

The remaining issue for the Senate to decide will be posed by an amendment Senator FEINSTEIN filed to turn back the advancement toward a first-inventor-to-file system.

I wish to take a moment to talk about an important component of the

America Invents Act, the transition of the American patent system to a first-inventor-to-file system. This is strongly supported by the administration and by the managers of this package. The administration's Statement of Administration Policy notes that the reform to a first-inventor-to-file system ''simplifies the process of acquiring rights,'' and it describes it as an ''essential provision [to] reduce legal costs, improve fairness and support U.S. innovators seeking to market their products and services in a global marketplace.'' I agree. I also believe it should help small and independent inventors.

This reform has broad support from a diverse set of interests across the patent community, from life science and high-tech companies to universities and independent inventors. Despite the very recent efforts—and they were very recent efforts; after all, we have been working on this bill for years—of a vocal minority, there can be no doubt that there is wide-ranging support for a move to a first-inventor-to-file patent system.

A transition to first-inventor-to-file system is necessary to fulfill the promises of higher quality patents and increased certainty that are the goals of the America Invents Act. This improvement is backed by broad-based groups such as the National Association of Manufacturers, the American Intellectual Property Law Association, the Intellectual Property Owners Association, the American Bar Association, the Association for Competitive Technology, the Business Software Alliance, and the Coalition for 21st Century Patent Reform, among others. All of them agree that transitioning our outdated patent system to a first-inventor-to-file system is a crucial component to modernizing our patent system.

I commend the assistant Republican leader for his remarks yesterday strongly in favor of the first-inventor-to-file provisions. It actually allows us to put America at the pinnacle of innovation by ensuring efficiency and certainty in the patent system.

This transition is also necessary to better equip the Patent and Trademark Office to work through its current backlog. That backlog has more than 700,000 unexamined patent applications.

A transition to a first-inventor-to-file system will benefit the patent community in several ways. It will simplify the patent application system and provide increased certainty to businesses that they can commercialize a patent that has been granted.

The first-inventor-to-file system will also reduce costs to patent applicants and the Patent Office. Importantly, a first-inventor-to-file system will increase the global competitiveness of American companies and American inventors. Also, the first-inventor-to-file provisions that are included in the America Invents Act were drafted with careful attention to needs of universities and small inventors. For these reasons, among others, this transition is supported by the overwhelming majority of the patent community and American industry, as well as the administration and experts at the Patent and Trademark Office.

At this time I wish to have printed in the RECORD a few letters of support for the transition to first-to-file.

The Small Business & Entrepreneurship Council says that ''by moving to a first-inventor-to-file system, small firms will in no way be disadvantaged, while opportunities in international markets will expand.''

The Intellectual Property Owners Association says the transition to first-inventor-to-file ''is central to modernization and simplification of patent law and is very widely supported by U.S. companies.''

BASF says the first-to-file system will ''enhance the patent system in ways that would benefit all sectors of the U.S. economy.''

And the American Bar Association refutes claims that the first-to-file system would disadvantage small and independent inventors, saying that the legislation ''makes it clear that the award goes to the first inventor to file and not merely to the first person to file.''

I ask unanimous consent that copies of these letters be printed in the RECORD.

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

SMALL BUSINESS
& ENTREPRENEURSHIP COUNCIL,
Oakton, VA, February 28, 2011.

Hon. PATRICK LEAHY,
U.S. Senate, Russell Senate Bldg., Washington, DC.

DEAR SENATOR LEAHY: The Small Business & Entrepreneurship Council (SBE Council) and its members across the nation have been strong advocates for patent reform. We are pleased that you have introduced the Patent Reform Act (S. 23), and we strongly endorse this important piece of legislation.

An effective and efficient patent system is critical to small business and our overall economy. After all, the U.S. leads the globe in entrepreneurship, and innovation and invention are central to our entrepreneurial successes. Indeed, intellectual property—most certainly including patents—is a key driver to U.S. economic growth. Patent reform is needed to clarify and simplify the system; to properly protect legitimate patents; and to reduce costs in the system, including when it comes to litigation and the international marketplace.

Make no mistake, this is especially important for small businesses. As the Congressional Research Service has reported: ''Several studies commissioned by U.S. federal agencies have concluded that individuals and small entities constitute a significant source of innovative products and services. Studies have also indicated that entrepreneurs and small, innovative firms rely more heavily upon the patent system than larger enterprises.''

The Patent Reform Act works to improve the patent system in key ways, including, for example, by lowering fees for micro-entities, and by shortening time periods for patent reviews by making the system more predictable.

During the debate over this legislation, it is expected that two important areas of reform will come under attack.

First, the U.S. patent system is out of step with the rest of the world. The U.S. grants patents on a first-to-invent basis, rather than the first-inventor-to-file system that the rest of the world follows. First-to-invent is inherently ambiguous and costly, and that's bad news for small businesses and individual inventors.

In a 2004 report from the National Research Council of the National Academies (titled ''A Patent System for the 21st Century''), it was pointed out: ''For those subject to challenge under first-to-invent, the proceeding is costly and often very protracted; frequently it moves from a USPTO administrative proceeding to full court litigation. In both venues it is not only evidence of who first reduced the invention to practice that is at issue but also questions of proof of conception, diligence, abandonment, suppression, and concealment, some of them requiring inquiry into what an inventor thought and when the inventor thought it.'' The costs of this entire process fall more heavily on small businesses and individual inventors.

As for the international marketplace, patent harmonization among nations will make it easier, including less costly, for small firms and inventors to gain patent protection in other nations, which is critical to being able to compete internationally. By moving to a first-inventor-to-file system, small firms will in no way be disadvantaged, while opportunities in international markets will expand.

Second, as for improving the performance of the USPTO, it is critical that reform protect the office against being a ''profit center'' for the federal budget. That is, the USPTO fees should not be raided to aid Congress in spending more taxpayer dollars or to subsidize nonrelated programs. Instead, those fees should be used to make for a quicker, more predictable patent process.

Thank you for your leadership Senator Leahy. Please feel free to contact SBE Council if we can be of assistance on this important issue for small businesses.

Sincerely,

KAREN KERRIGAN,
President & CEO.

INTELLECTUAL PROPERTY
OWNERS ASSOCIATION,
Washington, DC, February 25, 2011.

Re Amendments to S. 23, the ''Patent Reform Act of 2011.''

Honorable ____,
U.S. Senate,
____ Senate Office Building, Washington, DC.

DEAR SENATOR ____: Intellectual Property Owners Association (IPO) is pleased that the Senate is planning to proceed with consideration of S. 23, the ''Patent Reform Act of 2011.''

IPO is one of the largest and most diverse trade associations devoted to intellectual property rights. Our 200 corporate members cover a broad spectrum of U.S. companies in industries ranging from information technology to consumer products to pharmaceuticals and biotechnology.

We wish to give you our advice on amendments that we understand might be offered during consideration of S. 23:

Vote AGAINST any amendment to delete the ''first-inventor-to-file'' and related provisions in section 2 of the bill. First-inventor-to-file, explained in a 1-page attachment to this letter, is central to modernization and simplification of patent law and is very widely supported by U.S. companies.

Vote FOR any amendment guaranteeing the U.S. Patent and Trademark Office access

to all user fees paid to the agency by patent and trademark owners and applicants. Current delays in processing patent applications are totally unacceptable and the result of an underfunded Patent and Trademark Office.

Vote AGAINST any amendment that would interpose substantial barriers to enforcement of validly-granted ''business method'' patents. IPO supports business method patents that were upheld by the U.S. Supreme Court in the recent Bilski decision.

For more information, please call IPO at 202–507–4500.

Sincerely,

DOUGLAS K. NORMAN,
President.

FIRST-INVENTOR-TO-FILE IN S. 23, THE ''PATENT REFORM ACT OF 2011''

Section 2 of S. 23 simplifies and modernizes U.S. patent law by awarding the patent to the first of two competing inventors to file in the U.S. Patent and Trademark Office (PTO), a change from the traditional system of awarding the patent, in theory, to the first inventor to invent. First-inventor-to-file in S. 23 has these advantages:

Eliminates costly and slow patent interferences proceedings conducted in the PTO and the courts to determine which inventor was the first to invent.

Creates legal certainty about rights in all patents, the vast majority of which never become entangled in interference proceedings in the first place, but which are still subject to the possibility under current law that another inventor might come forward and seek to invalidate the patent on the ground that this other inventor, who never applied for a patent, was the first to invent.

Encourages both large and small patent applicants to file more quickly in order to establish an early filing date. Early filing leads to early disclosure of technology to the public, enabling other parties to build on and improve the technology. (Applicants who plan to file afterward in other countries already have the incentive to file quickly in the U.S.)

Makes feasible the introduction of post-grant opposition proceedings to improve the quality of patents, by reducing the issues that could be raised in a post-grant proceeding, thereby limiting costs and delay.

Follows up on changes already made by Congress that (1) established inexpensive and easy-to-file provisional patent applications and, (2) in order to comply with treaty obligations, allowed foreign inventors to participate in U.S. patent interference proceedings.

BASF,
Florham Park, NJ, February 28, 2011.

Hon. FRANK LAUTENBERG,
Hon. BOB MENENDEZ,
U.S. Senate,
Washington, DC.

DEAR SENATORS LAUTENBERG AND MENENDEZ: On behalf of BASF's North American headquarters located in Florham Park, New Jersey, I am writing to urge your support for S. 23, the Patent Reform Act of 2011.

At BASF, We Create Chemistry, and we pride ourselves on creating technological advances through innovation. We recognize that America's patent system is crucial to furthering this innovation and that the system is in need of modernization and reform. The United States desperately needs to enhance the efficiency, objectivity, predictability, and transparency of its patent system.

BASF likes S. 23 because we feel it will preserve the incentives necessary to sustain America's global innovation and spur the creation of high-wage, high-value jobs in our nation's economy. In particular, the shift to a ''first to file'' system, an appropriate role for the court in establishing patent damages, and improved mechanisms for challenging granted patents enhance the patent system in ways that would benefit all sectors of the U.S. economy.

I want to stress that BASF supports S. 23 in the form recently passed out of the Senate Judiciary Committee via a bipartisan 15–0 vote. This bill represents a great deal of work and hard fought consensus. We ask that you reject amendments on the floor that would substantively alter the bill, including one that would reportedly strike the ''first to file'' provision.

Please note, however, that BASF does support a planned amendment that would end the practice of diverting funds from the U.S. Patent and Trademark Office to other agencies. This amendment is necessary, since the USPTO is funded entirely by user fees and does not get any taxpayer money.

Our patent system has helped foster U.S. innovation and protect the intellectual property rights of inventors for more than 200 years, and it can continue to do so if it is updated to make sure it meets the challenges facing today's innovators, investors, and manufacturers. I urge you to work with your colleagues in the Senate to pass S. 23 without substantive amendment to the patent provisions and with language that would prevent diversion of USPTO funds.

Sincerely,

STEVEN J. GOLDBERG,
Vice President,
Regulatory Law & Government Affairs

AMERICAN BAR ASSOCIATION,
Chicago, IL, February 28, 2011.

DEAR SENATOR: This week the Senate will be considering S. 23, the ''Patent Reform Act of 2011.'' I am writing to express the support of the Section of Intellectual Property Law of the American Bar Association for Senate approval of S. 23, and our opposition to any amendment that may be offered to strike the ''first-inventor-to-file'' provisions of the bill. These views have not been considered by the American Bar Association's House of Delegates or Board of Governors and should not be considered to be views of the American Bar Association.

S. 23 is a bi-partisan product of six years of study and development within the Judiciary Committee. By necessity, it contains a number of provisions that are the result of negotiation and compromise and it is unlikely that all of the Judiciary Committee co-sponsors favor each and every provision. We too would have addressed some issues differently. However, the perfect should not be the enemy of the good and we believe that this is a good bill. S. 23 and S. 515, its close predecessor in the 111th Congress, are the only bills that we have endorsed in the six years that we have been following this legislation. The enactment of S. 23 would substantially improve the patent system of the United States and we support that enactment.

At the same time, we want to express our strong opposition to an amendment that may be offered to strike the provisions of S. 23 that would switch the U.S. patent system to one that awards a patent to the first inventor who discloses his invention and applies for a patent (''first-inventor-to-file''), rather than awarding a patent based on winning the contest to show the earliest date of conception or reduction to practice of the invention (''first-to-invent'').

The United States is alone in the world in retaining the first-to-invent system. While a first-inventor-to-file system encourages inventors to file for a patent and disclose their inventions at an early date, the first-to-invent standard increases opportunity for competing claims to the same invention, and facilitates protracted legal battles in administrative and court proceedings, which are extremely costly, in both time and money.

Some have long thought that small and independent inventors would be disadvantaged in a first-inventor-to-file environment and that competitors with more resources might learn of their inventions and get to the U.S. Patent Office first with an application. This current legislation, however, makes it clear that the award goes to the first inventor to file and not merely to the first person to file.

Equally important, recent studies show that, under the present U.S. patent system, small and independent inventors who are second to file but who attempt in the U.S. Patent Office and court proceedings to establish that they were the first to invent, actually lose more patents than they would obtain had the United States simply awarded patents to the first inventor to file.

Moreover, since 1996, an inventor based in the United States faces a much more difficult task of ever obtaining a patent. For inventions made after 1996, the U.S. patent system has been open to proofs of inventions made outside the United States—creating for many U.S.-based inventors a new and potentially even more expensive obstacle to obtaining a patent under the current first-to-invent rule.

Finally, U.S. inventors more and more are facing the need to file patent applications both at home and abroad to remain competitive in our global economy. Requiring compliance with two fundamentally different systems places undue additional burdens on our U.S. inventors and puts them at a competitive disadvantage in this global economy.

We urge you to support enactment of S. 23 and to oppose any amendment to strike the ''first-inventor-to-file'' provisions.

Sincerely,

MARYLEE JENKINS,
Chairperson,
Section of Intellectual Property Law.

Mr. LEAHY. Madam President, we are now ready to go forward on the Bennet and Kirk-Pryor amendments. I am prepared to call them up for a vote in the next few minutes if we could get somebody on the floor.

AMENDMENT NO. 117, AS MODIFIED

I understand there is a modification at the desk of Bennet amendment No. 117.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 104, between lines 22 and 23, insert the following:

SEC. 18. SATELLITE OFFICES.

(a) ESTABLISHMENT.—Subject to available resources, the Director may establish 3 or more satellite offices in the United States to carry out the responsibilities of the Patent and Trademark Office.

(b) PURPOSE.—The purpose of the satellite offices established under subsection (a) are to—

(1) increase outreach activities to better connect patent filers and innovators with the Patent and Trademark Office;

(2) enhance patent examiner retention;

(3) improve recruitment of patent examiners; and

(4) decrease the number of patent applications waiting for examination and improve the quality of patent examination.

(c) REQUIRED CONSIDERATIONS.—In selecting the locale of each satellite office to be

established under subsection (a), the Director—

(1) shall ensure geographic diversity among the offices, including by ensuring that such offices are established in different States and regions throughout the Nation; and

(2) may rely upon any previous evaluations by the Patent and Trademark Office of potential locales for satellite offices, including any evaluations prepared as part of the Patent and Trademark Office's Nationwide Workforce Program that resulted in the 2010 selection of Detroit, Michigan as the first ever satellite office of the Patent and Trademark Office.

(3) Nothing in the preceding paragraph shall constrain the Patent and Trademark Office to only consider its prior work from 2010. The process for site selection shall be open.

(d) PHASE-IN.—The Director shall satisfy the requirements of subsection (a) over the 3-year period beginning on the date of enactment of this Act.

(e) REPORT TO CONGRESS.—Not later than the end of the first fiscal year that occurs after the date of the enactment of this Act, and each fiscal year thereafter, the Director shall submit a report to Congress on—

(1) the rationale of the Director in selecting the locale of any satellite office required under subsection (a);

(2) the progress of the Director in establishing all such satellite offices; and

(3) whether the operation of existing satellite offices is achieving the purposes required under subsection (b).

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

(1) DIRECTOR.—The term ''Director'' means the Director of the United States Patent and Trademark Office.

(2) PATENT AND TRADEMARK OFFICE.—The term ''Patent and Trademark Office'' means the United States Patent and Trademark Office.

On page 104, line 23, strike ''**SEC. 18.**'' and insert ''**SEC. 19.**''.

AMENDMENTS NOS. 117, AS MODIFIED, AND 123

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate resume consideration of Bennet amendment No. 117, as modified, with the changes at the desk and Kirk amendment No. 123 en bloc; further, that the amendments be agreed to en bloc and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRASSLEY. Madam President, reserving the right to object, and I will not object, I wish to say as manager of my side of the aisle that we support this. We think both of these amendments are good amendments and that we ought to move forward. I appreciate very much the majority working with us to accomplish this goal.

I yield the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendments, Nos. 117, as modified, and 123, were agreed to en bloc.

Mr. LEAHY. Madam President, I am ready to go to third reading unless there are others who are otherwise tied up who knows where, but I wish they would take the time to drop by if they have amendments. Senator GRASSLEY and I spent hours on the floor yesterday just waiting for people to bring up amendments. We went through a number of quorum calls. We are talking about something that is going to be a tremendous boost to businesses and inventors. Those who are watching are wondering probably why we have spent years getting this far. So much time is being wasted.

I just want everybody to know the two of us are ready to vote. Yesterday we took hours of delay to vote on the Leahy-Grassley, et al. amendment, and then it passed 97 to 2.

So I would urge Senators who have amendments to come to the floor. As the gospel says, ''Many are called, but few are chosen.'' It may be the same thing on some of the amendments, but ultimately we will conclude. Before my voice is totally gone, unless the Senator from Iowa has something to say, I yield to the Senator from Iowa.

Mr. GRASSLEY. Madam President, supporting what the chairman has just said, outside of the fact that there might be one or two controversial nongermane amendments to this legislation, we have to look at the underlying product. The underlying product is very bipartisan. Most economic interests within our country are supporting this patent reform legislation. Everybody agrees it is something that probably should have been passed a Congress ago.

I join my Democratic manager and the chairman of the committee in urging Senators on my side of the aisle who have either germane amendments or nongermane amendments to come to the floor and offer them so the underlying piece of legislation can be passed and sent on to the House of Representatives.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I also wish to associate myself with the distinguished senior Senator from Iowa. He has worked very hard to help us get to the floor. Considering the enormous amount of time that has been spent by both sides of the aisle on this bill, the amount of time that has been spent working out problems, I wish we could complete it. I understand there are a couple Senators who may have amendments. I am not sure where they are, but I am sure they will show up at some point. In the meantime, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 133

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 133, and I ask unanimous consent to set aside the pending amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. RISCH, Mr. REID, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN, proposes an amendment numbered 133.

The amendment is as follows:

On page 2, line 1, strike ''**FIRST INVENTOR TO FILE.**'' and insert ''**FALSE MARKING.**''

On page 2, strike line 2 and all that follows through page 16, line 4.

On page 16, line 5, strike ''(1) IN GENERAL.—'' and insert ''(a) IN GENERAL.—'' and move 2 ems to the left.

On page 16, line 7, strike ''(A)'' and insert ''(1)'' and move 2 ems to the left.

On page 16, line 11, strike ''(B)'' and insert ''(2)'' and move 2 ems to the left.

On page 16, line 18, strike ''(2) EFFECTIVE DATE.—'' and insert ''(b) EFFECTIVE DATE.—'' and move 2 ems to the left.

On page 16, line 19, strike ''subsection'' and insert ''section''.

On page 16, strike line 22 and all that follows through page 23, line 2.

On page 23, strike line 3 and all that follows through page 31, line 15, and renumber sections accordingly.

On page 64, strike line 18 and all that follows through page 65, line 17.

On page 69, line 10, strike ''derivation'' and insert ''interference''.

On page 69, line 14, strike ''derivation'' and insert ''interference''.

On page 71, line 9, strike ''DERIVATION'' and insert ''INTERFERENCE''.

On page 71, lines 9 and 10, strike ''derivation'' and insert ''interference''.

On page 71, line 14, strike ''derivation'' and insert ''interference''.

On page 72, line 3, strike ''derivation'' and insert ''interference''.

On page 72, line 8, strike ''derivation'' and insert ''interference''.

On page 73, line 1, strike ''derivation'' and insert ''interference''.

On page 73, between lines 5 and 6, insert the following:

(d) CONFORMING AMENDMENTS.—Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place that term appears and inserting ''Patent Trial and Appeal Board''.

On page 73, line 6, strike ''(d)'' and insert ''(e)''.

On page 93, strike lines 6 through 8, and insert the following: by inserting ''(other than the requirement to disclose the best mode)'' after ''section 112 of this title''.

On page 98, strike lines 20 and 21, and insert the following:

''SEC. 17. EFFECTIVE DATE.

Except as otherwise provided

On page 99, strike lines 1 through 14.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that at the conclusion of my remarks the amendment be set aside and the Senate return to the previously pending business.

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

Mrs. FEINSTEIN. Thank you very much.

I rise today to offer an amendment to strike the first-to-file provisions of this bill. I am joined in this effort by my cosponsors, Senator RISCH, Majority Leader REID, and Senators CRAPO

and BOXER. I also ask unanimous consent that Senator ENSIGN be added as a cosponsor of the amendment.

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

Mrs. FEINSTEIN. I know the bill has contained these provisions for some time now, and I acknowledge I have voted for different versions of it that contain these provisions. However, I have heard more and more in the past 2 years from small inventors, startup companies, small businesses, venture capitalists, and, yes, even large companies from all around our country, but especially in my State of California, that this proposed transition from our first-to-invent system to a first-to-file system would be severely harmful to innovation, and especially burdensome on small inventors, startups, and small businesses. And I have become convinced it is the wrong thing to do.

For the benefit of my colleagues who have not been so embroiled in this rather technical issue, let me provide a little background. For over a century, our country has awarded patents to the first inventor to come up with an idea, even if somebody else beat them to the Patent Office—a first-to-invent system. And we have done very well under the first-to-invent system. This bill would change that, so that the first person to file an application for a patent for a particular invention would be entitled to that patent, even if another person actually created the invention first. This is what is known as the first-to-file system.

Now, the argument that is made for transitioning to first-to-file is that the rest of the world follows first-to-file, and that will harmonize our system with theirs. This is supported by big companies that have already made it, that have an international presence. Therefore, I understand their support for first-to-file. But under first-to-invent, we have been the world's leader in innovation, and the first-to-file countries have been playing catchup with our technological advances. So with all due respect, I wouldn't trade America's record of innovation for that of virtually any other country or certainly any first-to-file country.

The genius of America is inventions in small garages and labs, in great ideas that come from inspiration and perspiration in such settings and then take off. So many of America's leading companies—Hewlett Packard, Apple, Google, even AT&T arising from Alexander Graham Bell's lab, for example—started in such settings and grew spectacularly, creating jobs for millions of Americans and lifting our economy and standard of living.

A coalition of affected small business groups, including the National Small Business Association and others, recently said first-to-file ''disrupts the unique American start-up ecosystem that has led to America's standing as the global innovation leader . . .''

I believe it is critical that we continue to protect and nurture this culture of innovation, and preserving the first-to-invent system that has helped foster it is essential to do this.

Moreover, this bill would not actually harmonize our patent priority system with that of the rest of the world. Many first-to-file countries allow more extensive use of prior art to defeat a patent application and provide for greater prior user rights than this bill would provide. Europe does not provide even the limited 1-year publication grace period this bill does.

An important part of this debate is the change the bill makes to the so-called grace period that inventors have under U.S. current law. Presently, a person's right to their invention is also protected for 1 year from any of the following: No. 1, describing their invention in a printed publication; No. 2, making a public use of the invention; or, No. 3, offering the invention for sale. This is called the grace period, and it is critical to small inventors.

Mr. President, 108 startups and small businesses wrote last year that:

> U.S. patent law has long allowed inventors a 1-year ''grace period,'' so that they can develop, vet, and perfect their invention, begin commercialization, advance sales, seek inventors and business partners, and obtain sufficient funds to prosecute the patent application. During the grace period, many inventors learn about starting a technology-based business for the first time. They must obtain investment capital and must learn from outside patent counsel (at considerable expense) about patenting and related deadlines and how to set up confidentiality agreements. Many startups or small businesses are in a race against insolvency during this early stage. The grace period protects them during this period from loss of patent rights due to any activities, information leaks or inadvertent unprotected disclosures prior to filing their patent applications.

S. 23 eliminates this grace period from offering an invention for sale or making a public use of it, leaving only a grace period from ''disclosure'' of the invention.

There are two problems with this. First, ''disclosure'' is not defined in the bill. This will generate litigation while the courts flesh out that term's meaning. While this plays out in the courts, there will be uncertainty about whether many inventions are patentable. This uncertainty will, in turn, chill investment, as venture capitalists will be reluctant to invest until they are confident that the inventor will be able to patent and own their invention.

Secondly, because of this lack of definition, some patent lawyers interpret ''disclosure'' to mean a disclosure that is sufficiently detailed to enable a person of ordinary skill in the particular art to make the invented item. In practical terms, this means a patent application or a printed publication.

Now, this does provide some protection to universities, it is true. They often publish about their inventions. However, it is scant protection for the small inventor. They don't publish about their inventions, until they file a patent application. As the 108 small businesses put it, ''no business willingly publishes complete technical disclosures that will tip-off all competitors to a company's technological direction. . . . Confidentiality is crucial to small companies.''

The grace period from offering for sale or public use is critical for their protection; eliminating it will have the effect, in the words of these small businesses, of ''practically gutting the American 1-year grace period.'' The National Small Business Association wrote recently:

> The American first-to-invent grace period patent system has been a major mechanism for the dynamism of small business innovation. . . . It is clear that the weak or (entirely absent) [sic] grace periods used in the rest of the world's first-to-file patent system throttles small-business innovation and job creation.

Our amendment would preserve America's world-leading system.

I am also very concerned that first-to-file would proportionately disadvantage small companies and startups with limited resources. I have become convinced that this change would impede innovation and economic growth in our country, particularly harming the small, early-stage businesses that generate job growth.

Obviously, the process of innovation starts with the generation of ideas. Small California companies and inventors have described to me how most of these ideas ultimately do not pan out; either testing or development proves they are not feasible technologically, or they prove not to be viable economically.

Unfortunately, first-to-file incentivizes inventors to ''race to the Patent Office,'' to protect as many of their ideas as soon as possible so they are not beaten to the punch by a rival. Thus, first-to-file will likely result in significant overfiling of these ''dead end'' inventions, unnecessarily burdening both the Patent and Trademark Office and inventors. As Paul Michel, former chief judge of the Court of Appeals for the Federal Circuit, and Gregory Junemann, president of the International Federation of Professional and Technical Engineers, put it in a recent letter to the committee:

> As Canada recently experienced, a shift to a first-to-file system can stimulate mass filing of premature applications as inventors rush to beat the effective date of the shift or later, filings by competitors.

This presents a particular hardship for independent inventors, for startups, and for small businesses, which do not have the resources and volume to employ in-house counsel but must instead rely on more-costly outside counsel to file their patents. This added cost and time directed to filing for ideas that are not productive will drain resources away from the viable ideas that can build a patent portfolio—and a business.

At a time when the Patent and Trademark Office has a dramatic backlog of over 700,000 patents waiting to be examined and a pendency time of some 3 years, Congress should be careful to

ensure that any legislative changes will not increase patent filings that are unfruitful.

The counter-argument is made that a small inventor could file a cheap ''provisional patent application,'' and that is sufficient protection. However, patent lawyers who work with small clients have said that they advise their clients not to treat a provisional application any less seriously than a full patent application. If there is part of an invention that is left out of the provisional application, that will not be protected. And the parts that are included in the provisional application will be vulnerable too, under an attack that the inventor failed to disclose the ''best mode'' of the invention by leaving out necessary information.

The argument is made that first to file will establish a simple, clear priority of competing patent applications. Proponents of first to file argue that it will eliminate costly, burdensome proceedings to determine who actually was the first to invent, which are known as ''interference proceedings.''

However, the reality is that this is not a significant problem under our current system. There are only about 50 ''interference proceedings'' a year to resolve who made an invention first. This is out of about 480,000 patent applications that are submitted each year—in other words, one-one hundredth of 1 percent of patent applications.

Another problem with the bill's first to file system is the difficulty of proving that someone copied your invention.

The bill's proponents assert that it protects against one person copying another person's invention by allowing the first inventor to prove that ''such other patent was derived from the inventor of the invention . . .''.

Currently, you as a first inventor can prove that you were first by presenting evidence that is in your control—your own records contemporaneously documenting the development of your invention. But to prove that somebody else's patent application came from you under the bill, was ''derived'' from you, you would have to submit documents showing this copying. Only if there was a direct relationship between the two parties will the first inventor have such documents.

If there was only an indirect relationship, or an intermediary—for example, the first inventor described his invention at an angel investor presentation where he didn't know the identities of many in attendance—the documents that would show ''derivation''—copying—are not going to be in the first inventor's possession; they would be in the second party's possession. You would have to find out who they talked to, e-mailed with, et cetera to trace it back to your original disclosure. But the bill doesn't provide for any discovery in these ''derivation proceedings,'' so the first inventor can't prove their claim.

For these reasons, and many others, the first to invent system, which I believe has made our Nation the leader in the world, which our amendment would preserve, is supported by numerous people and businesses around the country, including the National Small Business Association; Coalition for Patent Fairness, a coalition of large high-tech companies; IEEE, Institute of Electrical and Electronics Engineers, which has 395,000 members; the International Federation of Professional and Technological Engineers, AFL–CIO; the University of California System; the University of Kentucky; Paul Michel—Former Chief Judge of the U.S. Court of Appeals for the Federal Circuit, which plays the critical role of hearing appeals in patent cases; the U.S. Business and Industry Council; American Innovators for Patent Reform; National Association of Patent Practitioners; Professional Inventors Alliance USA; CONNECT, a trade association for small technology and life science businesses; and many small inventors, as represented, for instance, in a letter signed by 108 startups and small businesses from all over the country.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, I don't often agree with the organization Gun Owners of America, a group that thinks the National Rifle Association is too liberal. But I do agree with them on this issue. They are part of a coalition of 23 conservative organizations that wrote to the leaders about this, arguing: ''Our competitors should have to 'harmonize up' to our superior intellectual property regime, rather than our having to weaken our patent system and 'harmonize down' to their levels.'' Other signatories on this letter include Phyllis Schlafly of the Eagle Forum; Edwin Meese III, former Attorney General under President Reagan; the American Conservative Union; and the Christian Coalition.

I think this is really a battle between the small inventors beginning in the garage, like those who developed the Apple computer that was nowhere, and who, through the first-to-invent system, were able to create one of the greatest companies in the world. America's great strength is the cutting-edge of innovation. The first-to-invent system has served us well. If it is not broke, don't fix it. I don't really believe it is broke.

I am delighted to see that my cosponsor, the distinguished Senator from California, is also on the floor on this matter, and I welcome her support.

I yield the floor.

EXHIBIT 1

JUNE 1, 2010.

Re Effective repeal of the one-year ''grace period'' under S. 515, the Patent Reform Act of 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS, on behalf of the undersigned companies and organizations whose survival and new job creations depend on patent protection, we are writing regarding the patent reform legislation, S. 515. We write today to draw renewed attention to a proposed rewrite of 35 U.S.C. §102, which effectively eliminates the American one-year grace period during which current law permits an inventor to test and vet an invention, publically demonstrate it to obtain advance sales revenue and seek investors before filing the patent application. No representatives of small business were called to testify during five years of Senate hearings on patent legislation. This issue has been overshadowed by the debate on other provisions of S. 515, but it is no less disruptive to the technology investments fostered by the patent system. The proposed sweeping changes in §102 is another issue where some large, incumbent firms are seeking a change to the detriment of small companies, new entrants, startup innovators, independent inventors, and future businesses.

U.S. patent law has long allowed inventors a one-year ''grace period,'' so that they can develop, vet, and perfect their invention, begin commercialization, advance sales, seek investors and business partners, and obtain sufficient funds to prosecute the patent application. During the grace period, many inventors learn about starting a technology-based business for the first time. They must obtain investment capital and often must learn from outside patent counsel (at considerable expense) about patenting and related deadlines and how to set up confidentiality agreements. Many startups or small businesses are in a race against insolvency during this early stage. The grace period protects them during this period from loss of patent rights due to any activities, information leaks or inadvertent unprotected disclosures prior to filing their patent applications.

Small businesses and startups are significantly more exposed than large firms in this regard because they must rely on far greater and earlier private disclosure of the invention to outside parties. This is often required for raising investment capital and for establishing strategic marketing partnerships, licensing and distribution channels. In contrast, large established firms have substantial patenting experience, often have in-house patent attorneys and often use internal R&D investment funds. They can also use their own marketing, sales and distribution chains. Therefore, they seldom need early disclosure of their inventions to outside parties.

S. 515 amends §102 to confer the patent right to the first-inventor-to-file as opposed to the first-to-invent as provided under current law. This change is purportedly made for the purpose of eliminating costly contests among near-simultaneous inventors claiming the same subject matter, called ''interferences.'' The goal of eliminating interferences is achievable by simple amendment of only §102(g) to a first-inventor-to-file criterion. However, under the heading of First-Inventor-To-File, S. 515 does far more, it changes all of §102, redefining the prior art and practically gutting the American one-year grace period.

Without the grace period, the patent system would become far more expensive and less effective for small companies. It would create the need to ''race to the patent office'' more frequently and at great expense before every new idea is fully developed or vetted. The pressure for more filings will affect all American inventors—not only a few that end up in interferences under current law. Because filing decisions must be made based on information that will be preliminary and immature, the bill forces poor patenting decisions. Applicants will skip patent protection for some ultimately valuable inventions, and will bear great costs for applications for inventions that (with the additional information that is developed during the grace period year of current law) prove to be useless, and subsequently abandoned. The evidence for this high abandonment trend under systems having no grace period is readily available from European application statistics.

The proponents of S. 515 suggest that the harm of the weak grace period of proposed §102(b) can be overcome if an inventor publishes a description of the invention, allowing filing within a year following such publication. Underlying this suggestion are two errors. First, no business willingly publishes complete technical disclosures that will tip off all competitors to a company's technological direction. We generally do not, and will not, publish our inventions right when we make them, some 2.5 years before the 18-month publication or 5–7 years before the patent grant. Confidentiality is crucial to small companies.

Second, even if we were to avail ourselves of such conditional grace period by publishing first before filing, we would instantly forfeit all foreign patent rights because such publication would be deemed prior art under foreign patent law. No patent attorney will advise their client to publish every good idea they conceive in order to gain the grace period of S. 515. The publication-conditioned ''grace period'' in S. 515 is a useless construct proposed by parties intent on compelling American inventors to ''harmonize'' de facto with national patent systems that lack grace periods. S. 515 forces U.S. inventors to make the ''Hobson's Choice'' of losing their foreign patent rights or losing the American grace period. It should be clear that the only way for American inventors to continue to benefit from a grace period and be able to obtain foreign patent rights, is to keep intact the current secret grace period that relies on invention date and a diligent reduction to practice.

The American grace period of current law ensures that new inventions originating in American small companies and startups—the sector of the economy that creates the largest number of new jobs—receive patent protection essential for survival and that American small businesses' access to foreign markets is not destroyed. We urge you to amend S. 515 so that §102 remains intact in order to preserve the American grace period in its full scope and force.

Thank you for your consideration of our views and concerns.

Sincerely,

(SIGNED BY 108 COMPANIES).

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senator from California be permitted to speak, and then I ask that the remaining time be granted to me.

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

Mrs. BOXER. Mr. President, will the Chair cut me off at 1 minute?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. Mr. President, I thank Senator HATCH so much. I thank my friend and colleague, Senator FEINSTEIN, for this critical amendment.

Mr. President, I rise in support of the amendment offered by my dear friend and colleague, Senator FEINSTEIN.

The amendment would strike the first-to-file provision in the patent reform bill.

I was pleased to work with my colleague, Dr. COBURN, in support of his amendment to allow the patent office to keep its user fees, which was accepted into the managers' amendment that passed yesterday.

To me, that was one of the most important reforms we could enact in this legislation—giving the PTO the resources it needs to serve the public.

I support efforts to improve our patent system. And there are some good things in this bill, including efforts to help small businesses navigate the PTO.

But I strongly disagree with changing the core principle of our patent system—awarding a patent to the true inventor—for the sake of perceived administrative ease.

Unlike other countries, our patent system is rooted in our Constitution. We are the only country in the world whose Constitution specifically mentions ''inventor.''

Article I, section 8 states ''The Congress shall have the power . . . To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.''

Our system recognizes the complete process of invention—from conception to completion.

The United States is still the heart of innovation in the world, and its patent system is its soul.

Despite our rich history, the bill before us today seeks to erase over 200 years of invention and achievement, and replace it with a weaker system.

Let's talk about those changes.

Section 2 of the bill awards a patent to the first person to file, regardless of whether that person was the true inventor—the one who first conceived and developed the invention to completion.

That goes directly against the express language of the Constitution, which awards patents to the inventor, not the fastest to the PTO.

Section 2 of the bill also provides a weaker grace period than current law. This is a big change that will have a significant economic effect on startups, entrepreneurs and individual inventors.

I believe it is a change that we cannot afford, especially in these tough economic times when we need our small businesses to create new jobs.

Current law allows an inventor to obtain a patent if an application is filed within a year of a public use, sale or publication of information about the invention.

That year is called the grace period, during which an inventor's right to apply is protected from disclosures or applications by others related to his invention.

The grace period is important because it allows smaller entities, like startups or individual inventors, time to set up their businesses, seek funding, offer their inventions for sale or license, and prepare a thorough patent application.

Put another way, the grace period is an integral part of the formation of a small business.

The grace period has been a part of our patent system since 1839, and it was implemented to encourage inventors to engage in commercial activity, such as demonstrations and sales negotiations, without fear of being beaten to the patent office by someone with more resources.

The new grace period in the bill, however, would no longer cover important commercial activities such as sales or licensing negotiations.

The new provision also contains vague, undefined terms that will inject more uncertainty into the system at a time when inventors and investors need more certainty.

Proponents of first-to-file will argue that there have been studies or reports that show that a first-to-file system does not harm small entities. For example, they often mention the report of the National Academies of Science that reached that conclusion.

However, those studies and reports only analyzed the rare cases where two parties claimed to be the first inventor.

Do you know how rare those cases are? Last year, there were 52 cases out of over 450,000 applications filed—.01 percent of all applications ended up in a contest.

I do not think we should change over 170 years of protection for small entities based on cases that happen with the frequency of a hole in one in golf—1 out of 12,500, or .01 percent.

Listen to the conclusion of a report analyzing the business effects of Canada's switch to a first-to-file system:

The divergence between small entities and large corporations in patenting after the Reforms supports the idea that a switch to a first-to-file system will result in relatively less inventive activity being carried out by independent inventors as well as small businesses, and more being channeled through large corporations instead.

In closing, I believe there are things we can do to improve our patent system.

But I also believe that the foundation of our Constitution-based system—a patent is awarded to the inventor—has worked well for over 220 years, and we should not change that core.

It has produced inventors such as Thomas Edison, the Wright Brothers, and George Washington Carver.

We should not change the core of our system, and I urge my colleagues to vote for the Feinstein amendment.

Mr. President, I will conclude in this way. The Feinstein amendment is necessary. It is necessary because the first

person to invent should get the protection from the Patent Office. We believe that if this amendment does not pass, it goes against the express language of the Constitution which awards patents to the inventor, not the fastest one to run down to the Patent Office. Senator FEINSTEIN has explained why this is a matter of fairness and is better for consumers. I am hopeful that the amendment passes.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been following the debate on the patent bill closely. I wish to again voice my strong support for passage of this very important legislation.

We have been working on this bill for a number of years and it is satisfying to finally see the full Senate consider it now. As I have said before, the patent reform bill is about moving our Nation toward the future. It will equip America's inventors with an improved patent system that will enable them to better compete in today's global economy. Toward that end, I would like to discuss some of the key provisions of this bill and what they will do to improve and modernize our patent system.

There are some misconceptions about the proposed first-inventor-to-file provision. Some have questioned why we cannot maintain the current first-to-invent system, in which priority is established by determining which applicant actually invented the claimed invention first. Under this system, if there is a dispute, it costs applicants an average of $500,000 in legal fees to prove they were the first-to-invent. This amount does not include extra expenses that can follow if the decision is appealed. Unfortunately, many small businesses and independent inventors do not have the resources to engage in the process we have now.

Conversely, moving to a first-inventor-to-file system would provide inventors a cost-effective and certain path to protect one's invention through the filing of a provisional application, at a much more reasonable cost of about $100.

The purpose of the proposed transition is certainly not to hurt small businesses or independent inventors. Quite the contrary. These innovators are too important to our Nation's economic health. But let's consider some facts: in the past 7 years, more than 3,000,000 applications have been filed, and only 25 patents were granted to small entities that were the second inventor to file, but later proved that they were first to invent. Of those 25, only one patent was granted to an individual inventor who was the second to file. Thus, in the last 7 years, only one inventor in over 3,000,000 patent filings would have gotten a different outcome if we, like the rest of world, used a first-inventor-to-file patent system. I assure you that I do not want to minimize the reluctance that some have with changing to this new system; however, the facts speak for themselves. Simply put, moving to a first-inventor-to-file system does not appear to have the level of risk some have feared.

Additionally, the American Bar Association's Section of Intellectual Property Law recently confirmed the importance of the proposed transition by stating:

> For inventions made after 1996, the U.S. patent system has been open to proofs of inventions made outside the United States—creating for many U.S.-based inventors a new and potentially even more expensive obstacle to obtaining a patent under the current first-to-invent rule. Finally, U.S. inventors more and more are facing the need to file patent applications both at home and abroad to remain competitive in our global economy. Requiring compliance with two fundamentally different systems places undue additional burdens on U.S. inventors and puts them at a competitive disadvantage in this global economy.

Indeed, the transition to the first-inventor-to-file system is long overdue and will help our U.S. companies and inventors out-compete their global challengers.

The proposed legislation would also give the USPTO rulemaking authority to set or adjust its own fees, without requiring a statutory change every time an adjustment is needed. Providing the USPTO the ability to adjust its own fees will give the agency greater flexibility and control, which, in the long run, will benefit inventors and businesses.

Speaking of greater fiscal flexibility for the USPTO, let me take a moment to discuss the importance of ensuring full access to the fees the agency collects.

American inventors, who create jobs and keep our economic engine running, should not have to wait for years after they have paid their fees to have their patent applications processed. This is tantamount to a tax on innovation and it creates disincentives for inventors and entrepreneurs.

A fully funded USPTO, with fiscal flexibility, would—at the very least—mean more and better trained patent examiners, greater deployment of modern information technologies to address the agency's growing needs, and better access to complete libraries of prior art.

Over the years, fee diversion has forced a vicious cycle of abrupt starts and stops in the hiring, training, and retention of qualified office personnel. To make matters worse, under current conditions, outdated computer systems are not keeping pace with the volume of work before the agency. It is clear to most that the USPTO has yet to recover from the negative impact of diverting close to a billion dollars from its coffers, for its own use. That has not only been wrong, it is obscene.

I agree with what has been said that there cannot be true patent reform without full access to collected fees from the USPTO. We owe it to our inventor community to do this. We all have a vested interest in ensuring that our country's unique spirit of ingenuity and innovation continues to thrive and flourish. Last night, an overwhelming majority of the Senate voted to finally put an end to fee diversion from the USPTO. It was a historic moment, and I hope our House colleagues will maintain this momentum. I understand some people on the Appropriations Committee do not like it. They do not like it because they like to be able to play with that money. But it is disastrous to not have that money stay with the USPTO so we can move forward faster, better and get a lot more done and still be the leading innovative nation in the world.

The legislation also enables patentholders to request a supplemental examination of a patent if new information arises after the initial examination. By establishing this new process, the USPTO would be asked to consider, reconsider or correct information believed to be relevant to the patent. The request must be made before litigation commences. Therefore, supplemental examination cannot be used to remedy flaws first brought to light in the course of litigation, nor does it interfere with the court's ability to address inequitable conduct. That is an important point. Further, this provision does not limit the USPTO's authority to investigate misconduct or to sanction bad actors.

In a nutshell, the supplemental examination provision satisfies a long-felt need in the patent community to be able to identify whether a patent would be deemed flawed if it ever went to litigation and enables patentees to take corrective action. This process enhances the quality of patents, thereby promoting greater certainty for patentees and the public.

The America Invents Act also creates a mechanism for third parties to submit relevant information during the patent examination process. This provision would provide the USPTO with better information about the technology and claimed invention by leveraging the knowledge of the public. This will also help the agency increase the efficiency of examination and the quality of patents.

The pending legislation also provides a new postgrant review opposition proceeding to enable early challenges to the validity of patents. This new but time-limited postgrant review procedure will help to enhance patent quality and restore confidence in the presumption of validity that comes with issued patents.

Finally, this bipartisan patent bill provides many improvements to our patent system which include, among other provisions, just some of the following:

Changes to the best mode disclosure requirement, increased incentives for government laboratories to commercialize inventions, restrictions on false

marking claims, removal of restrictions on the residency of Federal circuit judges, clarification of tax strategy patents, providing assistance to small businesses through a patent ombudsman program, establishing additional USPTO satellite offices, and creation of a transitional postgrant proceeding specific to business method patents.

As we can see, this bipartisan bill represents significant changes to our patent laws. They will enable our great country to more effectively compete in the 21st century global economy. I encourage my colleagues to take action and vote in favor of this bill. We cannot afford to allow this opportunity to pass us by.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Utah for his strong statement of support for the America Invents Act, a bill that is, at its heart, all about moving our economy forward. When we think about the brass tacks of our country, we think about ideas, we think about inventions. It was our inventors who developed the light bulb, the assembly line, the Internet, the iPod, and, of course, my 15-year-old daughter's favorite invention, Facebook. This all came from our great country.

I wish to comment, briefly—I know Senator ROCKEFELLER has an important issue to talk about, the issue we have just been discussing.

First of all, we have heard from stakeholders from across the spectrum—from high tech and life sciences to universities and small inventors—in support of the transition to the first-to-file system.

I ask unanimous consent to have printed in the RECORD a list of supporters of the transition to the first-to-file system that is contained in the America Invents Act.

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

SUPPORTERS OF THE FIRST-TO-FILE TRANSITION

AdvaMed; American Bar Association; American Council on Education; American Intellectual Property Law Association; Association of American Medical Colleges; Association for Competitive Technology; Association of American Universities; Association of Public and Land-grant Universities; Association of University Technology Managers; BASF, the Chemical Company; Biotechnology Industry Organization; Business Software Alliance; Caterpillar; Coalition for 21st Century Patent Reform; Council on Governmental Relations; Gary Michelson, Independent Inventor; Genentech; Intellectual Property Owners Association; Louis J. Foreman, Enventys, independent inventor; National Association of Manufacturers; Small Business and Entrepreneurship Council; and Software & Information Industry Association.

Ms. KLOBUCHAR. Mr. President, we have heard also on the floor that there is, as Senator HATCH mentioned, strong support throughout the Senate for this change. In fact, Commerce Secretary Locke emphasizes that support in a column appearing in the Hill newspaper today. He states:

[P]atent reform adopts the ''first-inventor-to-file'' standard as opposed to the current ''first-to-invent'' standard. First inventor to file is used by the rest of the world and would be good for U.S. businesses, providing a more transparent and cost-effective process that puts them on a level playing field. . . .

I could not agree more. Small businesses, independent investors, and stakeholders across the spectrum support this important transition.

I wish to mention one other aspect of this system. With the current first-to-invent system, when two patents are filed around the same time for the same invention, it also creates problems. It means the applicants must go through an arduous and expensive process called an interference to determine which applicant will be awarded the patent.

Small inventors rarely, if ever, win interference proceedings because the rules for interferences are often stacked in favor of companies that can spend more money. We believe this needs to change. There was a recent article about this in the Washington Post in which David Kappos, the Director of the Patent Office and Under Secretary for Intellectual Property, described the current system is similar to parking your car in a metered space and having someone else come up and say they had priority for that space and then having your car towed. Instead, we need a system in which, if you are the first to pull in and pay your fee, you can park there and no one else can claim it is their space.

The America Invents Act would create that system. It transitions our patent system from a first-to-invent system to a first-inventor-to-file system. By simply using the file date of an application to determine the true inventor, the bill increases the speed of a patent application process, while also rewarding novel, cutting-edge inventions.

A first-to-file system creates more certainty for inventors looking to see if an idea has already been patented. At the same time, the bill still provides a safe harbor of 1 year for inventors to go out and market their inventions before having to file for their patent. This grace period is one of the reasons our Nation's top research universities, such as the University of Minnesota, support the bill. The grace period protects professors who discuss their inventions with colleagues or publish them in journals before filing their patent application.

Mr. President, I know Senator ROCKEFELLER is here to discuss a very important issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up amendment No. 134.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, I have to object on behalf of the manager of the bill who is not here right now. If the Senator can at least wait until Senator GRASSLEY returns to make his request.

Mr. ROCKEFELLER. I know the Senator from Utah, and I remind him he was the lead author of the Hatch-Waxman Act, creating the 180-day period for generics.

Mr. HATCH. I object right now, but as soon as Senator GRASSLEY gets back——

Mr. ROCKEFELLER. Will the Senator from Utah object if I talk about it?

Mr. HATCH. No.

The PRESIDING OFFICER. An objection has been heard.

The Senator from West Virginia is recognized.

AMENDMENT NO. 134

Mr. ROCKEFELLER. Mr. President, my amendment is based on legislation I introduced earlier this year, obviously quite recently. The cosponsors of that bill, which is called the Fair Prescription Drug Competition Act, are Senator SHAHEEN, Senator LEAHY, who chairs the Judiciary Committee, Senator INOUYE, Senator STABENOW, and Senator SCHUMER, who is on the Judiciary Committee.

I wish to acknowledge that the managers of this bill, Chairman LEAHY and Senator GRASSLEY, have been steadfast partners in pushing the Federal Trade Commission to investigate further consumer access to generic drugs, which is a huge problem. We do a lot of talking about the health care bill and a lot of other things about saving money and saving consumers money. This is a bill which would do this, if I were allowed to actually proceed to it.

This amendment eliminates one of the most widely abused loopholes that brand-name drug companies use to extend their shelf life, their monopoly, and limit consumer access to lower cost generic drugs which are just as good and just the same, but they have a system to work on that. It ends the marketing of so-called authorized generic drugs during the 180-day marketing exclusivity period that Congress designed to give real low-cost generics a major incentive to enter the market.

What was happening was the brand-name drug companies had their 18 years of exclusivity. That is a monopoly time unrivaled. Then somebody else would come in with a cheaper way of doing the same thing, an FDA-approved drug, but it would be a generic drug. It would be the same drug, have the same effect, but it would be much cheaper. Since millions of people buy these drugs, that would seem to be a good thing in a budget-conscious era for American families, as well as for the government.

As I say, this amendment ends the so-called authorized generic drugs during the 180-day marketing exclusivity

period Congress designated to give real low-cost generics a major incentive to enter the market. You have to be able to enter the market to compete and to get your lower priced, equally good drugs out there. They do that by challenging a brand-name patent. That is the only way they can do it.

An authorized generic drug is a brand-name prescription drug produced by the same brand manufacturer yet repackaged as a generic. That is clever, but it is also a little devious. Many brand-name drug manufacturers are repackaging their drugs as generics for the purpose of extending their market shares after their patents expire. They have a little subsidiary which produces something which they shift over to them.

Unfortunately, this often eliminates the incentive for an independent generic to enter the marketplace. Therefore, the price of drugs remains much higher, and that would seem to be not in the interest of the American people.

In 1984, Congress passed the Hatch-Waxman Act to provide consumer access to lower cost generic drugs. Under the law which the Senator from Utah led, if a true generic firm successfully challenges a brand-name patent, the generic firm is provided a 180-day period for that drug to exclusively enter the market. This is a crucial incentive for generic drug companies to enter that market and make prescription drugs more affordable for consumers. It would seem to me this would be a very laudable pursuit.

Every American agrees on the need to reduce health care costs. Generic drugs save consumers an estimated total of $8 billion to $10 billion a year—$8 billion to $10 billion-a-year savings for the same quality of drug. Of course, they get that at the retail pharmacies where the prescription is handed out. For working families, these savings can make a huge difference, particularly during very tough economic times, which we are going through.

This amendment would restore the main incentive generic drug companies have to challenge a brand-name patent and enter the market. We give them the incentive to challenge the brand-name prescriber.

That is what this amendment is about. It is profoundly important. It has been before this body many times. I guess it is a question of do we want to help people who have to take a lot of prescriptions and older people—any kind of people. Do we want to help them pay less? I guess it divides into if you do or if you don't. I am in the camp of, yes, I want to have people pay less. So I would just say that.

Mr. President, I yield the floor for the time being.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent to speak as in morning business for approximately 20 minutes, and I probably will not use all of that time and will yield back.

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

Mr. ROBERTS. I thank the Chair.

EXECUTIVE ORDER ON REGULATIONS

Mr. President, I rise today to speak again about President Obama's January 18 Executive order that directed all Federal agencies within the administration to review or repeal those significant regulatory actions that are duplicative, overly burdensome, or would have a significant economic impact on ordinary Americans.

The President went on to say—I am paraphrasing from his words—they are costly, they are duplicative, in many cases they aren't necessary, we need to review them, and in some cases, actually, they are stupid. That is a direct quote from the President. I am paraphrasing, but he did say the word ''stupid.''

Probably ''stupid'' would be the word, or maybe ''egregious'' or ''fed up'' that almost any group or any organization back home would use when you visit with them. I know Senators, on their past break or our work period, if you will, probably spoke to a lot of groups. I will tell you what happened to me.

I would walk into a group—any organization, be it farmers, ranchers, educators, health care, whatever—and they would say: PAT, what on Earth are you doing back there, passing all these regulations, a wave of regulations that do not make common sense and do not fit the yardstick, if you will, of cost and benefit? We can't even wake up any morning without some new regulation popping up across the desk, and we just don't have the people to do this. You are about to put us out of business.

The first thing I say is, I am not a ''you guy,'' I am an ''us guy.'' And I am very much aware of these regulations. We have to do something about it. I brought up the fact the President himself recognized these problems.

But I have to say that while I applauded this decision by the President, I noted there were some loopholes in his Executive order, and they are roughly these—if I could sort of summarize them: No. 1, if you are doing something for the public good—and, obviously, the secretary of any agency is going to say: Sure, we are doing something for the public good—well, then, you are exempt. That is a pretty big loophole to drive the truck through.

Secondly, it was if you are an independent agency. Well, let's try the IRS. I think more people than most would say: Yes, we have some regulatory problems with the IRS.

Several more, and I won't go into those. Then you have this paragraph, which I am going to read, that agencies can apply to their decision as to whether they are going to review the regulations they have on the books and regulations coming down the pike. They can apply this to see if they are exempt, and this is within the Executive order.

In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

I can't imagine anybody being opposed to that.

Where appropriate and permitted by law, each agency may consider and discuss qualitatively values that are difficult or impossible to quantify—

I don't know how you do that—

including equity, human dignity, fairness and distributive impacts.

That is about as amorphous as any language that I could possibly put together. If any secretary, or anybody in any agency who promulgates all the regulations they think they are forced to under some congressional act or perhaps an Executive order they are trying to issue applies this language, of course, they are exempt.

So there are loopholes, again, that you can drive trucks through in regards to the fact that this Executive order is basically not going to be adhered to because everybody will stand up and say: We are exempt. We are doing public good. We are doing this language—whatever that means.

So while I applaud the decision by the President, I decided last week I would introduce legislation to strengthen and codify his Executive order. All that means is, when I say we codify it, we say: OK, the Executive order stands but, sorry, no exemptions.

What a day that would bring to Washington, with all the Federal agencies saying: Whoa, stop. We are going to take a look at all the regulations we have out there now, and we are going to take a look at all the ones we are promulgating—which are hundreds of them. And, I might just note, there were 44 major regulatory decisions that cost the American business community $27 billion just last year, according to one study. We are finding more and more people coming to Washington who have an agenda in regards to these regulations, but the folks out there who are being impacted seem to be overlooked.

I have 30, 32, 35 cosponsors on this bill. I asked on both sides of the aisle for cosponsors. I think it is a good bill. It would be a brandnew day in Washington if every Federal agency had to stop and say: Whoa, wait a minute. Let's apply a cost-benefit yardstick. The Executive order sort of goes into what that would mean. They have one individual who is supposed to be doing all of this, so they could report to him, although that would be quite a load. My goodness, if all the Federal agencies stopped their regulatory process, there would be a cheer out in the hinterland in regards to every business I can think of.

Well, as the administration moves forward with this review, I am going to have something to say in several areas: health care, energy, and financing, to people who are lending agencies and the effect of the regulatory reform. But today I want to talk about agriculture.

Today I want to talk about the EPA and what is going on in regards to what I think is regulatory overkill for sure.

I am privileged to be the ranking Republican and to serve with the Senator from Michigan, our chairwoman of the committee, Senator STABENOW. Basically, as the administration moves forward with its review, I recommend the President and his advisers pay particularly close attention to the activities of three specific agencies when they are determining which proposed regulations will place the greatest burden on agriculture—a key component of our Nation's economy and the ability to feed this country and a troubled and hungry world—the Environmental Protection Agency, the Department of Agriculture, and the Commodity Futures Trading Commission.

Since fiscal year 2010, 10 new regulations promulgated—that is a fancy word in Washington which means issued—by the EPA have accounted for over $23 billion in new cost to the American taxpayer. Now, that is outrageous, and they are just getting started. The EPA has several new proposals, many of which will have immediate negative impacts on the ability of America's farmers and ranchers to continue to produce enough food to feed our communities, our States, our country, and, yes, the world. Think of how valuable that is as we look down the road with about a 9.3 billion increase in population compared to 6 billion today. We are going to have to double agriculture production, and I will talk about that a little later.

Why on Earth would we want to do anything to the farmer and rancher whose job it is to do that? That is beyond me. I will highlight two such proposals that many producers have brought to my attention. I just addressed the Commodity Classic in Kansas, in Great Bend, of about 200 farmers. Guess what their No. 1 concern was. Overregulation, regulation that could put them out of business. They are concerned about the farm bill and they are concerned about lending and they are concerned about debt. But first, in only 7 short weeks, the EPA will require farmers—who are applying pesticide to kill pests so they can save the crop—to obtain a permit under the Clean Water Act, even though that activity is already highly regulated under the Federal pesticide law. The President said we don't need regulations that are duplicative. We don't need two agencies having a different agreement on one regulation. We probably don't even need that regulation because we have very strong regulations under the FIFRA act that we have right now.

Farmers and other pesticide applicators, under this regulatory impact, would not be facing these requirements if the administration had chosen to vigorously defend its longstanding policy that protections under the Federal pesticide law were sufficient to protect the environment.

Excuse me, Mr. President. That was probably a phone call from some farmer listening to this and saying: Go ahead and give them you know what, PAT.

Unfortunately, the administration chose a different path and now estimates suggest this duplicative regulation will require 365,000 individuals to get a Clean Water Act permit—365,000 individuals—a requirement that will cost $50 million and require 1 million hours per year to implement. Bottom line, it will not add any environmental protection.

This layer of redtape will place a huge financial burden on the shoulders of farm families all across the country, as well as State governments responsible for enforcement while at the same time facing dire budget situations. Last month, John Salazar, a former Member of the House of Representatives and newly appointed Colorado Commissioner of Agriculture stated in his testimony before the House:

> It is no secret that States across the country face dire budget situations and many have had to close State parks, cancel transportation projects and cut funding to higher education. It is very difficult to justify diverting even more resources to manage paperwork for a permit that is duplicative of other regulatory programs and has no appreciable environmental benefits. However, if Colorado's estimates are reflective of the situation in other States, the true cost to States will quickly outstrip EPA's estimates. More than 365,000 individuals, $50 million, and 1 million hours per year to implement on the backs of our farmers and ranchers.

Mr. President, these expenses are not just limited to the cost of compliance and enforcement. The April 9 effective date is near. There is still significant confusion and uncertainty about what pesticide applications will fall under these new regulations. This means farmers and other pesticide applicators may very well find themselves subject to massive penalties. On top of the fact that they shouldn't be filling out the paperwork in the first place, if they do not, they could be held responsible for massive penalties for minor paperwork violations to the tune of—get this—$37,500 per day per violation. Unbelievable.

Beyond agency enforcement, they will also now be exposed to the threat of litigation under the clean water law's citizen suit provisions. With the volatile nature of agricultural markets and increased demand, these sort of risks and resulting costs are something that producers and the hungry mouths who depend on them simply cannot afford.

Next, EPA is undertaking an effort to control particulate matter—this is a favorite of mine—otherwise known as dust. They call it rural fugitive dust. This is a dust-off of the old 1970s effort to control rural fugitive dust. I remember that. Somebody must have pulled it from the file. This is part of the EPA's review of the PM standard under the Clean Air Act.

The agency is currently considering the most stringent regulations on farm dust that have ever been proposed. I finally reached the person who, when they first proposed this, was in charge of promoting it, or she was going to promulgate these regulations on rural fugitive dust. Before I could get a word in—I finally reached the person in charge; it took me 3 days—finally, before I could get a word in, she said: Did you realize—at that point I was a Congressman, and she said: Do you realize, Mr. ROBERTS, you have a lot of dust in your part of the country?

I said: I think I know that. That is why we had the Great Plains Conservation Program. Each farmer has to have a conservation program if they are going to apply or for it to be applicable to the farm bill. We have a Conservation Reserve Program. We are doing everything we can to control dust, rest assured. Nobody likes that.

I said: What would you have us do to comply with rural fugitive dust rules?

She said: You know the grain trucks at harvest go up and down gravel roads, and they cause a lot of dust.

No kidding.

I said: What would you have us do?

She said: Why don't you send out water trucks at 10 o'clock in the morning and 2 in the afternoon to every community in Kansas that has those gravel roads where you harvest wheat.

I said: Great idea. That would be marvelous. Maybe we could get a grant. Today, that would be a stimulus grant to small communities in regard to rural areas where we are doing the wheat harvest to, No. 1, buy the trucks and, No. 2, find the water.

That is just how ridiculous this is with rural fugitive dust. To put it simply, this defies common sense, whether it is cattle kicking up dust in a feedlot in Dodge City, KS, or Larned, KS, or anywhere in Kansas during harvest on a hot afternoon on the high plains in June. Dust is a naturally occurring event. Standards beyond the current limit would be impossible to meet, particularly in the western portion of the Nation where rainfall is often scarce. I don't even know why I am taking this seriously in regard to that kind of regulation.

In a bipartisan June letter, 23 Members of this body wrote a letter to express these concerns to Administrator Jackson stating:

> Considering the Administration's focus on rural America and rural economic development, a proposal such as this could have a negative effect on those very goals . . . Common sense requires the EPA to acknowledge that the wind blows and so does dust.

As we think about EPA's actions impacting agriculture, it is critical to recognize that no one cares more about maintaining a clean environment than the American farmer and rancher. Producers across the country manage their operations responsibly because of their desire to keep farming and to one day pass along that ranch or field to their sons, daughters and grandchildren if

they can. They know firsthand that clean air and water and healthy soil go hand-in-hand with a healthy economy. Our producers deserve respect and appreciation from the EPA, not costly and redundant and yes, even ridiculous regulation.

Shifting departments now, the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration—GIPSA—released a proposed rule that would dramatically increase the redtape governing the business relationships surrounding production and marketing of livestock in the United States. The rule was initially proposed last summer without the benefit of a meaningful cost-benefit analysis—something we have been trying to get and something the administration should have included.

However, the proposal has since received significant criticism from ranchers, industry and members of Congress alike and is now being further evaluated by USDA officials.

As written, the proposal would dramatically reduce consumer choice and increase costs. The proposal exposes packers to liability for use of alternative marketing arrangements and other innovative procurement methods, thereby ultimately depressing the prices received for America's most efficient and successful producers while potentially reducing the quality available to consumers.

Further, the proposed rule would actually increase concentration in the sector as businesses are forced to change their current organizational structure—exacerbating the very issue the rule is allegedly designed to address. For example, in Kansas, we have a highly successful rancher-owned company made up of individual producers who own both cattle and shares in the company's processing infrastructure. Under this proposal, many of the individual members of the company may now be prohibited from selling cattle directly to other processors, creating the need for a middleman that would then lower the price the producer actually receives.

If implemented, the GIPSA rule poses a substantial threat to the continued viability of the domestic livestock sector. In Kansas, this industry contributes over $9.5 billion to our economy. With an economic footprint of this magnitude, the GIPSA regulation is a burden that Kansas and many other rural States and many of the livestock producers simply cannot afford.

Another agency falling through the President's Executive order loophole is the Commodity Futures Trading Commission. As a result of the Dodd-Frank Act, the CFTC is charged with developing dozens of new regulations impacting participants up and down the swaps and futures chain.

Shouldn't these regulations be held to the same standard of cost-effectiveness and undue burden as others? Yes—but no. I talked to Chairman Gensler in my office just a couple of days ago. He is a very nice man, very pleasant. He believes very strongly that the CFTC is exempt from the President's Executive order because the President said it was exempt. I indicated that I didn't think so, especially since the CFTC is presently pushing 40-plus rules out the door in 1 year with little or no priority.

We were told the intent of Dodd-Frank was to reduce systemic risk in the financial marketplace. However, several of CFTC's proposals appear to increase risk management costs on those who do not pose a systemic threat. The CFTC must be mindful that increased costs through high margin and capital requirements on certain segments of the marketplace may decrease a user's ability to use appropriate risk management tools.

A rigorous cost-benefit analysis is tailor-made for the CFTC's current situation: dozens of economically significant rules; the potential to negatively impact risk management costs of American businesses; and a simple question needing to be answered—do the benefits of this proposed regulation—we are talking about anywhere from 40 to 60 now—in the form of lower systemic risk in our financial system outweigh the increased costs on businesses?

Let me say something. In talking with Chairman Gensler—again, I really appreciate him coming by the office and talking. It became obvious to me that with all these regulations, maybe the first one ought to be a definition regulation. What is a swap? Who is a dealer? It has not been done yet. So we are going to propose 39 more regulations and we have not even defined whom the regulations will affect and what the subject matter is that they are going to regulate. That is really unbelievable.

We are going to have a hearing tomorrow in the Senate Agriculture Committee. Chairman Gensler will attend and give his testimony. We are going to be very welcoming to him in regard to the committee, but that is something I am going to ask him. Why on Earth are you going ahead with 40 regulations and you can't even define whom you are going to regulate or what you are going to regulate? There is no definition. That, to me, is pretty bad. You have the cart before the horse there.

In closing, I wish to make two points. First, in many rural areas of Kansas and the rest of the country, agriculture is the cornerstone of the economy. Second, in the coming decades we will be even more reliant on America's farmers and ranchers to feed an ever-growing world population. I said that before.

We must truly commit to a real and robust—here is a good Senate word—robust review and revocation of any and all unduly burdensome regulations that could inhibit American agriculture's ability to produce the safest, most abundant, and affordable food, feed, and fiber supply in the world. What are we talking about? We are talking about 9.3 billion people. What are we talking about? The ability for our agriculture—for everybody in agriculture to double our production, all the farmers and ranchers. Why on Earth would we want this whole business of regulatory impact—most of which is highly questionable, none of which fits the President's Executive order to take a look at the cost-benefit—why on Earth would we do this to the very person whose job it is to feed this country and the hungry world?

Look at the Mideast—in turmoil. I remember one interview on TV where somebody stuck a microphone in and asked one of the protesters in Libya: What are you protesting for? Democracy?

He said: No, a loaf of bread.

Where people are hungry and malnourished, you have no economic opportunity. Where you have people who are hungry, they will go and join extremist groups, even on over into terrorism groups.

I had the privilege of being the chairman of the Intelligence Committee here in the Senate. That was one of the big considerations we had in whole areas of the world where people do not have the ability to feed themselves, where they are in a food-deficient area. It really poses problems for the future of that part of the world. Yet here we ask our farmers and ranchers to double our ag production in a couple of decades. I don't know how we are going to do this with this regulatory nightmare.

Let's hope we wake up soon. I hope everybody will take a look at my bill to codify the President's Executive order—I give him credit for doing that—but not with all these loopholes that are going to drive us nuts out there in rural, smalltown America.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

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

SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today as someone who has practiced medicine in Wyoming, taken care of families there for a quarter of a century, working with people all across our great State, as a physician who has also served in our State senate.

Both in my practice, as well as in my service in the State senate, I have dealt with the issue of Medicaid, a program that was set up to help low-income Americans obtain health care. So I came today with a doctor's second

opinion about recent developments and findings with regard to the health care law because, day after day, we see news reports showing States all across the country facing extreme financial budget pressures, even bankruptcy. One of the key factors exacerbating State fiscal troubles is the Medicaid Program. Over the next 10 years, Washington will spend about $4.4 trillion on Medicaid. At the State level, Medicaid spending now consumes roughly one-quarter of the budgets of each of the States.

Increases in Medicaid costs often force Governors and State legislators to make drastic cuts to local priorities, such as education, law enforcement, public safety. As I mentioned, I did serve in the Wyoming State Legislature—5 years in the Wyoming State Senate—and was there last week to address the legislatures, the Wyoming State Senate and House, to talk with them, listen to them about their concerns.

In the State of Wyoming, we are required, on an annual basis, to balance our budget. We do it every year. So I know from a firsthand experience that tough choices need to be made. That is why I can tell you this current health care law, President Obama's health care law, is not going to make it any easier for our States to close the budget gaps they are facing, and, as a matter of fact, it is going to make the situation worse.

The President's health care law created the biggest Medicaid expansion in history. The law says every State must provide Medicaid for every one of their citizens who earns up to 133 percent of the Federal poverty limit. This does not work for the States, and it does not work for the people who will be forced onto Medicaid.

The health care law does not provide additional resources to States that are already strapped for cash in order to try to deal with paying for this incredible expansion of Medicaid, and it certainly does not give States additional financial help so they can pay health care providers enough to participate in Medicaid—because about 40 percent of physicians across the country refuse to see Medicaid patients. My partners and I took care of everyone in Wyoming who would call or come to our office, regardless of ability to pay, but across the country about 40 percent of physicians refuse to see Medicaid patients.

So I have said, over and over throughout this health care reform debate over the last year or so, that having a health care government insurance card does not mean someone will automatically have access to medical care. The President frequently talks about making sure people have coverage, but that does not necessarily mean they will have access to care.

So I wish to be very clear. The States, especially my home State of Wyoming, do an incredible job of running the Medicaid programs. They do it with limited resources. But a weak economy, combined with a high unemployment rate, drove Medicaid enrollment to record levels. So it is not a surprise that Medicaid is quickly consuming greater and greater portions of State budgets, cutting into money that is being used to pay for teachers, for police, and for firefighters.

Former Governor Phil Bredesen of Tennessee, a Democrat, said it best when he called the health care law's Medicaid expansion ''the mother of all unfunded mandates.'' Governor Bredesen went on to say that ''Medicaid is a poor vehicle for expanding coverage.'' Let me repeat that. Medicaid, which the President has used as the approach to expand coverage, the Governor, the Democratic Governor, says Medicaid is a poor vehicle for expanding coverage. He want to say:

> It's a 45-year-old system originally designed for poor women and their children. It's not health care reform to dump more money into Medicaid.

Well, the former Governor of Tennessee is not alone. On November 9, 2010, Governor Brian Schweitzer, of my neighboring State of Montana, also a Democrat, met with his State's health industry leaders to talk about Medicaid, the challenges they are facing.

What he said was: ''As the manager of Montana's budget, I am worried because there are only three states that will increase the number of people on Medicaid at a faster rate than Montana, thanks to the new health care bill.''

He said: ''My job is to try and find ways to go forward that Montana can continue to fund Medicaid and not be like 48 other States . . . broke.''

So, in January, 33 Governors and Governors-elect sent a letter to President Obama, to Congressional leadership, and to Health and Human Services Secretary Sebelius. What did they say? Well, the letter asks Federal lawmakers to lift the constraints placed on them by the health care law's mandates. The Governors are begging Congress for help.

They each have very unique Medicaid Programs across the country, the different States, and they want, they asked, they need the flexibility to manage their programs, their individual programs as effectively and efficiently as possible.

Well, they all need to make tough but necessary budget decisions, and they cannot do it when Washington bureaucrats and the enduring wisdom of those in Washington will not allow it. You want to add insult to injury? This week, the President claimed, as he was addressing Governors at the National Governors Association, that the health care law offers States flexibility to create their own health care plans.

This was Monday in an address to the National Governors Association. The President made an announcement. He announced: ''If your state can create a plan that covers as many people as affordably and comprehensively as the Affordable Care Act does—without increasing the deficit—you can implement that plan.''

Well, that is quite a tall and almost impossible order. The American people and certainly the Governors who were listening to him in the audience on Monday saw right through the President's PR stunt. The President's plan requires States to create health care plans that imitate his health care law, rather than actually offering States true freedom to innovate better solutions. There are better solutions out there than what this body and the House of Representatives passed and the President signed into law almost 1 year ago.

It seems to me the President wants to have his cake and eat it too. He tells the States they already have the ability to craft a different health care plan, but, of course, there is a catch. What the President does not say, what he would not tell the Governors, is that States can only design different health care plans if—if, and only if—they meet the health care law's litany of Washington mandates.

States still must pass legislation mandating all its citizens buy health insurance. States must still provide Washington-approved insurance coverage—Washington levels, Washington approved—limiting use of innovative health care products such as health savings accounts. Oh, no, that is not allowed by the President. States are still locked into the law's Medicaid expansion spending requirements. During these tough economic times, the States need certainty, they need consistency, not more Washington doublespeak.

Last month, I introduced, along with Senator LINDSEY GRAHAM, a bill giving the States exactly what they need: flexibility, freedom, and choice. The bill is called the State Health Care Choice Act. This legislation is simple, it is straightforward, and it protects States rights by allowing them to voluntarily opt out of portions of the health care law.

Specifically, our bill offers States the chance to opt out of the law's individual mandate, to opt out of the law's employer mandate and penalties, to opt out of the Medicaid expansion, and to opt out of the insurance benefit mandates.

Why should the Federal Government, why should Washington, force the States to adopt a one-size-fits-all health care plan? States can decide what works best for them. They need to be able to act on those decisions. They do not need Washington to tell them what to do.

Well, some of the most innovative health care policy ideas truly do originate at the State and local levels. Governors, State legislators, State insurance commissioners, each have much greater insight into what works for their citizens and what does not. States are feeling trapped by the new health care law's mandates.

My bill, the one along with Senator GRAHAM, gives the States the sovereignty to pursue their own reform ideas and approaches. Each State deserves the right—let me repeat that:

each State deserves the right—to pursue health care reforms they think actually help the citizens of their State.

The States have always been the laboratories of democracy, the laboratories to test good ideas. Unfortunately, this health care law locks them into a one-size-fits-all approach. The States want their freedom. The States deserve their freedom. Our bill gives it to them, offering the flexibility needed to generate better health care reform solutions, solutions that do not require the States to follow a Washington plan that may ultimately leave them broke.

In writing the State Health Care Choice Act, I started with the assumption that people generally can be trusted to do the right thing, and society prospers when government has less to say about how people run their lives. Others, many in this body, start by assuming Washington knows best and should take more authority over everyone else.

Well, the States, the American people are telling us they want health care reform. But they are telling us loudly and clearly that they do not want this health care law. So it is time to give the States the autonomy to create health care systems that work best for them, and we do not have to dismantle the Nation's current health care system, build it up in the image of big government, shift costs to the States, add billions to our national debt, and then try to sell it as reform.

There are better ideas, and I have put forward mine. I ask all Senators to join me in cosponsoring the State Health Care Choice Act.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Mr. President, we have all watched in awe during the past weeks as the unquenchable desire for liberty and human dignity has inspired the people of the Middle East to lift themselves from oppression and move their country toward a new dawn.

Sadly, we now also watch in horror the brutality of Colonel Qadhafi, who murders his own people as he clings to power. I join President Obama in calling for Colonel Qadhafi to leave Libya immediately and support our efforts, in concert with the international community, to help the Libyan people.

What happens next? No one knows. I certainly do not have the answer. I pray that peace and stability comes quickly to Libya and hope the people of Egypt and Tunisia make a swift and concrete progress in establishing democratic institutions and the rule of law.

While each country in the region must find its own path in this journey, I would suggest the international community currently has a process in place that can serve as a way forward for the countries in the Middle East and North Africa in establishing a more democratic process, that guarantees free elections and free speech.

I am referring to the Organization for Security and Cooperation in Europe, the OSCE. The OSCE traces its origins to the signing of the Helsinki Accords in 1975, and for more than 35 years has helped bridge the chasm between Eastern and Western Europe and Central Asia, by ensuring both military security for member countries and the inalienable human rights of its citizens.

There are three baskets in OSCE. One basket deals with human rights because it is critically important that the countries respect the rights of their citizens. Another basket deals with security because you cannot have human rights unless you have a secured country that protects the security of its people. The third basket deals with economics and environment because you cannot have a secure country and you cannot have human rights unless there is economic opportunity for your citizens and you respect the environment in which we live. The three baskets are brought together.

In the United States, the Congress passed the U.S. Helsinki Commission that monitors and encourages compliance by the member states in the OSCE.

I am privileged to serve as the Senate chairman of the U.S. Helsinki Commission, and I represent our Commission on most, on these issues. Today Egypt and Tunisia, along with Algeria, Israel, Jordan, and Morocco, are active Mediterranean partners within the OSCE and have made a commitment to work toward the principles of the organization.

In 1975, the Helsinki Final Act recognized that security in Europe is closely linked with security in the Mediterranean and created this special partnership between the signatory states and the countries in the Mediterranean as a way to improve relations and work toward peace in the region. Libya was an original partner in this endeavor but, regrettably—and, in my view, to its detriment—ultimately, turned its back on the organization.

More recently, the U.S. Helsinki Commission has made the Mediterranean partnership a priority on our agenda. Parliamentary assembly meetings have taken place in which all of the member states were present, including our partners, and we have had sidebar events to encourage the strengthening of the relationship between our Mediterranean partners for more cooperation to deal with human rights issues, to deal with free and fair elections, to deal with their economic and environmental needs, including trade among the Mediterranean partners and, yes, to deal with security issues to make sure the countries and the people who live there are safe.

A Helsinki-like process for the Middle East could provide a pathway for establishing human rights, peace, and stability in Egypt, Tunisia, and other countries in the Middle East. As a member of the Helsinki Commission since 1993, I have discussed the possibility of a Helsinki-like process for the region with Middle Eastern leaders, a process that could result in a more open, democratic society with a free press and fair elections. The Helsinki process, now embodied in the Organization for Security and Cooperation in Europe, bases relations between countries on the core principles of security, cooperation, and respect for human rights. These principles are implemented by procedures that establish equality among all the member states through a consensus-based decision-making process, open dialog, regular review of commitments, and engagement with civil society.

We have seen the Helsinki process work before in a region that has gone through generations without personal freedom or human rights. Countries that had been repressed under the totalitarian regime of the Soviet Union are now global leaders in democracy, human rights, and freedom. One need only look as far as the thriving Baltic countries to see what the Middle East could aspire to. Lithuania now chairs both the OSCE and the Community of Democracies. Estonia has just joined the Unified European common currency, and Latvia has shown a commitment to shared values as a strong new member of the NATO alliance.

Enshrined among the Helskini Accord's 10 guiding principles is a commitment to respect human rights and fundamental freedoms, including free speech and peaceful assembly. The Helsinki process is committed to the full participation of civil society. These aspects of the Helsinki process—political dialog and public participation—are critical in the Middle East, and we have watched these principles in action today in Egypt and Tunisia.

The principles contained in the Helsinki Accords have proven their worth over three decades. These principles take on increasing importance as the people of the Middle East demand accountability from their leaders. Whether the countries of the region choose to create their own conference for security and cooperation or, as some have suggested, the current OSCE Mediterranean partners and their neighbors seek full membership in the OSCE, I believe such an endeavor could offer a path for governments in the region to establish human rights, establish a free press, and institute fair elections.

Finally, as the citizens of both Tunisia and Egypt demand more freedom, I urge both countries to permit domestic and international observers to participate in any electoral process. The OSCE and its parliamentary assembly have extensive experience in assessing and monitoring elections and could serve as an impartial observer as both countries work to meet the demands of openness and freedom of their citizens.

The election monitoring which takes place within the OSCE states is a common occurrence. During our midterm elections, there were OSCE observers in the United States. So they are present in most of the OSCE states because we find this a helpful way to make sure we are doing everything we can to have an open and fair election system. Free and fair elections are critical, but they must be built upon the strengthening of democratic institutions and the rule of law. I believe the principles contained in the Helsinki Accords have a proven track record and could help guide this process.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 133

Mr. KYL. Mr. President, I wish to get back to the underlying patent legislation to talk on a particular amendment. I am talking about the America Invents Act, legislation that would modernize our patent laws, legislation which I believe will have very strong support as soon as we are able to bring our debate to a close and have a vote.

There is one amendment that would be very troublesome if adopted. It is offered by my friend from California, Senator FEINSTEIN. It would strike the bill's first-to-file provisions. This would not be a good idea. In fact, it would be a very bad idea. I wish to describe why.

First-to-file, which is just a concept, the filing date of the patent dates to the time one files it, is not new. The question is whether we would codify that. It has been a subject of debate now for about 20 years. But at this point it has been thoroughly explored by hearings before the House and Senate Judiciary Committees. We considered this at the outset of the drafting of our patent reform legislation, and it has been in every version of the bill since 2005.

Importantly, this provision we have in the bill that would be taken out by the Feinstein amendment is supported by all three of the major patent law organizations that represent all industries across the board. It has the support of the American Bar Association's Intellectual Property Law section. It is supported by Intellectual Property Owners, which is a trade group or association of companies which own patents and cuts across all industrial sectors. And, very importantly, our language also has the support of independent inventors, many of whom have signed letters to the Senate in support of the codification of the first-to-file rule embedded in the Leahy bill.

The bottom line is there is a strong consensus to finally codify what is the practice everywhere else in the world; namely, that patents are dated by when they were filed, which obviously makes sense.

Let me respond to a couple arguments raised in favor of the Feinstein amendment. One argument is that the current first-to-invent system is better for the little guy, the small independent inventor. It turns out that is actually not only not true but the opposite is the case.

Under the first-to-invent system, if the big company tries to claim the same innovation that a small innovator made, that innovator would prevail if he could prove that he actually invented first, even if he filed last. But to prove he invented first, the independent inventor would need to prevail in what is called an interference proceeding. These are proceedings before the Patent and Trade Office in which there is a determination by the PTO of who actually invented first. The PTO looks at all the parties' notebooks and other documents to determine issues such as conception of the idea and reduction to practice, the elements of a workable patent.

Yesterday I quoted from commentary published on Sunday, February 27, by Mr. Gene Quinn, a patent lawyer who writes for the IP Watchdog Web site. I quoted his commentary noting that only one independent inventor has actually prevailed in an interference proceeding in the last 7 years. In other words, if the idea is that we need to preserve something that is used by small inventors, by independent inventors, it just isn't the case that first-to-invent actually does that.

In his column, Mr. Quinn does a very good job of explaining why the interference proceeding is largely an illusory remedy for small or independent inventors. I will quote from what he said:

> [T]he independent inventors and small entities, those typically viewed as benefiting from the current first to invent system, realistically could never benefit from such a system. To prevail as the first to invent and second to file, you must prevail in an Interference proceeding, and according to 2005 data from the AIPLA, the average cost through an interference is over $600,000. So let's not kid ourselves, the first to invent system cannot be used by independent inventors in any real, logical or intellectually honest way, as supported by the reality of the numbers above. . . . [F]irst to invent is largely a ''feel good'' approach to patents where the underdog at least has a chance, if they happen to have $600,000 in disposable income to invest on the crap-shoot that is an Interference proceeding.

Obviously, the parties that are likely to take advantage of a system that costs more than $1½ million to utilize are not likely to be small and independent inventors. Indeed, it is typically major corporations that invoke and prevail in interference proceedings. The very cost of the proceeding alone effectively ensures that it is these larger parties that can benefit from this system. In many cases, small inventors such as startups and universities simply cannot afford to participate in an interference, and they surrender their rights once a well-funded party starts such a proceeding.

I think that first argument is unassailable. Since only one small inventor in the last 7 years has prevailed in such a proceeding, it doesn't seem it is something that favors the small or independent inventor.

Mr. Quinn's article also responded to critics who allege that the present bill eliminates the grace period for patent applications. The grace period is the 1-year period prior to filing when the inventor may disclose his invention without giving up his right to patent. Mr. Quinn quotes the very language of the bill and draws the obvious conclusion:

> Regardless of the disinformation that is widespread, the currently proposed S. 23 does, in fact, have a grace period. The grace period would be quite different than what we have now and would not extend to all third party activities, but many of the horror stories say that if someone learns of your invention from you and beats you to the Patent Office, they will get the patent. That is simply flat wrong.

He, of course, is referring to the bill's proposed section 102(b). Under paragraph (1)(A) of that section, disclosures made by the inventor or someone who got the information from the inventor less than one year before the application is filed do not count as prior art. Under paragraph (1)(B), during the 1-year period before the application is filed, if the inventor publicly discloses his invention, no subsequently disclosed prior art, regardless of whether it is derived from the inventor, can count as prior art and invalidate the patent.

This effectively creates a first-to-publish rule that protects those inventors who choose to disclose their invention. An inventor who publishes his invention or discloses it at a trade show or academic conference, for example, or otherwise makes it publicly available has an absolute right to priority if he files an application within 1 year of his disclosure. No application effectively filed after his disclosure and no prior art disclosed after his disclosure can defeat his application for the patent.

These rules are highly protective of inventors, especially those who share their inventions with the interested public but still file a patent application within 1 year.

These rules are also clear, objective, and transparent. That is what we are trying to achieve with this legislation, so that there is uniformity, clarity, and it is much easier to defend what one has done. In effect, the rules under the legislation create unambiguous guidelines for inventors. A return to the proposal of Senator FEINSTEIN would create the ambiguity we are trying to get away from.

The bottom line is, an inventor who wishes to keep his invention secret must file an application promptly before another person discloses the invention to the public or files a patent for it. An inventor can also share his invention with others. If his activities make the invention publicly available, he must file an application within a year, but his disclosure also prevents any subsequently disclosed prior art from taking away his right to patent.

The bill's proposed section 102 also creates clear guidelines for those who practice in a technology. To figure out if a patent is valid against prior art, all a manufacturer needs to do is look at the patent's filing date and figure out whether the inventor publicly disclosed the invention. If prior art disclosed the invention to the public before the filing date, or if the inventor disclosed the invention within a year of filing but the prior art predates that disclosure, then the invention is invalid. If not, then the patent is valid against a prior art challenge.

Some critics of the first-to-file system also argue that it will be expensive for inventors because they will be forced to rush to file a completed application rather than being able to rely on their invention date and take their time to complete an application. But these critics ignore the possibility of filing a provisional application which requires only a written description of the invention and how to make it.

Once a provisional application is filed, the inventor has a year to file the completed application. Currently, filing a provisional application only costs $220 for a large entity and $110 for a small entity.

So this is easily accomplished and quite affordable.

In fact, one of Mr. Quinn's earlier columns, on November 7, 2009, effectively rebuts the notion that relying on invention dates offers inventors any substantial advantage over simply filing a provisional application. Here is what he says:

> If you rely on first to invent and are operating at all responsibly you are keeping an invention notebook that will meet evidentiary burdens if and when it is necessary to demonstrate conception prior to the conception of the party who was first to file . . .
>
> [Y]our invention notebook or invention record will detail, describe, identify and date conception so that others skilled in the art will be able to look at the notebook/record and understand what you did, what you knew, and come to believe that you did in fact appreciate what you had. If you have this, you have provable conception. If you have provable and identifiable conception, you also have a disclosure that informs and supports the invention. . . . [And] [i]f the notebook provably demonstrates conception, then it can be filed as a provisional patent application. . . .

In other words, what you would ordinarily have in any event can be used as the provisional application.

In other words, the showing that an inventor must make in a provisional application is effectively the same showing that he would have to make to prove his invention date under the first-to-invent system. A small inventor operating under the first-to-invent rules already must keep independently validated notebooks that show when he conceived of his invention. Under first-to-file rules, the only additional steps the same inventor must take are writing down the same things his notebooks are supposed to prove, filing that writing with the Patent Office, and paying a $110 fee.

Once the possibility of filing a provisional application is considered, along with the bill's enhanced grace period, it should be clear that the first-to-file system will not be at all onerous for small inventors. Once one considers the bill's clean, clear rules for prior art and priority dates, its elimination of subjective elements in patent law, its new proceeding to correct patents, and its elimination of current patent-forfeiture pitfalls that trap legally unweary inventors, it is clear this bill will benefit inventors both large and small.

So because this issue has been considered from the inception of the debate about the legislation, in all of the testimony and markups in every version of the bill since 2005, is supported by all the industry groups who believe patent reform is necessary, conforms to the rules of all other countries in the world, and provides clear and easily demonstrable evidence of your patent, we believe the first-to-file rule is the best rule—date it from the date you filed your patent rather than this rather confusing notion of first-to-invent, which has not worked especially well, and certainly has not worked well for the small inventor, which is the point, I gather, of the amendment proposed by Senator FEINSTEIN.

I urge my colleagues, if there are questions or confusion about this, those of us who have been involved in this will be happy to try to answer them. I will be happy to be on the Senate floor to discuss it further. But at such time as we have a vote, I hope my colleagues would go along with what the committee did and what all of the versions of the bill have written in the past and support the bill as written and not approve this amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank the Senator from Arizona for his very strong comments and also for his support for this important bill. As you know, this has come through the Judiciary Committee. Senator KYL is a member of that committee, as I am, as well. We appreciate Senator LEAHY's leadership on this bill, as well as all the other Senators who have worked so hard on a difficult bill where there are so many interests. But in the end, what guided us to get this America Invents Act on this floor was the fact that innovation is so important to our economy, that the protection of ideas in America is what built our economy over the years. So I want to thank Senator KYL.

Before we hear from Senator BINGAMAN, who is here on another matter, I just want to support Senator KYL's statements about the need to transition to the first-inventor-to-file system. As I noted before, we have heard from many small inventors and entrepreneurs who support this transition. Independent inventor Louis Foreman has said the first-to-file system will strengthen the current system for entrepreneurs and small businesses. We have heard from nearly 50 small inventors in more than 20 States who share Mr. Foreman's view.

I ask unanimous consent that a list of those supporters, as well as Mr. Foreman's letter to the Judiciary Committee in support of the America Invents Act, be printed in the RECORD.

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

The following independent inventors posted support for S. 23 on EdisonNation.com:

Krissie Shields, Palm Coast, Florida 32164; Sarkis Derbedrosian, Glendale, CA 91206; Frank White, Randleman, North Carolina; Ken Joyner, Pasadena, CA 91109; Charlie Lumsden, Kula, HI 96790; Timothy J. Montgomery, Altoona, PA 16601; Katherine Hardt, Escanaba, MI 49829; Toni Rey, Houston, TX 77095; Shawn Head, Delaware, OH 43015; Emily Minix, Niceville, Florida; Betsy Kaufman, Houston, Texas; Eric Huber, San Juan Capistrano, CA 92675; Perry Watkins, Dunedin, FL; Jim Hacsi, Pueblo, Colorado; Brian Neil Smith, Orlando, FL; Clint Baldwin, Roseburg, Oregon 97471; Paul Wightman, Cedar City, Utah 84721; Shalon Cox, Beverly Hills, CA 90209; Darwin Roth, Jacksonville, Florida 32256; Dorinda Splant, Eatonton, GA 31024.

Don Francis, Vista, CA 92083; Greg Bruce, Galveston, Texas; Sandra McCoy, Longwood, FL 32750; Jerry Bradley, Joliet, IL 60435; Phillip L. Avery, Bethlehem, PA 18015; Julie Brown, Yuma, AZ 85367; Eduardo Negron, Beach Park, IL 60083; Betty Stamps, Greensboro, NC 27407; Victor Hall, Compton, CA; Todd Bouton, Janesville, WI 53548; Denise Sees, Canal Fulton, OH; Kevin McCarty, Antioch, IL 60002; Jerry Vanderheiden, Aurora NE 68818; Sherri English, Savannah, TX; Amy Oh, Portland, OR; Mark Stark, St. Louis, MO 63123; Toni LaCava, Melbourne, Florida 32935; Luis J. Rodriguez, South Orange, NJ 07079; Michael Pierre, Newark, New Jersey; Patricia Herzog-Mesrobian, Milwaukee, Wisconsin.

Derrick L. James, Beloit, WI 53511; Richard J. Yost, Newman Lake, Washington; Ken Espenschied, Cleveland, OH; Roger Brown, North Augusta, SC 29861; Jared Joyce, Bozeman, MT; Jane Jenkins, Clayton, Ohio; Tammy Turner, McDonough, GA; Diane Desilets, North Attleboro, MA; John Nauman, Hollywood, Florida 33020.

FEBRUARY 14, 2011.

Hon. PATRICK J. LEAHY,
Chairman,
Hon. CHUCK GRASSLEY,
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: First, please accept my congratulations on the overwhelming, bipartisan Judiciary Committee vote on compromise patent reform legislation. I strongly urge you to continue your efforts toward comprehensive reform by pushing for a vote on the Senate floor at the first available opportunity.

Your bill will make independent inventors, such as myself, more competitive in today's global marketplace. America's economic future rests on our ability to innovate new technologies that change the way people work, live and play. Yet, as you know, today's patent system hinders this process, rather than cultivating entrepreneurship and the new ideas needed to create more jobs and foster economic growth.

As executive producer of the Emmy Award-winning series, ''Everyday Edisons,'' and

publisher of Inventors Digest, a long-standing publication serving the independent-inventor community, I am continually in contact with individuals across the country dedicating their lives in search of the next big idea. Some of these efforts bear fruit, while others falter. However, what ensures the continuity of their efforts, are the legal protections afforded under U.S. patent law.

I started my first business as a sophomore in college and twenty years later, I can point to 8 successful start-ups, along with being an integral part of twenty additional ventures. As a result, I have registered ten U.S. patents and my firm has helped develop and file another 400 patents. These experiences have shaped my views on how the current system functions at a practical level for those attempting to translate their inventions into a profitable business endeavor. Let me begin by commending the USPTO for its tireless efforts to make the current system work in an efficient manner. Unfortunately, the USPTO is hampered by a system that is in dire need of reform.

From my perspective, the Judiciary Committee-passed bill helps independent inventors across the country by strengthening the current system for entrepreneurs and small businesses by including the following:

Lower fees for micro-entities;

Shorter times for patent prosecution creating a more predictable system;

First-Inventor-to-File protections to harmonize U.S. law with our competitors abroad while providing independent inventors with certainty;

Stronger patent quality and reliability by incorporating ''best practices'' into patent application examination and review, making it easier for independent inventors to attract start-up capital; and

Resources for the USPTO to reduce the current patent backlog of 700,000 patents.

Your efforts in the Committee represent a critical milestone for passage of comprehensive reform and highlight an opportunity for progress. I also hope that Committee action paves the way for vigorous bicameral discussions on enacting legislation in the near future.

We cannot afford to wait. The need for these types of common sense reforms dates back to 1966 when the President's Commission to the Patent System issued thirty-five recommendations to improve the system. Some of these measures have been enacted over the years, but the economic challenges inherent in today's global market necessitate a broader modernization of the patent system. The 2004 National Research Council of the National Academy of Sciences report echoed this sentiment pointing to how economic and legal changes were putting new strains on the system.

America's economic strength has always rested on our ability to innovate. While a number of positive economic indicators provide hope for the future, the environment for small businesses remains mixed. Patent modernization is a tangible way to help America's small entrepreneurs in a fledgling economy. Not only will these reforms help create new jobs and industries, but they will help ensure our economic leadership for years to come.

Please do not hesitate to contact me if I can be of any assistance in helping expedite passage of this critical legislation.

Sincerely,

LOUIS J. FOREMAN,
Chief Executive Officer.

Ms. KLOBUCHAR. Mr. President, I know Senator BINGAMAN is here to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I appreciate the chance to speak as in morning business.

WORLD OIL SUPPLIES

Mr. President, I want to take a few minutes to discuss the increasing oil prices that we are observing each day and the evolving situation in the Middle East and North Africa.

From an oil market perspective, the turmoil in the Middle East changed course just over a week ago, and it changed course when Libya joined the group of countries that are witnessing historic popular uprisings. Libya is the first major energy exporter in the region to experience such an uprising.

At the moment, as much as 1 million barrels per day of Libya's total 1.8 million barrels per day of oil production is offline, with continued political turbulence threatening to take even more oil offline before order is restored.

It appears that international oil companies, which are responsible for over 40 percent of Libyan oil production, have removed their personnel from the country, and that has led to shutdowns of most fields operated by those international companies.

For the moment, it appears that the Libyan national oil companies themselves are mostly continuing to produce and export oil, although there might be some limited production losses in national oil company production as well.

There is reason to be concerned that the situation in Libya and throughout the region could become worse before it improves. I do not know that it is useful to try to predict the most likely outcome for what is occurring in the country, but the reality is that many of the potential scenarios that have been thought of are not good for the stability of world oil flows.

Fortunately, Saudi Arabia is widely believed to have enough spare oil production capacity to offset any losses in Libyan oil production. The Saudis have already publicly committed to compensating for any Libyan shortfall and very likely have already ramped up production to make good on that promise.

However, the additional Saudi crude oil will not be of the same quality as the lost Libyan barrels of oil, which are light sweet crude. About three-quarters of Libyan exports go to Western Europe, and the refineries in Western Europe generally cannot manage the heavier and sour crudes that come out of the Persian Gulf region. There will be some crude oil dislocation, as higher quality crudes are rerouted to Europe, and incremental Saudi barrels of oil head for refineries that are able to handle the lower grade oil they produce.

Between the lost production in Libya, the crude oil dislocation associated with additional Saudi production, and the prospect of further turmoil in the region, we are now unquestionably facing a physical oil supply disruption that is at risk of getting worse before it gets better.

For this reason, I believe it would be appropriate for the President to be ready to consider a release of oil from our Strategic Petroleum Reserve if the situation in Libya deteriorates further. Any additional oil market disturbance—such as turmoil spreading from Libya to Algeria, or from Bahrain to Saudi Arabia—would clearly put us into a situation where there would be a very strong argument in favor of a sale from the Strategic Petroleum Reserve.

While I do not think high oil prices alone are sufficient justification for tapping the Strategic Petroleum Reserve, I do believe the announcement of a Strategic Petroleum Reserve sale would help to moderate escalating prices.

My recommendation that we stand ready to release oil from the SPR is squarely in the traditional policy we have had in our government for SPR use, going back to the Reagan administration in the 1980s. In testimony before the Committee on Energy and Natural Resources on January 30, 1984, President Reagan's Secretary of Energy Donald Hodel stated that the administration's SPR policy in the event of an oil supply disruption was to ''go for an early and immediate drawdown.'' The SPR would be used to send a signal, a strong signal, to oil markets that the United States would not allow a physical oil shortage to develop.

The SPR policy carried out during the 1990–1991 Desert Storm operation offers an example of this ''early and in large volumes'' policy in action.

On January 16, 1991, President George H.W. Bush announced that the allied military attack against Iraq had begun. Simultaneously, he announced that the United States would begin releasing SPR stocks as part of an international effort to minimize world oil market disruptions. Less than 12 hours after President Bush's authorization, the Department of Energy released an SPR crude oil sales notice, and on January 28, 1991, 26 companies submitted offers.

Then-Secretary of Energy Watkins noted:

> We have sent an important message to the American people that their $20 billion investment in an emergency supply of crude oil has produced a system that can respond rapidly and effectively to the threat of an energy disruption.

According to an analysis posted on the Department of Energy's Web site during the George W. Bush administration:

> The rapid decision to release crude oil from government-controlled stocks in the United States and other OECD countries helped calm the global oil market, and prices began to moderate. . . . World oil markets remained remarkably calm throughout most of the war, due largely to the swift release of the Strategic Petroleum Reserve oil.

In recent years, the policy signals surrounding SPR use have not been as clear. Some SPR sales were criticized as efforts to manipulate oil prices. The SPR was then ignored during other oil supply disruptions—including simultaneous oil supply disruptions due to a

strike in Venezuela, political turmoil in Nigeria, and the initiation of the current war in Iraq.

I believe the Reagan administration set the correct course for SPR decisionmaking. The current administration would be well served in considering that example and should be ready, in my view, to make a decision to calm world oil markets should the threat to world oil supplies increase in the coming days and weeks.

Mr. President, I yield the floor.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 454 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

AMENDMENT NO. 115

Mr. LEE. Madam President, I am on the floor to speak again in support of amendment No. 115, which I propose in connection with the patent reform bill, a bill I support and a bill I intend to vote for and a bill that is going to be used as a vehicle for this amendment that calls for the sense of the Senate on support for the need of a balanced budget amendment. I am grateful to have the support of my good friend, the former Governor of West Virginia, now the junior Senator from West Virginia, JOE MANCHIN, who is cosponsoring this amendment with me.

Here is what it does. It calls on us as Senators to come forward and vote on whether we think we should amend the Constitution and submit that to the States for ratification to restrict our power to engage in perpetual deficit spending.

We, as Members of Congress, are authorized, pursuant to article I, section 8, clause 2 to incur debt in the name of the United States. This power has been abused over time to such a degree that we are now almost $15 trillion in debt. By the end of the decade, we will have amassed annual interest payments that will be approaching $1 trillion. This threatens every government program under the Sun. Whether you most want to protect Social Security or national defense or any other government program, you should be concerned about this practice that will threaten the livelihood of so many Americans who depend on these programs one way or another, whether it is to fund their day-to-day existence or fund programs that provide for our safety and security as a nation.

We do have an increased reason to be optimistic about this for a few reasons. First, we have recent polling data showing Americans overwhelmingly support the idea of a balanced budget amendment. Secondly, a recent GAO report shows we could find at least $100 billion annually in wasteful government spending. This is the type of wasteful Washington spending we ought to have eliminated a long time ago, that we could eliminate and would be forced to eliminate if we, in fact, had a balanced budget amendment.

It would also require us to address issues that will confront our children and grandchildren. As a proud and happy father of three, I can tell you, as difficult as the choices we will have to make may be, I am unwilling, as a father, to pass these problems on to my children and my grandchildren who are yet unborn. I am unwilling to pass along to them a system that mortgages the future of coming generations for the simple purpose of perpetuating government largess and wasteful Washington spending.

All this amendment does is call on Members of the Senate to come forward and say they support the idea. By voting in favor of this amendment, they do not have to embrace any particular balanced budget amendment proposal. But what they do say is that they want the wasteful Washington spending to stop, they want the perpetual deficit spending practice to stop, and they want us to stop the practice of mortgaging the future of coming generations. This is immoral, it is unwise, and it ought to be illegal. Soon it will be. With this amendment, we will set in motion a sequence of events that will lead to just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I rise this afternoon to express my very strong support for Senator LEE's amendment and the underlying constitutional amendment I hope this body will take up at some point soon. I commend Senator LEE for his leadership on this issue, for offering this amendment now.

I feel a tremendous sense of urgency. I do not think we have time to waste, time to wait, time to kick this can down the road anymore. We have done that too long.

The fact is, a balanced budget amendment to our Constitution would provide the kind of fiscal straitjacket this government clearly needs. If we operated the way many States did, if we operated the way all businesses did, if we operated the way families did and we lived within our means, then maybe this would not be necessary. But it has become obvious to anybody that we are not living within our means—not even close.

We are running a budget deficit this year of $1.6 trillion. That is 10 percent of the size of our entire economy—just this year alone. Last year, it was $1.5 trillion. If we do not do something very serious about this now—not soon, not in the next few years but now—if we do not do something about this now, this is already at unsustainable levels.

In 1988, the total debt as a percentage of our economy was about 40 percent. In 2008, the total debt as a percentage of our economy was about 40 percent. Today it is at about 63 percent, and by October it will be 72 percent. These numbers are staggering, and they are not sustainable. It is already costing us jobs because this huge level of debt and the ever-increasing debt from the ongoing deficits raise real doubts in the minds of investors and entrepreneurs and small business owners what kind of financial future is in store for us. The threat of serious inflation, high interest rates, even a financial disruption grows dramatically as we keep piling on this debt. This is not just speculation or theory. We have seen this with other countries that have gone down this road.

The good news is it is not quite too late; we can do this; we can get our spending under control. And I am absolutely convinced we can have tremendous prosperity and a tremendously robust recovery and the job creation we need if we follow some basic fundamental principles that have always led to prosperity wherever they have been tried.

There are several—I will not go through all of them—but one of the fundamental ones is a government that lives within its means. I would define ''means'' as keeping a budget that is balanced. This amendment today, of course, only expresses the will of the Senate that we ought to do this. I strongly hope all our colleagues will join Senator LEE in this very constructive amendment.

I yield the floor.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Madam President, I know personally the extraordinary efforts made by the chairman of the Senate Judiciary Committee to bring this patent reform bill to the floor. I have worked with him in the past, and it has not been an easy task. I know that many times he felt he was close to having the right bill at the right moment, and then it slipped away. But his determination and his capacity to bring people together has resulted in this moment where the bill is before us. And it

is important that it is, not just because of his hard work but because of what it means for this country.

I don't know whether it has formally been done, but this bill is being recharacterized as the America Invents Act instead of the Patent Reform Act because those few words tell a much bigger story. We are talking about the kind of innovation and research in America that will create successful companies and good American jobs, and that is why this bill is important.

It has been a long time—going back to our origins as a nation—since we recognized the right for those who invent things to have some proprietary personal interest in those inventions, and we set up the Patent and Trademark Office for that purpose. Unfortunately, that office of the Federal Government isn't keeping pace with the creativity of our country, and that is why Senator LEAHY has brought this bill to the floor.

This is bipartisan legislation. I commend him for his work on it, and I commend my Republican colleagues for joining him. Senators GRASSLEY, KYL, SESSIONS, and HATCH have also worked diligently on this.

This may not be the simplest area of the law. I can remember that when I was in law school here in town, there was one student—he was the only African-American student in my class, and that goes back to the days of Georgetown Law, Senator LEAHY, when there were few minorities and few women. He was African American. He wore a white shirt and tie to class every day.

I went up to him one day and said: So tell me your background.

He said: Well, I am an engineer, and I want to be a patent lawyer.

And I quickly moved to another table because I realized there wasn't anything we could talk about. I knew nothing about his world. But it is a specialized world, and one in which I am sure he was very successful. Patent law is something that is very hard to explain, and I think that is part of the reason this bill has taken some time to come here.

But economic growth is driven by innovation, and if you have a good idea for a new product in America, you can get a patent and turn that idea into a business. Millions of good American jobs are created this way. The list is endless.

Patents have been the source of great American stories. Joseph Glidden, a farmer from DeKalb, IL, patented barbed wire fence in 1874. It dramatically changed the way ranchers and cattlemen and others were able to do their business as they settled the frontier in America. I might add that the DeKalb High School nickname is ''The Barbs'' as a consequence of this one discovery. Glidden's invention made him a wealthy man, but his legacy included granting the land for what became Northern Illinois University in DeKalb. Ives McGaffey of Chicago invented and patented one of the first vacuum cleaners in 1869. Josephine Cochran of Shelbyville, IL, once said, ''If nobody else is going to invent a dishwashing machine, I'll do it myself.'' In 1886, she did it and got a patent for it. The company she created is now known as Whirlpool.

Our patent laws set the rules of the road for American innovation. By giving inventors exclusive rights over their inventions for a term of 20 years, patents provide great incentive for investment. Patents enable inventions to be shared with the public so new innovations can be based upon them.

It has been a long time since we have looked at our patent laws and really updated them. Just think about this, putting it into perspective. It has been over 50 years. And I commend Senator LEAHY for tackling this. It has not been easy. The pace and volume of innovation has quickened a great deal since we looked at this law over 50 years ago, and the Patent and Trademark Office has struggled to keep up.

Over the last few years, Congress has debated how best to modernize our patent law. It has been a tough issue. We have one set of patent laws governing the incredibly diverse range of inventions and industries. In trying to update our laws, we have to be careful not to make changes that benefit some industries but undermine innovation in others. The bill before us strikes the right balance. That is why I voted for it in Committee and support it. It is a product of years of bipartisan negotiation. It is a good compromise. It is consensus legislation passed out of the Judiciary Committee a few weeks ago with a unanimous 15-to-0 vote.

The bill is supported by the Obama administration and his Cabinet officers and a broad and diverse group of stakeholders, all the way from the American Bar Association, to the AFL-CIO, to the Biotechnology Industry Organization. The list is very long.

In my own home State, I went to the major manufacturing companies and said: You look at it because these inventions are your future. You have to be confident that what we do to the law is consistent with new inventions, new innovations, and new jobs not just at your company but at other places.

I am happy to say that those supporting it include the Illinois Tool Works, Caterpillar—the largest manufacturer in my State—Motorola, Monsanto, Abbott, IBM, and PepsiCo.

The bill will improve the ability of the Patent and Trademark Office to award high-quality patents. Right now, there is a backlog of over 700,000 patent applications, which they are struggling to clear. Think about that—700,000 inventions and ideas that are waiting to be legally recognized so that they can go forward in production. This bill will streamline the operations and adjust the user fees to make sure the agency clears the backlog.

The bill takes steps to improve submission of information to the PTO about pending patent applications. I would note that it keeps user fees low for small startups and individual investors.

In past years, there were some parts of the bill that generated controversy, including provisions relating to damages and venue in patent infringement lawsuits. The good efforts in this bill that have been negotiated have resulted in these provisions no longer being a subject of controversy.

I know we will have some amendments offered on the bill, and I expect we will have a good debate on them. At the end of the day, I expect we will have a strong bipartisan vote in passing this bill. Senator LEAHY is now trying to get this train into the station. There are a lot of people bringing cars here who want to hook on because they know this is an important bill and likely to pass.

There are some areas, I might add, which we did not discuss in committee and which I considered raising in an amendment on the floor but held back. One of them relates to the controversial issue of gene patenting, which I have been learning about recently. It is my considered opinion this is now working its way through the courts and to try to intervene on the floor here would be premature. The courts have to decide whether people can patent genes.

There was a recent story I saw on ''60 Minutes'' where a company known as Myriad had patented the gene for breast cancer. They have now created a test, incidentally, to determine whether a woman has this gene. The test is in the range of $4,000 to $5,000. The actual cost of the test should be much lower, and the obvious question the courts are deciding is, How can you claim ownership of a gene that occurs in nature in human bodies you didn't create? That is the question before the courts. We could have debated it here for a long time and maybe never resolved it, but depending on how the courts come out on the issue, we may visit it again.

I hope the House will take this bill up quickly. I know they want to look it over from their perspective, but we need to pass this. If we are talking about creating jobs in successful, thriving businesses in America, this bill needs to pass.

I thank Chairman LEAHY for his leadership and for his hard work on this issue. I am honored to serve with him on the Senate Judiciary Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the distinguished senior Senator from Illinois, who has been an invaluable member of the Judiciary Committee all the time I have been there. This has been very helpful. I appreciate what he said. I found interesting the list of patents from his home State of Illinois, and I think each one of us can point to some of those with pride. If we are going to stay competitive with the rest of the world, we have to get this bill passed.

It has been more than 60 years since we updated our patent law. We are way behind the rest of the world. We have to be able to compete, so I thank the Senator.

FURTHER MODIFICATION TO AMENDMENT 121, AS MODIFIED

Madam President, I have cleared this with the Senator from Iowa. Notwithstanding the adoption of the Leahy-Grassley amendment No. 121, as modified, I ask unanimous consent the amendment be modified further with the changes that are at the desk.

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

The further modification is as follows:

On page 3 of the amendment, delete lines 8 through 17.

Mr. LEAHY. Madam President, we are down to very few things. I hate to put in another quorum call and then hear from Senators calling they want some time to speak about amendments. I know sometimes we follow the ''Dracula'' rule, being that we do not legislate until it is dark and Dracula comes out. Maybe, since the days are getting longer, we could do some things during daytime hours. I send out a call, a pleading call: If people want their amendments, come forward, let's have a vote up or down on them and be done with it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 115

Mr. VITTER. Madam President, I rise in strong support of the Lee amendment, which is a sense of the Senate that this body and the House should pass a constitutional amendment requiring a balanced budget. Clearly, I think in the mind of every American, our top domestic challenge is to get hold of our fiscal situation to move us to a sustainable path, to tighten the belt of the Federal Government just like every American family has been doing for many years in this recession.

We are making a start, a real but modest start, in terms of this year's budget. I was happy the Senate followed the lead of the House and passed a 2-week CR today that has substantial cuts, the exact level of cuts as the House passed for the rest of the fiscal year. I support that important start in terms of this year's budget. Of course, we need to finish the job by passing a spending bill for the entire rest of the fiscal year with that level of cuts or more.

That is a start, but it is only a start. The other thing I think we need to do is create reform, a structure that demands that Congress stay on that path to a balanced budget until we get there. I believe the most important thing we can create to demand that is a straitjacket for Congress, if you will, a balanced budget constitutional amendment. Unfortunately, I think Congress, time and time again over years and decades, has proved we need to put Congress in that straitjacket if we are ever going to get to a sustainable fiscal situation, a balanced budget.

This is not some academic debate. This is about the future of our kids, our grandkids, and our immediate future because we could be put into economic chaos at any time because of our untenable fiscal situation. Forty cents of every $1 the Federal Government is spending is borrowed money—so much of that money borrowed from the Chinese. This is about whether we are going to remain the most free, most prosperous country in human history. This is about if we are going to remain our own masters or if we are going to have to look to the folks who are lending us all this money, including the Chinese, for consent in terms of how we map our future.

Is that the future we want to hand to our kids? It is certainly not the future I want to hand to my kids. That is what it is all about. Again, it is not far off in the distance. This is an immediate challenge.

This could lead to an immediate economic crisis unless we get ourselves on the path to a balanced budget quickly. Again, step 1 is cuts this year, a budget that is going back to 2008 levels, prestimulus, pre-Obama budget, this year. That is step 1.

But step 2 is some sort of important structural reform such as a balanced budget constitutional amendment that puts a straitjacket on Congress, that demands that we get there in a reasonable period of time.

The huge majority of States operate under exactly this type of constitutional amendment. The huge majority of municipalities, towns, cities, other jurisdictions, operate under this sort of constraint. It is hard sometimes. It demands tough choices. In times such as these, in a recession, it demands real cuts.

But guess what. Just like a family does sitting around their kitchen table making their family budget fit reality, States do that, cities do that, towns do that, and Congress should have to do that for the Federal Government. Congress should have to tighten its belt, like families do reacting to their budget reality sitting around the kitchen table.

I think it is perfectly clear we are not going to get there, unless and until we are made to through some sort of mechanism such as the balanced budget constitutional amendment.

Even beyond the deadline imposed by the expiration of the current or any other CR spending bill, we have another looming deadline, which is, whenever the United States Federal Government hits up on the current debt ceiling. That is going to happen sometime between late March and May is the projection.

I firmly believe it would be enormously irresponsible to address that issue until and unless we put ourselves on this road to reform, until and unless we pass something like a meaningful balanced budget constitutional amendment. So this sense of the Senate is meant as a first step. I applaud Senator LEE for putting it before us as that first step. Let's say yes. Let's say we are going to do it.

Then, of course, most important, let's do it. Let's do it now. The clock is ticking. Let's do it now, well before we reach any crisis point such as coming up on the debt limit I spoke about.

Let's act responsibly, which means acting now. Let's take up the Nation's important business, which is spending and debt. Let's avoid the economic calamity that is threatened if we stay on the current path, which is completely, utterly unsustainable. It is not just me saying that, it is everybody knowing it, including Ben Bernanke, Chairman of the Federal Reserve Board. He testified before us at the Banking Committee yesterday and said exactly the same thing.

Ben Bernanke is not some ideologue. He is not some tea party conservative. But he said yesterday, very clearly, three important things. First of all, the greatest medium and long-term challenge we face as a country is our fiscal posture. Secondly, the fiscal path we are on is completely and utterly unsustainable. Third, while that is a long-term challenge, it poses short-term, immediate consequences.

If we do not get on a sustainable path now, immediately in the short term, we could have immediate short-term consequences, even economic crisis. Let's avoid that. Let's do right by our children. Let's tighten our belt, as American families have been for several years in this recession, and let's demand that we keep on that path with a balanced budget constitutional amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that an article written for The Hill by the distinguished Secretary of Commerce Gary Locke, dated March 2 of this year, be printed in the RECORD.

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

(See exhibit 1.)

Mr. LEAHY. Mr. President, it is interesting, I do not want to embarrass the person whom I wanted to speak about at all, but I was interested in listening to my dear friend, Senator DURBIN, speak about his time at Georgetown Law School. Both he and I graduated from the Georgetown Law School. He talked about a classmate of his who was in patent law, and he realized this was a complex subject, one that is not the sort of law that he, Senator DURBIN, was going to go into, any more than I would have.

But I also think of another graduate of Georgetown Law Center who was an engineer, had a degree in engineering, studied patent law, and became one of the most distinguished patent lawyers, litigators in this country, and is now a member of the Federal circuit court of appeals and that is Judge Richard Linn.

It was interesting hearing the Senator from Illinois, himself one of the finest lawyers in this body. My wife Marcella and I had the honor of being out in Chicago with Judge Linn and his wife Patty for a meeting of the Richard Linn American Inn of Court in Chicago. He serves with great distinction. In fact, a major part of this legislation reflects an opinion he wrote.

But I digress. I ask unanimous consent the Senate resume consideration of the Lee amendment No. 115, with the time until 5:15 equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Lee amendment No. 115; that the Lee amendment be subject to a 60-vote threshold; that upon disposition of the Lee amendment, the Senate resume consideration of the Menendez amendment No. 124; that Senator MENENDEZ be recognized to modify his amendment with the changes at the desk and the amendment, as modified, be agreed to; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and there be no amendments in order to the amendments prior to the vote.

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

Mr. LEAHY. I thank the superb staff for writing that out because I am not quite sure I could have done that on my own.

I had hoped as we began debate on this important bill to modernize America's patent system that the Senate would focus specifically on this measure designed to help create jobs, energize the economy and encourage innovation.

I had hoped that we would consider relevant amendments, and pass the bill. The America Invents Act is a key part of any jobs agenda. We can help unleash innovation and promote American invention, all without adding a penny to the deficit.

This is commonsense, bipartisan legislation. I said at the outset that I hoped the Senate would come together to pass this needed legislation and do so in the finest tradition of the Senate. I thank the Republican manager of the bill and the assistant Republican leader for their support and efforts on this bill.

Unfortunately, we have become bogged down with nongermane, nonrelevant, extraneous discussions and amendments.

Earlier this week, Senators who were focused on our legislative effort and responsibilities joined in tabling an amendment that has nothing to do with the subject matter of the America Invents Act.

Extraneous amendments that have nothing to do with the important issues of reforming our out-of-date patent system so that American innovators can win the global competition for the future have no place on this important bill. They should not be slowing its consideration and passage.

If America is to win the global economic competition, we need the improvements in our patent system that this bill can bring.

We must now dispose of another such amendment so that we may proceed to final passage of the America Invents Act and help inventors, American businesses and our economic recovery.

I take proposals to amend the Constitution of the United States seriously. I take seriously my oath as a Senator to support and defend the Constitution and to bear true faith and allegiance to it.

Over the years I have become more and more skeptical of recent efforts to amend the design that established the fundamental liberties and protections for all Americans. I believe the Founders did a pretty good job designing our fundamental charter.

I likewise take seriously the standard set in article V of the Constitution that the Congress propose amendments only when a supermajority of the Congress deem it ''necessary.'' While there have been hundreds of constitutional amendments proposed during my service in the Senate, and a number voted upon during the last 20 years, I have been steadfast in my defense of the Constitution.

The matter of a so-called balanced budget amendment to the Constitution is not new to the Senate. Indeed, I believe the first matter Senator HATCH moved through the Judiciary Committee when he chaired it and I served as the ranking member was his proposed constitutional amendment to balance the budget.

I strongly opposed it, but I cooperated with him in his effort to have the committee consider it promptly and vote.

I wish others would show the managers of this bill that courtesy and cooperation and not seek to use this bill as a vehicle for messages on other matters.

The Judiciary Committee has considered so-called balanced budget amendments to the Constitution at least nine times over the last 20 years. The Senate has been called upon to debate those amendments several times, as well, in 1982, 1986, 1992, 1994, 1995 and 1997. Despite the persistent and extraordinary efforts of the senior Senator from Utah, they have not been adopted by the Congress.

The only time the Senate agreed to the proposed constitutional amendment was in 1982. On that occasion, the House of Representatives thought the better of it. On the subsequent five occasions, as Senators came to understand how the proposed amendment undercut the Constitution, it was defeated.

Now another Senator has adopted this cause.

He has proposed a different, even more complicated proposed constitutional amendment. That will require study in order to be understood. It will require working with the chairman of the Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights.

While the new Senator from Utah is a member of the Judiciary Committee and a member of the Constitution subcommittee, he has not consulted with me about his proposal, nor, as far as I know, with the chairman of the subcommittee, the senior Senator from Illinois.

Instead, he preemptively seeks to raise the matter on this important bill, which is designed to create jobs, encourage American innovation and strengthen our economy.

For the last 20 years, the so-called balanced budget amendment has been a favorite slogan for some. For some others of us, we have done the hard work to actually produce a balanced budget and, indeed, a surplus.

Rather than defile the Constitution, we have worked and voted to create a balanced budget and a budget surplus. In 1993, without a single Republican vote to help us, Democrats in the Congress passed a budget that led to a balanced budget and, indeed, to a budget surplus of billions of dollars by the end of the Clinton administration.

That surplus was squandered by the next administration on tax breaks for the wealthy and an unnecessary war that cost trillions but went unpaid for. Those misjudgments were compounded by financial fraud and greed that led to the worst economic recession since the Great Depression. That is what we have been seeking to dig out from under since 2008.

At this time, I ask unanimous consent to have printed in the RECORD a letter received from American Federation of State, County and Municipal Employees, AFSCME, in opposition to the Lee amendment.

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

AFSCME,
Washington, DC, March 2, 2011.

DEAR SENATOR: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees, I am writing to urge you to oppose Senator Lee's amendment to S. 23, providing that it is the sense of the Senate that Congress should pass and the states should agree to an amendment to the Constitution requiring a Federal balanced budget.

A constitutional balanced budget amendment is a simplistic answer to a complicated issue and would serve only to further weaken our economy and move us away from fiscal responsibility at a time of much economic uncertainty. It would require large, indiscriminate spending cuts during economic downturns, precisely the opposite of what is needed to stabilize the economy and avert recessions.

The immediate result of a balanced budget amendment would be devastating cuts in education, homeland security, public safety, health care and research, transportation and other vital services. Any cuts made to accommodate a mandated balanced budget would fall most heavily on domestic discretionary programs, but ultimately, there would be no way to achieve a balanced budget without cuts in Social Security and other entitlement programs as well. A balanced budget amendment would likely disproportionately affect unemployed and low-income Americans.

There are also serious concerns about the implementation of such an amendment and how it would involve the courts in matters more appropriately resolved by the legislative and executive branches of government. Budgetary decisions should be made by officials elected by the people, not by unelected court officials with no economic or budget expertise.

I urge you to oppose the Lee amendment and to oppose any effort to adopt an amendment to the Constitution requiring a balanced budget.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. LEAHY. We have stabilized the economic freefall and begun to revive the economy.

Everyone knows that economic growth is the path toward budget balance. Economic growth and winning the future through American innovation is what the bipartisan American Invents Act is all about.

Accordingly, for all these reasons as well as the reasons for which I opposed the efforts to amend the Constitution in 1982, 1986, 1992, 1994, 1995 and 1997, I oppose amendment No. 115.

EXHIBIT 1

[From the Hill, Mar. 2, 2011]

DELIVERING INNOVATION AND JOBS THROUGH PATENT REFORM

(By Commerce Secretary, Gary Locke)

Today, there are more than 700,000 unexamined patent applications log-jammed at the U.S. Patent and Trademark Office (USPTO).Many of them represent inventions that will come to market and launch new businesses and create new, high-paying jobs.

But without a patent, securing the funds needed to get a business or innovation off the ground is nearly impossible, for both small and large inventors alike.

Patent reform legislation the Senate is considering this week can change that.

And it can build on the progress USPTO Director David Kappos has already made in reducing the time it takes to process the average patent—currently nearly 3 years.

New programs have been introduced to fast-track promising technologies, reforms have been made to help examiners more quickly process applications, and the Patent Office recently announced a plan to give inventors more control over when their patent is examined.

The result? The backlog of patents is decreasing for the first time in years, even as new applications have actually increased 7 percent.

But if the USPTO is to speed the movement of job-creating ideas to the marketplace, it will take more than internal, administrative reforms alone. That's where the patent reform legislation comes in.

Here's what it promises to do: First, it allows the USPTO to set its own fees—a major part of ensuring that the agency has reliable funding. This will enable the USPTO to hire more examiners and bring its IT system into the 21st century so it can process applications more quickly and produce better patents that are less likely to be subject to a court challenge.

Second, it decreases the likelihood of expensive litigation because it creates a less costly, in-house administrative alternative to review patent validity claims.

Also, the pending legislation would add certainty to court damages awards, helping to avoid excessive awards in minor infringement cases, a phenomenon that essentially serves as a tax on innovation and an impediment to business development.

Finally, patent reform adopts the ''first-inventor-to-file'' standard as opposed to the current ''first-to-invent'' standard. First inventor to file is used by the rest of the world, and would be good for U.S. businesses, providing a more transparent and cost-effective process that puts them on a level playing field with their competitors around the world.

There is some concern among some small, independent inventors, who feel like the current system is better for them, but it's our strong opinion that the opposite is true.

Here's why: The cost of proving that one was first to invent is prohibitive and requires detailed and complex documentation of the invention process. In cases where there's a dispute about who the actual inventor is, it typically costs at least $400,000 in legal fees, and even more if the case is appealed. By comparison, establishing a filing date through a provisional application and establishing priority of invention costs just $110. The 125,000 provisional applications currently filed each year prove that early filing dates protect the rights of small inventors.

In the past seven years, of almost 3 million applications filed, only 2 patents were granted to small entities that were the second inventor to file but were able to prove they were first to invent. Of those 25, only one patent was granted to an individual inventor who was the second to file. Thus, in the last seven years, only one independent inventor in nearly 3 million patent filings would have gotten a different outcome under the ''first-inventor-to-file'' system.

Many proposals in this legislation have been debated for a decade, but we now have core provisions with broad support that will undoubtedly add more certainty around the validity of patents; enable greater work sharing between the USPTO and other countries; and help the agency continue with operational changes needed to accelerate innovation, support entrepreneurship and business development, and drive job creation and economic prosperity.

And thanks to the leadership of Senate and House Judiciary Committee Chairmen, Patrick Leahy1 and Lamar Smith, getting this bipartisan jobs legislation passed is a top priority.

There's a clear case for it. As President Obama said in his State of the Union address, ''The first step in winning the future is encouraging American innovation.''

Reforming our patent system is a critical part of that first step.

Speeding the transformation of an idea into a market-making product will drive the jobs and industries of the future and strengthen America's economic competitiveness.

The PRESIDING OFFICER. Under the previous order, all time has now expired.

The question is on agreeing to the Lee amendment No. 115.

Mr. LEAHY. Mr. President, even though I oppose this amendment and would simply allow it to go for a voice vote because the proponent of the amendment is not even on the floor, I will, to protect his right and notwithstanding his not following the normal policy, ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote ''no.''

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—58

Alexander	Ensign	McConnell
Ayotte	Enzi	Moran
Barrasso	Graham	Murkowski
Begich	Grassley	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Blunt	Hoeven	Paul
Boozman	Hutchison	Portman
Brown (MA)	Inhofe	Risch
Brown (OH)	Isakson	Roberts
Burr	Johanns	Rubio
Carper	Johnson (WI)	Sessions
Chambliss	Kirk	Shelby
Coats	Kohl	Snowe
Coburn	Kyl	Thune
Cochran	Lee	Toomey
Collins	Lieberman	Udall (CO)
Corker	Lugar	Vitter
Cornyn	Manchin	Wicker
Crapo	McCain	
DeMint	McCaskill	

NAYS—40

Akaka	Harkin	Reid
Baucus	Inouye	Rockefeller
Bingaman	Johnson (SD)	Sanders
Blumenthal	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Casey	Levin	Udall (NM)
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wyden
Gillibrand	Pryor	
Hagan	Reed	

NOT VOTING—2

Conrad	Landrieu

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the Senator from New Jersey is recognized.

AMENDMENT NO. 124, AS MODIFIED

Mr. MENENDEZ. Mr. President, pursuant to the previous order, I ask that my amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. Under the previous order, the amendment is so modified.

The amendment, as modified, is as follows:

On page 104, strike line 23, and insert the following:

SEC. 18. PRIORITY EXAMINATION FOR TECHNOLOGIES IMPORTANT TO AMERICAN COMPETITIVENESS.

Section 2(b)(2) of title 35, United States Code, is amended—

(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (F), by striking the semicolon and inserting ''; and''; and

(3) by adding at the end the following:

''(G) may, subject to any conditions prescribed by the Director and at the request of the patent applicant, provide for prioritization of examination of applications for products, processes, or technologies that are important to the national economy or national competitiveness without recovering the aggregate extra cost of providing such prioritization, notwithstanding section 41 or any other provision of law;''.

SEC. 19. EFFECTIVE DATE.

Mr. MENENDEZ. Mr. President, this modified amendment, cosponsored by Senator BENNET, would allow the Patent Office Director to prioritize patents that are important to the national economy or national competitiveness. The amendment will ensure that patents that are vital to our national interests do not languish in any backlog at the Patent Office and that they ultimately promote the national economy and national competitiveness.

My understanding is that by previous agreement the amendment, as modified, is agreed to.

The PRESIDING OFFICER. That is correct. Under the previous order, the amendment, as modified, is agreed to.

Mr. MENENDEZ. Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. The Senator from Colorado.

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

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

Without objection, the motions to reconsider on the two previous amendments are laid upon the table.

Ms. MIKULSKI. Mr. President, I rise to explain my vote against the managers' amendment to S. 23, the America Invents Act.

I agree wholeheartedly with the chairman of the Judiciary Committee that we must enable our inventors to out innovate and produce the products and jobs of the future.

However, a provision in the managers' amendment would take the Patent and Trademark Office, PTO, off-budget. I cannot support this provision for three reasons.

First, the provision is unnecessary. Proponents argue that it will prevent the diversion of PTO's fees. However, since fiscal year 2005, the Appropriations Committee has rejected the practice of diverting PTO fees for other purposes and instead has consistently recommended that PTO retain every dollar it collects from inventors. In fact, the Appropriations Committee has on several occasions approved bills to allow PTO to spend up to $100 million in excess of PTO's appropriation if fee revenue is higher than the appropriations level.

Second, the amendment would reduce oversight. Rather than being subject to the annual appropriations process, this agency—with a budget of more than $2 billion—would be on autopilot. The underlying bill seeks to reduce the backlog of pending patent applications. Currently, it takes PTO nearly 3 years to process a patent application. The backlog of applications stands at over 700,000. Some progress has been made in this area, thanks to the annual oversight provided in appropriations bills which has succeeded in forcing management reforms that have slowed the growth of PTO's backlog.

The amendment requires PTO to submit annual budget requests and spending plans to Congress. However, this approach eliminates the requirement for an annual legislative vehicle to closely examine and approve expenditures of taxpayer dollars and fee revenue. Instead the amendment would restrict accountability for an agency that struggles to keep up. While our inventors are standing in line for patents, their ideas can be stolen to fuel another country's economy. I am very encouraged by Director Kappos' new leadership at PTO, but much more progress and greater management oversight are still necessary to give American inventors the protections they deserve.

Finally, the amendment may hamper PTO operations in the future. PTO has adequate fee revenue now, but that has not always been the case. As recently as fiscal year 2009, PTO experienced a revenue shortfall due to lower than expected fee collections. To keep PTO's operations whole and to help tackle the patent backlog, we gave PTO a direct appropriation to bridge their financial gap when fees weren't enough. In fact, PTO fee collections have fallen short of appropriations levels by more than $250 million since fiscal year 2005. Unfortunately, should such a gap occur in future years, the Appropriations Committee would not be poised to step in if PTO's fee collections are not adequate to cover operations.

Again, I applaud the Judiciary Committee, under Chairman LEAHY's leadership, for pushing PTO to continue its progress as part of our Nation's innovation engine. Unfortunately, this amendment will only send PTO drifting on autopilot with little congressional accountability.

AMENDMENT NO. 133

Mr. REID. Mr. President, I support Senator Feinstein's amendment to restore the grace period under current law and eliminate the so-called first-inventor-to-file provisions of the legislation. This is the No. 1 outstanding issue of concern my constituents have raised with me, particularly small and independent inventors. It is a technical and complex issue, one about which experts in patent law have strong disagreements. But I think the bill would be much better without these provisions.

For shorthand, a lot of people talk about this issue as first-inventor-to-file versus ''first-to-invent.'' But, in my view, this terminology just confuses the issue. My constituents are most concerned about the loss of the unconditional 1-year grace period under current law. Both a first-to-invent and a first-inventor-to-file system could have the grace period; there is no inherent inconsistency. I am not sure why the two issues have been merged. Frankly, people who talk about priority fights and interferences are completely missing the point. The concerns are all about the grace period.

My constituents tell me that the current law grace period is crucial to small and independent inventors, for numerous reasons. First, it comports with the reality of the inventive process. An idea goes through many trials, errors, and iterations before it becomes a patent-worthy invention. Small inventors in Nevada tell me that sometimes they may have conceived an idea as an improvement to the apple; and it turns out to be a new type of orange. The grace period allows inventors the time to refine their inventions, test them, talk issues through with others, all without worry of losing their rights if these activities result in an accidental disclosure or the development of new ''prior art.''

Second, the grace period comports with the reality of small entity financing through friends, family, possible patent licensees, and venture capitalists. The grace period allows small inventors to have conversations about their invention and to line up funding, before going to the considerable expense of filing a patent application.

In fact, in many ways, the 1-year grace period helps improve patent quality—inventors find out which ideas can attract capital, and focus their efforts on those ideas, dropping along the way other ideas and inventions that don't attract similar interest and may not therefore be commercially meaningful.

These inventors therefore believe that the effective elimination of the grace period in the law is therefore a serious blow. They tell me that now they will have to try to file many more applications, earlier in the process. They tell me that the balm of ''cheap provisionals'' is snake oil, because a provisional still has to meet certain legal standards, meaning that you still have to spend a lot for patent counsel, which is the biggest single expense of filing an application. Because they can't afford to file that many applications, regular or provisional, they will have to give up on some inventions altogether. If that is so, it wouldn't just be bad for them, it would be bad for the creation of innovation in America.

They also are concerned that it will be harder to get VC funding because they will have filed applications on inventions that weren't quite the right ones. The added risk about whether they can ensure that the provisional application will be adequate to provide protection to this slightly modified but commercially more meaningful invention will be enough to scare off already difficult to obtain venture capital funding.

The legislation doesn't turn a blind eye to these problems. It provides a type of grace period, triggered by inventor disclosures. Will this new, significantly more scaled back grace period work? Maybe. I don't know. I can tell you that the independent inventors in Nevada swear by a code of secrecy and nondisclosure until they are far enough along to get patent protection. It would require a sea change in culture to be able to benefit from this very limited inventor's disclosure-triggered grace period.

Further, there are legitimate questions about how this new disclosure provision would work—for instance, what happens when an invention that is disclosed leads to other, different ideas and disclosures that update the state of the art before the application has been filed? How is an inventor going to be able to prove that changes in an ''ecosystem of technology'' were necessarily derived from her disclosure?

I would also note that I appreciate that PTO Director Kappos has been doing great work in terms of reaching out to small inventors, trying to make things cheaper and more efficient for them; trying to demystify the PTO for them. If any PTO Director could make this work, I feel confident he is the one who can do it.

But, you know what, if it ain't broke, don't fix it. Our current system has helped make America the most innovative country in the world; I will venture to say the most innovative society in world history. Our innovation system is the envy of the world. We don't need to harmonize with them; they are trying to figure out how we do it. This is one area where nothing is broken, and I am very worried about unintended consequence, especially when a lot of the folks arguing about this issue are not even talking about the thing that matters—the grace period.

Accordingly, I support the Feinstein amendment. And I encourage my colleagues to support it too. I am not making this argument as the Senate majority leader, but as the Senator from Nevada—if the current grace period isn't broke, then we absolutely shouldn't fix it with something that my constituents tell me, with alarm, may make it harder for them to patent their innovations.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized as in morning business.

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

RISK RETENTION

Mr. ISAKSON. Mr. President, I come at the end of a long day for all of us to talk about a subject that is off the subject from the bill on the floor but is one of tremendous importance to the United States and the recovery of our economy.

I want to also point out for the record—and hopefully also for the right people—that we are at a critical point in terms of housing in America, with Dodd-Frank having been passed and newly promulgated rules. It is essential that we don't make the mistakes that led us to the last collapse that caused the tragedy in the housing market in 2007, 2008, and 2009.

In the Dodd-Frank bill, there was an amendment called the qualified residential mortgage, which was offered by Senators LANDRIEU, HAGAN, and myself to ensure that the risk retention provisions of Dodd-Frank would not apply to a well-underwritten, well-qualified loan. Risk retention, as the Chair remembers, is the 5-percent retention requirement of any lender who made a residential mortgage that was not qualified, but they were not specific in their definition of what a qualified mortgage would be. So we took the point to take the historical underwriting standards that have proven to work so well in this country and write them into the Dodd-Frank bill, which were that a mortgage that may be exempted from a risk retention would have to have 20 percent down, and if there was more than 80 percent loan to value, that amount above 80 percent would have to be covered by private mortgage insurance. We required third-party verification of bank deposits, third-party verification of employment, third-party verification of an individual's ability to make the payments and service the debt, credit records, and all the underwriting standards. As the Chair remembers, what got us into so much trouble from 2000 to 2007 is that we made subprime loans, used stated income, didn't do debt checks or anything else we should have done. We made bad mortgages.

My point is this. There is a committee that has been formed—made up of very distinguished Americans—that is promulgating the rules to carry out the intent of Dodd-Frank. That committee includes Sean Donovan from HUD; Ben Bernanke; Edward DeMarco, Acting Director of the Federal Housing Finance Agency; John Walsh, Acting Comptroller of the Currency; Mary Shapiro, head of the SEC; and Sheila Bair, head of FDIC. That is a very august group. They are in the process of promulgating rules to carry out the intent of Dodd-Frank. The rumors coming out of those negotiations—and I say rumors because I cannot verify it because I am not there. But I know the articles I have read in the papers in the last couple of days send a troubling signal to me.

Just for a few minutes, I wish to make the points that I think are so critical.

No. 1, it is my understanding they are considering memorializing 80 percent as the maximum amount of loan to value for a loan that would fall as a qualified residential mortgage and do not address private mortgage insurance for coverage above 80 percent.

Without getting technical, what that would mean is the only qualified residential mortgage that could be made and not require risk retention would have to have a minimum of a 20-percent downpayment. In the olden days of standard lending in the eighties, seventies, and sixties, when you borrowed more than 80 percent but not over 95 percent, you had private mortgage insurance to insure the top 30 percent of the loan made so the investors had the insurance of knowing, if there was a default, the top portion of that loan, which was the most in terms of loan to value, would be insured and would be paid.

If it is, in fact, correct that this committee is going to recommend a qualified residential mortgage require a 20-percent downpayment and not make provisions for PMI, we will be making a serious mistake because two things will happen. One, very few people will be able to get a home loan in the entry-level market or even in the move-up market because a 20-percent downpayment is significant. Second, by not utilizing PMI, we will be turning our back on 50 years of history in America, where PMI has been used to satisfactorily insure risk and insure qualified lending.

We must remember what happened in terms of the collapse of Freddie Mac and Fannie Mae. What happened was Congress directed they buy a certain percentage of their portfolio in what were called affordable loans, which became subprime securities, which became 13 percent of their portfolio, which brought them down when subprime securities collapsed. If we all of a sudden, through fiat, decide to pass regulations to define a qualified residential mortgage that is so prohibitive we run everybody to FHA, which is exempt, then we will be putting a burden on FHA that is unsustainable and create a situation of another collapse or another inability of the United States to meet housing needs through the private sector and through well underwritten loans.

My reason for coming to the floor tonight is, hopefully, to send a message, before the decisions are made, to be thoughtful in determining what the parameters will be on a qualified residential mortgage. Yes, I do think an 80-percent or less loan should be qualified and avoid risk retention. But a well-paid, well-verified, well-credit-evaluated individual who borrows more than 80 percent but less than 75 should be able to do so and be excluded from the risk retention as long as they have private mortgage insurance covering that top 30 percent of the debt created by that loan.

If you do that, you protect the equity provisions, you protect the investor,

you make the qualified loan, you do not put the country at risk, but most important of all, you do not force everybody to FHA. That is what we are about to do because FHA is, by definition under Dodd-Frank, exempt from risk retention. All other loans are not, except those that will fall under the QRM, qualified residential mortgage. It would be a disaster for the recovery of American housing to force Americans to only one source of money to finance their home and put so much stress on the Federal Housing Administration that it collapses under the burden.

We need to be pragmatic when we look at issues facing housing. We need to be practical in taking Dodd-Frank and making it work for the American people. We need to recognize the value of private mortgage insurance, the value of good, solid underwriting and not put a risk retention in that is so high that we take most American mortgage lenders out of the business, isolated only for a few who dictate and write the parameters they want to write for housing. We are at a critical time in our recovery. Housing has hit the bottom, and it has bounced along the bottom, but it is showing some signs of coming back. Now would be the worst time to send a signal that mortgage money is going to be harder to get, the banks are going to have to hold 5 percent risk retention on even the best of loans and, worst of all, it would give the American people only one alternative for lending; that is, the Federal Housing Administration which, in and of itself, is already under a burden and stressed.

I appreciate the time tonight to bring this message to the floor that as we write the rules to promulgate the intent of the Dodd-Frank bill in terms of residential housing and finance, we be sure we do so in such a way that we meet the demands of a vibrant marketplace rather than restricting it, putting a burden on FHA, and protracting what has already been a long and difficult housing recession.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

TEXAS INDEPENDENCE DAY AND THE LETTER FROM COLONEL WILLIAM BARRET TRAVIS

Mrs. HUTCHISON. Mr. President, I rise to read the letter from COL William Barret Travis from the Alamo, something I have done every year since Senator Phil Gramm retired. He read the letter on Texas Independence Day every year after Senator Tower left office. So we have a tradition every Texas Independence Day of a Texas Senator reading the very moving speech from William Barret Travis.

Today is the 175th anniversary of our independence from Mexico.

This past Sunday, I had the honor of participating in the Washington-on-the-Brazos' 175th anniversary celebration of the Texas Declaration of Independence signing. It was a special occasion that brought together almost all the 59 signers' descendants. Thousands of proud Texans came to commemorate this most pivotal event in Texas's legacy of freedom and patriotism.

My great-great-grandfather, Charles S. Taylor, was willing to sign the document that declared Texas free from Mexico. I am humbled to occupy the Senate seat from Texas that was first held by Thomas Jefferson Rusk, who was another signer of the Texas Declaration of Independence.

Those 59 brave men did not just come in and sign a paper. They took great risk. They put their lives, their treasures, and the lives of their families on the line to do this. One hundred seventy-five years later, sometimes you do not think of how hard it was for them to declare this separation from Mexico and know that there was going to be a war fought over it because the Mexican Army was in San Antonio at the Alamo, getting ready to take the Alamo from William Barret Travis and the roughly 180 men who were there who were trying to defend that fortress.

The accounts of the revolution have been some of our most dramatic stories of patriotism in both Texas and America.

We remember the sacrifice of William Barret Travis, Davy Crockett, Jim Bowie, and the others who died bravely defending the Alamo against Santa Anna and his thousands of trained Mexican troops.

They were outnumbered by more than 10 to 1. For 13 days of glory, the Alamo defenders bought critical time for GEN Sam Houston, knowing they would probably never leave the mission alive.

The late Senator John Tower started the tradition of reading a stirring account by Alamo commander William Barret Travis, and Senator Gramm and now I have continued that tradition.

From within the walls of the Alamo, under siege by Santa Anna's Mexican Army of 6,000 trained soldiers, Colonel Travis wrote this letter to the people of Texas and all Americans:

Fellow Citizens and Compatriots: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender our retreat.

Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—Victory or Death.

—William Barrett Travis, Lt. Col. Commander.

Steadfast to the end and independent to the core, that is the essence of Texas.

Had Colonel Travis and his men not laid down their lives in the Battle of the Alamo, Sam Houston's victory at San Jacinto just 2 months later would never have been possible. Texas's freedom might not have been won.

It is important that every generation of Texas pause to remember the patriots of the Texas revolution: each soldier who gave his life at the Alamo, Goliad, and San Jacinto; the 59 men who met at Washington-on-the-Brazos, putting their lives in danger by signing that Declaration of Independence and becoming heroes for a cause; and the bravery of the women who gave up an easier life in the East to join the struggle to make Texas the marvelous place it is today.

My great-great-grandmother was one of those brave women. She took her four children in what was called the Runaway Scrape, trying to flee eastward from Nacogdoches, where they lived, to try to escape the advancing Mexican Army and the Indian raids that were happening all over east Texas.

My great-great-grandmother lost all four of her living children during that sad and hard time for Texas. But that was not the last chapter in the revolution. She came back to Nacogdoches, met my great-great-grandfather, who was there signing the Texas Declaration of Independence, and had nine more children.

So the women also were heroes and heroines of this time.

It is my honor to memorialize the Texas legacy of freedom and patriotism in this way.

I ask unanimous consent that my speech at the Washington-on-the-Brazos celebration this past weekend be printed in the RECORD.

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

WASHINGTON-ON-THE-BRAZOS CELEBRATION REMARKS

(Delivered February 27, 2011 at Washington-on-the-Brazos Historic Site)

Thank you so much. What a great representative Lois Kolkhorst is for this area

and so fitting to have someone who loves the history. Thank you, Lois, and thank you for that lovely introduction and thank you for this welcome.

I wanted to say especially thank you to the Washington-on-the-Brazos Association and all of the associations that keep our Texas history alive. Thank you from the bottom of our hearts because we are passing it through the generations because of you. Thank you all.

You know it is so special that you have honored all of us, the descendants, on the 175th anniversary, because those 59 brave men did not just come in and sign a paper.

They took great risk. They put their lives, their treasures, and the lives of their families on the line to do it. And sometimes, 175 years later, sometimes we don't think about the risk that they were willing to take.

They were actually elected as delegates by their peers in the little towns throughout Texas because every one of those people wanted to govern themselves.

In Texas, independence is not merely a state of being free from tyranny; it is a spirit instilled within us, anchored in our knowledge that we are part of something truly unique.

Across the nation, Texans have earned the reputation for being exceptionally proud—a little too much, some people think! But Texans earned it; they earned it 175 years ago, and we have passed it from generation to generation.

We are the only state that came in to our nation as a nation, and with that distinction comes a vivid history and a storied past unlike any other.

What some interpret as a brazen stubbornness—we know to be a fierce and steadfast will to live in freedom.

When that will was tested, Texans rose up and rebelled against oppression.

In the time leading up to the Texas Revolution, colonists were living under the centralized power of the Mexican government. Its steel grip on trade, religion, and heavy taxation, conflicted with the yearning for independence that drew the early American settlers to Texas.

The accounts of our revolution have become some of the most dramatic stories of patriotism in both Texas and American history.

We remember the sacrifice of Colonel William Barret Travis, Davy Crockett, Jim Bowie, and the 189 men who died bravely defending the Alamo against Santa Anna and his thousands of trained Mexican troops.

Outnumbered by more than 10 to one, for 13 days of glory, the Alamo defenders bought critical time for General Sam Houston, knowing they would never leave the mission alive.

Had they not laid down their lives in that seminal battle, Sam Houston's victory at San Jacinto just two months later would never have been possible. Texas' freedom might not have been won.

Those who signed the Texas Declaration of Independence, where we stand today, were akin to those who signed the American Declaration of Independence in 1776. They were the leaders of this area. They risked their lives and those of their family when they put pen to paper.

And the 59 Texans who are so ably represented here today were considered traitors to Mexico as they used their voices, their professions, and positions of influence to wage critical battles in the revolution.

My great-great-grandfather, Charles Taylor, was one of these patriots whose principles and will to survive were tested.

In 1836, he was land commissioner in East Texas, responsible for issuing titles and collecting taxes. He served as alcalde, essentially the mayor, of Nacogdoches Territory.

This position of course made him a representative of the government of Mexico, but he was witnessing firsthand the widening rift between Texans and Mexico's emerging autocracy.

As the movement for independence from Mexico began to grow, he sided, of course, with Texas in the dispute with the central government over taxation.

Secretary of War Thomas Rusk asked Taylor to allow the fees entrusted to him to be used to purchase weapons for the Texas army.

He was technically obligated to pass the money to Mexico, so Rusk's request presented him with an ethical dilemma.

But Taylor ultimately agreed, believing that the people who paid the taxes wanted and deserved freedom to govern themselves.

With this money and every penny they could collect all over Texas from the towns everywhere, they were armed for the battle. But remember they had no money for uniforms, they were not formally trained. What they did have was the will to fight for something greater than themselves.

As he prepared his men for the final stand in the fight for freedom at San Jacinto, these were Sam Houston's words, ''We view ourselves on the eve of battle. We are nerved for the contest, and must conquer or perish. It is vain to look for present aid: for it is not there. We must now act or abandon all hope! Rally to the standard, and be no longer the scoff of mercenary tongues! Be men, be free men, that your children may bless their father's name.''

After the victory at the battle of San Jacinto and Santa Anna's surrender, Secretary of War Rusk wrote the report. I love these words. His description:

''The sun was sinking in the horizon as the battle commenced; but at the close of the conflict, the sun of liberty and independence rose in Texas, never, it is hoped, to be obscured by the clouds of despotism . . . The unerring aim and irresistible energy of the Texas army could not be withstood. It was freemen fighting against the minions of tyranny and the results proved the inequality of such a contest.''

I now want to bring attention to another contingent of brave Texans whose involvement in the revolution was significant, but sometimes overlooked: the women. They struggled to keep their families together, or even alive.

One of our state's first historians, Mary Austin Holley, who was the cousin of Stephen F. Austin, chronicled the daring, enterprising nature of Texas' women settlers.

She wrote that these hardy women hunted with their husbands and rode long distances on horseback to attend social events with their ball gowns stuffed in their saddlebags.

During the Texas Revolution, their vigor and free-spiritedness translated to steadfast courage and unshakeable resolve to survive and protect their families in the face of extreme trial.

Thomas Rusk himself wrote, ''The men of Texas deserved much credit, but more was due the women. Armed men facing a foe could not but be brave; but the women, with their little children around them, without means of defense or power to resist, faced danger and death with unflinching courage.''

The Runaway Scrape of 1836 swept every family in Central and East Texas. My great-great-grandmother, Anna Maria Taylor, was one of the thousands of refugees fleeing eastward from the Mexican advance and the threat of Indian raids.

With her husband, Charles Taylor, attending the convention of delegates right here, Anna Maria, like many of your great-great-grandmothers struggled to escape on foot.

Anna Maria fought to feed her four children. Despite widespread food shortages, she did everything she could to shield them from seasonal rains and disease.

Tragically, like so many mothers of the time, she lost every one of her four children.

But the trials of the revolution were not the final chapters in their lives.

After the War of Independence ended, Anna Maria and Charles went right back to Nacogdoches, and she bore nine more children.

The families of all of you here today, as descendents, recovered and rebuilt their lives after independence was won, and they started building Texas at the same time.

I inherited Thomas Rusk's world atlas dated 1850 which is now in my office reception room in Washington, DC.

According to the atlas, in 1850, Texas had just over 212,500 people. And we learned just last week that our state's population today is over 25 million.

I think the 59 signers of the Declaration of Independence would be awestruck by this staggering figure. Oh, how far we've come!

When I finish my term, I will bring Thomas Rusk's world atlas back to its rightful home in Texas, to Stephen F. Austin University, which is built on land he owned. There it will be on display for future generations to see.

In order to secure our bright future, we must preserve our rich history.

Each year on March 2, I read William Barret Travis' letter from the Alamo, because it is so stirring and so amazingly brave.

The late Senator John Tower started the tradition of reading it every single year. Senator Phil Gramm continued it, and I took it when Phil retired.

Colonel Travis wrote in that letter, ''I shall never surrender or retreat.'' And displaying the ultimate courage in the face of certain demise, he wrote, ''I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.''

Steadfast to the end and independent to the core—that is the essence of Texas.

Finally . . . the cliff notes to my speech today are:

That we, the descendents of these great 59 men and their wives and all of those who followed, and all of those in these associations who have no descendents but know that Texas is special, it is important that every generation of Texas pause to remember the patriots of the Texas revolution:

Each soldier who gave his life at the Alamo, Goliad, and San Jacinto;

The 59 men who met at Washington-on-the-Brazos, putting their lives in danger by signing that Declaration of Independence and becoming heroes for a cause;

And the bravery of the women who gave up an easier life in the East to join the struggle to make Texas the marvelous place that it is today.

It is our challenge to pass their spirit to our children and our grandchildren. This gathering today and the annual celebration that we have of Texas Independence Day do just that.

Thank you! And God bless Texas!

Mrs. HUTCHISON. I yield the floor.

REMEMBERING KATE IRELAND

Mr. MCCONNELL. Mr. President, I rise today to honor the life, legacy and extraordinary accomplishments of Ms. Kate Ireland, who passed away peacefully at her home at Foshalee Plantation in northern Florida on February 15, 2011. She was 80. Kate was a prime example of a woman who gave back to

her community through her passion for public service, conservation efforts, and volunteerism. Her tenacious spirit and determination made her one of the most inspiring and hardworking people I have ever had the privilege of knowing, and I am honored to have called her my friend.

Coming from a successful family with a rich tradition of philanthropy and public service, Kate's interest in volunteerism and conservation began at an early age. Her parents, the late Robert and Margaret Ireland, were also avid philanthropists and conservationists who taught Kate to admire and appreciate the beauty of life around her. It was this sense of appreciation that inspired her to hold a lifelong dedication to philanthropy of the arts, education, and health care.

After graduating from St. Timothy's in Baltimore and attending Vassar College for a year, Kate realized that she had another calling in life to fulfill. So, 20-year-old Kate packed her bags and moved to the Commonwealth to volunteer at the Frontier School of Midwifery and Family Nursing, a nursing service to the underserved families of the remote regions around the southeastern Kentucky town of Hyden. Continuing the work of her grandmother and sister, who also volunteered there, Kate served as a courier by looking after the horses and jeeps used by the nurse midwives, tending to the milk cows and pigs that were kept by Frontier, and packing supplies for the nurses for their rounds.

Even early on, Kate's fearless leadership was recognized by her Frontier mentors, as many people looked to her to make sure things got done and done correctly. This ''dogged determination,'' as many who knew her described it, is what moved her to volunteer for the position of director of volunteers for 14 years. Kate's no-nonsense, professional demeanor eventually led her to collect numerous other titles, such as chairman of the Development Committee, vice chairman of the board, and ultimately the title of national chairman of the Board of Governors in 1975, a position she held for 17 years. Respectfully, Kate remains the board's honorary chairman.

Although Kate was an avid traveler with residences in Georgia, Maine and Florida, she remained a guiding force in the Commonwealth for advancements in education and health care for nearly six decades. Kate lent her expertise, advice, hard work and financial support to FNS as well as Hyden Citizens Bank, the Kentucky River Area Development District in which she was chairman, and Berea College, where she was also chairman and trustee.

Kate once said that going to Kentucky had always been in the cards for her. Well, she couldn't have been more right. Because of her generosity and dedication, countless Kentuckians have benefited from education and training programs that she loyally supported and established, such as the Community-Based Nurse-Midwifery Education Program, The Mary Breckinridge Chair to support the faculty of Frontier, and the Kate Ireland and Kitty Ernst Scholarships which are awarded to students annually. She was an upstanding woman who dedicated most of her life to serving others. Her impressive accomplishments and pleasant manner left a wide-reaching legacy that forever changed her community, and there is no doubt that the Commonwealth is poorer for her loss. My thoughts go out to her sister, Louise; her dear friend Anne Cundle; and many other friends and family. The Leslie County News recently published an article about Kate and the legacy she left behind. I ask unanimous consent that the full article be printed in the RECORD.

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

A LIFETIME SUPPORTER OF FRONTIER, KATE IRELAND LEAVES A LASTING LEGACY

Miss Kate Ireland, a lifelong philanthropist and a guiding force of the Frontier Nursing Service, passed away on Feb. 15, 2011, at her home in northern Florida. Miss Ireland devoted her life to public service, and her wide-reaching legacy includes her work on behalf of the Frontier Nursing Service and the Frontier School of Midwifery and Family Nursing in Hyden.

Miss Ireland was born in Cleveland, Ohio, in 1930 into a family with a tradition of supporting the vision of Mary Breckinridge. Her grandmother was a donor from the beginning of the City Committees established to support the demonstration of Frontier's nursing service to the underserved families living in the remote regions of Southeastern Kentucky. Her mother was Chairman of the Cleveland Committee. Kate's sister served as a courier in 1938.

Miss Ireland served as courier during the summers of 1951–1954 and as a part-time courier from 1959–1960. In her role as a courier, Kate looked after the horses and jeeps used by the FNS nurse-midwives. She also tended to milk cows and pigs kept by FNS and packed supplies for the nurses for their rounds. Mrs. Breckinridge recognized Kate as a leader, and many people looked to her to get things done. She volunteered as Director of Volunteers for FNS from 1961–1975. For nearly six decades, Miss Ireland lent her expertise, advice, hard work and financial support to help FNS provide healthcare in Leslie County and educate nurse-midwives and nurse practitioners across the globe. In Miss Ireland's biography by David Treadwell, ''Full Speed Ahead: with a Twinkle in Her Eye,'' Kate says of her calling to Frontier that ''going to Kentucky had always been in the cards for me.''

She was well-known in the Leslie County community. Miss Ireland, a prominent member of Cleveland society, felt passionately about her work in Leslie County. Upon returning there in the early '60s, Miss Ireland built a beautiful home called Willow Bend overlooking Hurricane Creek and the Middle Fork. Although a world traveler with residences in Georgia and Maine, while serving the people of Leslie County, Miss Ireland primarily resided at her home in the community of Wendover with her lifelong friend and companion, Anne Cundle, a former FNS nurse-midwife.

While living in Kentucky, Miss Ireland became involved in local interests such as the LKLP and Hyden Citizens Bank and served as Chairman of the Kentucky River Area Development District and Trustee and Chairman of Berea College.

In 1963, in recognition of her strong leadership skills, Miss Ireland was elected to the FNS Board of Governors and served in various capacities on the Board until her death. She was Chairman of the Development Committee in 1967; Vice Chairman of the Board in 1968; and National Chairman of the Board of Governors in 1975, a post she held until 1992. In 1997 she was named National Honorary Chairman.

''She was a great mentor and a very determined and forceful woman who had the gift of convincing others to agree to support her in whatever project she was interested in,'' said Jane Leigh Powell, Chairman of the FNS Board of Governors and a friend of Miss Ireland's for nearly 50 years. ''She maintained her interest in Leslie County after moving to Florida and continued to be a very loyal supporter of the FNS.''

One example of Kate Ireland's ability to see the potential for Mary Breckinridge's vision for nursing and midwifery was her support for the creation of the Community-Based Nurse-Midwifery Education Program (CNEP). ''We clearly would not have the successful, distance education programs that we have today without the support of Kate Ireland,'' reports Susan Stone, President and Dean of the Frontier School of Midwifery and Family Nursing.

Miss Ireland was better able than many to see that such a program could take the Frontier model of care out to the ''wide neighborhoods'' of mankind, which it is successfully doing as it prepares thousands of nurse-midwives and nurse practitioners to care for families in rural and underserved areas across the United States and abroad. Her support of distance education continued when, with Mary Breckinridge's cousin, Marvin Breckinridge Patterson, she established the first endowed Chair of Midwifery in the United States, The Mary Breckinridge Chair, to support faculty at the Frontier School. For support of students, she established and endowed the Kate Ireland and Kitty Ernst Scholarships to be awarded to students annually. Her footprints on the future of Frontier School continue to make a lasting impact on faculty and students alike.

In lieu of flowers, Miss Ireland requested donations be made to one of several named organizations or to a charity of your choice. There are several ways to give to Frontier in honor of Miss Ireland:

ESSENTIAL AIR SERVICE PROGRAM

Mr. NELSON of Nebraska. Mr. President, I strongly oppose a provision included in the FAA Air Transportation Modernization and Safety Improvement Act that would eliminate the Essential Air Service Program at those airports boarding 10 passengers or less per day. Essential Air Service, EAS, truly is essential to the communities of Alliance, Chadron and McCook in my home State of Nebraska being impacted by this provision. In all, there are 40 rural airports in several States across the country which would no longer be a part of the EAS Program if this provision is included in any piece of legislation signed into law.

The adoption of this amendment to the FAA bill is bad for Nebraska and bad for rural America. The communities and surrounding areas being served by these airports use them as

economic development tools and rely on having commercial air service in order to stay connected to our Nation's transportation network. The many Nebraskans who have contacted me about this attempt to cut off EAS funding for their rural airports have expressed great concern about how losing EAS support would be devastating to their communities' ability to attract employers and create jobs. During a time when our country is starting to see glimpses of economic recovery, cutting off EAS support for these airports is not the answer.

As a supporter of the EAS Program and someone who always considers the impact any legislation will have on rural Nebraska, I once again express my opposition to this provision and will work to see that it is not included in any final legislation authorizing our Nation's aviation programs.

PAY PROHIBITION

Mr. COBURN. Mr. President, I rise to voice my concerns regarding S. 388, a bill to prohibit Members of Congress and the President from receiving pay during government shutdowns. While I believe it is important we in Congress lead by example, I am concerned this bill does not go far enough. Every bill that Senate moves this Congress should send a clear message to the American taxpayer that we are serious about our Nation's finances, the economic struggles being faced by our fellow citizens across the country, and the future of this great country.

If we are going to prohibit pay for Members of Congress and the President, we must also include members of the President's Cabinet, for example.

The bill prohibits retroactive pay for Members of Congress and the President who would not be paid during a government shutdown. This prohibition on retroactive pay should also apply to nonessential Federal Government employees who would be furloughed during a government shutdown. It is unfair to force hard-working Americans to pay the salaries of politicians who have failed to do their jobs or government employees who did not have to report to work because they are nonessential.

It is also my opinion that this legislation encourages Members of Congress to raise the debt ceiling. Clearly Congress does not need any more incentive to borrow and spend money or raise the debt ceiling. Since March of 1996 Congress has raised the debt limit 12 times. In 1995, the gross Federal debt was $4.92 trillion. Today, the national debt exceeds $14 trillion. We should not be passing legislation incentivizing more borrowing and debt. If anything, this bill should reduce Members' pay if they increase the debt limit, not the other way around.

I am also concerned with the timing and need for this bill. Prior to the Presidents Day recess, the House of Representatives passed a bill funding the operations of the Federal Government through the remainder of the fiscal year that included over $60 billion in spending reductions. Unfortunately, the Senate, which has not passed a single appropriations bill for fiscal year 2011, once again failed to act on this bill. And just today, the House passed a 2-week continuing resolution that the Senate will pass. It is about time for the Senate to do its most basic job—ensuring the continued operations of the Federal Government in a fiscally responsible manner.

With government spending at unsustainable levels, it is imperative that every Member of Congress make hard choices regarding Federal spending and cut waste, fraud, abuse, and duplication at every level of government.

ADDITIONAL STATEMENTS

TRIBUTE TO MICHAEL SHEPARD

● Mr. BOOZMAN. Mr. President, today I recognize Michael Shepard for his achievement of being named the National Assistant Principal of the Year for his work at Har-Ber High School in Springdale, AR.

In his fourth year as an assistant principal at Har-Ber, Michael is continuously looking for ways to improve educating students. His efforts as the advanced placement coordinator helped secure funding for lead AP instructors for math, English and science. Since taking on the role of AP coordinator the number of students taking AP courses has more than doubled and minority participation has increased tremendously. Going above and beyond, Michael found funds to expand Har-Ber's technological capabilities, allowing students the use of laptops, wireless Internet access, and projection units.

Michael is committed to educating our youth and continues improving his skills to help meet the needs of Springdale students. He recently earned a licensure endorsement in English as a second language to help meet the needs of the district's 8,000 English language learners.

It is the efforts of educators like Michael Shepard that will enable our future generations to reach their full potential and I am proud of his commitment to education and his efforts to improve the lives of students in Arkansas. National Assistant Principal of the Year is a well-deserved honor and I congratulate Michael on this recognition.●

TRIBUTE TO COLBY QUALLS

● Mr. BOOZMAN. Mr. President, today I wish to recognize Colby Qualls from Monette, AR, for being selected for participation in the annual U.S. Senate Youth Program.

Created in 1962, the U.S. Senate Youth Program was organized to encourage an understanding of our government with an emphasis of how its three branches work and how elected officials work for their constituents and create policies that impact our Nation and the world. The weeklong visit to Washington, DC, allows students to meet and interact with lawmakers, appointed officials and staff who are involved in crafting legislation and making decisions that influence our laws.

This program brings together some of our Nation's top youth leaders, like Colby, who show a commitment to public service. An outstanding student at Buffalo Island Central High School, Colby excels both in and out of the classroom.

He previously served as student council vice president and treasurer, in addition to his activities with the Future Business Leaders of America as vice president and national convention representative. Colby is captain of Quiz Bowl and all-region MVP; he is president of the 4–H Club and a member of the Buffalo Island Youth Council and the Arkansas Teen Leadership Council. In addition, he participates in many community volunteer activities. Colby plans to attend a top university and aspires to hold public office one day.

Colby is very deserving of this honor. I congratulate him for his determination, dedication, and service and encourage his growth as a leader.●

RECOGNIZING MARSHALL UNIVERSITY

● Mr. MANCHIN. Mr. President, today I recognize Marshall University, which this week celebrates its 50th year as a designated ''university.'' Founded in 1837, Marshall is the oldest public institution of higher education in the State of West Virginia. However, the granting of university status to the school formerly known as Marshall College did not occur until March 2, 1961.

The change from ''college'' to ''university'' was far more than a shift in nomenclature. Marshall's greatest champions—including Dr. Stewart H. Smith, president of Marshall from 1946 to 1968; State legislators and the local community—had to overcome entrenched beliefs that West Virginia did not need another large university.

Marshall's supporters made a strong case for the school, which was growing in enrollment as well as offering many academic programs and advanced degrees. The institution earned ''university status,'' which recognized its role as an advanced institution of higher learning in the state, and all of West Virginia has benefited as a result.

Marshall University now educates more than 14,000 students at campus locations in Huntington, Point Pleasant, South Charleston, Beckley, Logan and Gilbert, offering degrees at the associate, baccalaureate, master's and doctoral levels. The school boasts 90,000 proud alumni around the world.

For every dollar the State of West Virginia invests in Marshall University, the school generates more than

$20 in economic impact, resulting in the generation of $1.5 billion per year in economic impact. This figure has tripled since 2005.

Marshall offers 159 majors and 105 degrees through its 12 colleges. The school has earned a national reputation for its research in biotechnology, forensic science, and medicine, and is currently launching a new School of Pharmacy, which will create good-paying jobs and generate an estimated $150 million economic impact. The Robert C. Byrd Institute for Advanced Flexible Manufacturing is providing services to all 55 State counties and expertise to 5,250 small and medium-sized manufacturers that employ more than 81,000 individuals across West Virginia. Marshall University's medical and health science schools and departments train hundreds of West Virginians to serve as doctors, nurses, therapists and health technicians each year.

As your U.S. Senator, it is truly my honor to extend my most sincere congratulations to Marshall on its 50th anniversary of becoming a university.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13288 ON MARCH 6, 2003, WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2011.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. While some advances have been made in Zimbabwe, particularly on economic stabilization, since the signing of the power-sharing agreement, the absence of progress on the most fundamental reforms needed to ensure rule of law and democratic governance leaves Zimbabweans vulnerable to ongoing repression and presents a continuing threat to peace and security in the region and the foreign policy of the United States. Politically motivated violence and intimidation, and the undermining of the power-sharing agreement by elements of the Zimbabwe African National Union-Patriotic Front party, continue to be of grave concern. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

The United States welcomes the opportunity to modify the targeted sanctions regime when blocked persons demonstrate a clear commitment to respect the rule of law, democracy, and human rights. The United States has committed to continue its review of the targeted sanctions list for Zimbabwe to ensure it remains current and addresses the concerns for which it was created. We hope that events on the ground will allow us to take additional action to recognize progress in Zimbabwe in the future. The goal of a peaceful, democratic Zimbabwe remains foremost in our consideration of any action.

BARACK OBAMA.

THE WHITE HOUSE, *March 2, 2011.*

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 12:51 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 44. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

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

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 662. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

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–747. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report entitled ''Commodity Futures Trading Commission Strategic Plan Fiscal Years 2011–2015''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–748. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–749. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Bank Secrecy Act Regulations—Reports of Foreign Financial Accounts'' (RIN1506–AB08) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–750. 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 ''Section 911 (d)(4)—2011 Update'' (Rev. Proc. 2011–20) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Finance.

EC–751. 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 ''Tax Consequences of Participation in the Housing Finance Agency (HFA) Hardest Hit Fund and the Department of Housing and Urban Development's (HUD) Emergency Homeowners' Loan Program (EHLP)'' (Notice 2011–14) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Finance.

EC–752. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2011 Trade Policy Agenda and 2010 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC–753. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2008''; to the Committee on Finance.

EC–754. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Hart-Scott-Rodino Annual Report: Fiscal Year 2010''; to the Committee on the Judiciary.

EC–755. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities of the Community Relations Service for Fiscal Year 2010; to the Committee on the Judiciary.

EC–756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to

law, a report relative to the status of Data Mining Activity in the Department of State; to the Committee on the Judiciary.

EC–757. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Inmate Furloughs'' (RIN1120–AB44) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on the Judiciary.

EC–758. A communication from the Rules Administrator, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled ''Use of Less-Than-Lethal Force: Delegation'' (RIN1120–AB46) received during adjournment of the Senate in the Office of the President of the Senate on February 18, 2011; to the Committee on the Judiciary.

EC–759. A communication from the Deputy Associate Director for Management and Administration, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the vacancy in the position of Deputy Director for Supply Reduction, received during adjournment of the Senate in the Office of the President of the Senate on February 23, 2011; to the Committee on the Judiciary.

EC–760. A communication from the Chief Human Capital Officer, Small Business Administration, transmitting, pursuant to law, a report relative to a vacancy announcement in the position of Chief Counsel For Advocacy, received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Small Business and Entrepreneurship.

EC–761. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; First Quarter of Fiscal Year 2011''; to the Committee on Veterans' Affairs.

EC–762. A communication from the Director of the Regulations Management Office of the General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Hospital and Outpatient Care for Veterans released from Incarceration to Transitional Housing'' (RIN2900–AN41) received in the Office of the President of the Senate on March 1, 2011; to the Committee on Veterans' Affairs.

EC–763. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on Reserve component equipment and military construction requirements; to the Committee on Armed Services.

EC–764. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Government Support Contractor Access to Technical Data'' (DFARS Case 2009–D031) received in the Office of the President of the Senate on March 2, 2011; to the Committee on Armed Services.

EC–765. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to pursuing a Joint Service Multi-Year Procurement contract for 352 UH/HH–60M, 140 MH–60R and 62 MH–60S aircraft in the fiscal years 2012 through 2016; to the Committee on Armed Services.

EC–766. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units'' (FRL No. 9272–9) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Environment and Public Works.

EC–767. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'' (FRL No. 9273–4) received in the Office of the President of the Senate on February 28, 2011; to the Committee on Environment and Public Works.

EC–768. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions From Consumer Related Sources'' (FRL No. 9269–9) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–769. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of the Air Quality Implementation Plans; Maryland; Control of Volatile Organic Compound Emissions from Industrial Solvent Cleaning Operations'' (FRL No. 9268–1) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–770. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois'' (FRL No . 9267–8) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–771. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation, Reportable Quantities, and Notification; Notification Requirements'' (FRL No. 9268–8) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–772. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference'' (FRL No. 9267–6) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–773. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendment to the Definition of Fuel-Burning Equipment'' (FRL No. 9268–2) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–774. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Kansas: Prevention of Significant Deterioration; Greenhouse Gas (GHG) Permitting Authority and Tailoring Rule Revision; Withdrawal of Federal GHG Implementation Plan for Kansas'' (FRL No. 9268–7) received in the Office of the President of the Senate on February 17, 2011; to the Committee on Environment and Public Works.

EC–775. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, NE; and City of Omaha, NE, for New Source Performance Standards. . . .'' (FRL No. 9271–6) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–776. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. . . .'' (FRL No. 9272–7) received during adjournment of the Senate in the Office of the President of the Senate on February 25, 2011; to the Committee on Environment and Public Works.

EC–777. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report relative to a vacancy in the position of Principal Deputy Director of National Intelligence; to the Select Committee on Intelligence.

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. LEVIN (for himself and Mr. LEAHY):

S. 430. A bill to modify the naturalization requirements related to physical presence in the United States for alien translators granted special immigrant status, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. BOOZMAN):

S. 431. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. ENSIGN):

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 433. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN (for himself and Ms. MIKULSKI):

S. 434. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. JOHANNS, and Mrs. GILLIBRAND):

S. 435. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 436. A bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale; to the Committee on the Judiciary.

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

S. 437. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Finance.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, and Ms. COLLINS):

S. 438. A bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. CRAPO, Mr. INHOFE, Mr. KIRK, Mr. CHAMBLISS, Mr. JOHANNS, and Mr. PORTMAN):

S. 439. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit; to the Committee on the Budget.

By Mrs. FEINSTEIN:

S. 440. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 441. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobain Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 442. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 443. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 444. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 445. A bill for the relief of Jorge Rojas Gutierrez, Olivia Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 446. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 447. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 448. A bill for the relief of Shina Ma ''Steve'' Li; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 449. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 450. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 451. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 452. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

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

S. 453. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 454. A bill to amend titles XVIII and XIX of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid, and CHIP, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 455. A bill to promote development and opportunity with regards to spectrum occupancy and use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND:

S. 456. A bill to amend the Agricultural Marketing Act of 1946 to require monthly reporting to the Secretary of Agriculture of items contained in the cold storage survey and the dairy products survey of the National Agriculture Statistics; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 457. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal milk marketing order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 458. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish and enforce a maximum somatic cell count requirement for fluid milk; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 459. A bill to amend the Food, Conservation, and Energy Act of 2008 to preserve certain rates for the milk income loss contract program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RISCH (for himself, Mr. COBURN, Mr. DEMINT, Mr. LEE, and Mr. JOHNSON of Wisconsin):

S. 460. A bill to prohibit the Secretary of Education from promulgating or enforcing regulations or guidance regarding gainful employment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. MENENDEZ, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. CARDIN, and Mr. MERKLEY):

S. 461. A bill to amend the Internal Revenue Code of 1986 to extend financing of the Superfund; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. NELSON of Florida, Ms. MIKULSKI, and Mr. BROWN of Ohio):

S. 462. A bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act; to the Committee on the Judiciary.

By Mr. BEGICH (for himself, Mr. CARPER, and Mr. LIEBERMAN):

S. 463. A bill to amend part B of title II of the Elementary and Secondary Education Act of 1965 to promote effective STEM teaching and learning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. CASEY, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 464. A bill to establish a grant program to enhance training and services to prevent abuse in later life; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mr. KOHL):

S. 465. A bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, and their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida:

S. 466. A bill to provide for the restoration of legal rights for claimants under holocaust-era insurance policies; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself and Mr. WICKER):

S. Con. Res. 9. A concurrent resolution supporting the goals and ideals of the designation of the year of 2011 as the International Year for People of African Descent; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3, a bill to promote fiscal responsibility and control spending.

S. 17

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 21

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 21, a bill to secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

S. 22

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 22, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the additional standard deduction for real property taxes for nonitemizers.

S. 89

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 163

At the request of Mr. TOOMEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 163, a bill to require that the Government prioritize all obligations on the debt held by the public in the event that the debt limit is reached.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 239

At the request of Ms. KLOBUCHAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 239, a bill to support innovation, and for other purposes.

S. 248

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 328

At the request of Mr. BROWN of Ohio, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 359

At the request of Mr. JOHANNS, the names of the Senator from Indiana (Mr. COATS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 359, a bill to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments, and for other purposes.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S.J. RES. 3

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S.J. RES. 5

At the request of Mr. LEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S.J. Res. 5, a joint resolution proposing an amendment to the Constitution of the United States requiring that the Federal budget be balanced.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 7

At the request of Mr. BARRASSO, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

AMENDMENT NO. 115

At the request of Mr. LEE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 115 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 124

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 124 proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 129

At the request of Mr. RISCH, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of amendment No. 129 intended to be proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

AMENDMENT NO. 130

At the request of Mr. RISCH, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 130 intended to be proposed to S. 23, a bill to amend title 35, United States Code, to provide for patent reform.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. REID, Mrs. BOXER, and Mr. ENSIGN):

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the need to restore and protect Lake Tahoe. Lake Tahoe is a national treasure. Her alpine beauty has drawn and inspired people for centuries: artists and poets, John Muir and Mark Twain, and millions of visitors from around the world.

As a girl, I went to Lake Tahoe to ride horses through the woods, bike around the magnificent Basin and swim in the clear blue waters.

Today, I am proud to work with representatives from different ends of the political spectrum to restore Lake Tahoe to that pristine State. For 14 years, we have come together to Keep Tahoe Blue.

That is why today I am reintroducing the Lake Tahoe Restoration Act of 2011, which is cosponsored by Senators HARRY REID, JOHN ENSIGN and BARBARA BOXER.

It would authorize $415 million over 10 years to improve water clarity, reduce risk of catastrophic wildfire, and restore the environment.

Specifically, it would provide $248 million over 10 years for the highest priority restoration projects, as established using scientific data. The legislation authorizes at least $72 million for stormwater management and watershed restoration projects scientifically determined to be the most effective ways to improve water clarity.

This bill also requires prioritized ranking of environmental restoration projects and authorizes $136 million for State and local agencies to implement these projects.

Now, and this is an important point, this legislation would direct investment to where it is needed most.

For example, today we know the major sources of stormwater runoff that send sedimentation into the lake, degrading water clarity.

So the monies would go to specific projects addressing California state roads, source of 23 percent of urban particle loads; the city of South Lake Tahoe, Calif., 22 percent; Washoe County, Nevada, 17 percent; and so forth.

In this bill, these stormwater projects are targeted to the areas of greatest concern. Priority projects will improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe. In addition, projects that benefit low-income neighborhoods are encouraged.

The bill authorizes $136 million over 10 years to reduce the threat of wildfire around Lake Tahoe. This would finance hazardous fuels reduction projects, at $17 million per year, including grants to local fire agencies.

It provides the Forest Service up to $10 million for fuels projects that have multiple environmental benefits, with an emphasis in restoring Stream Environment Zones.

This is critical because, again, these streams feed into the lake and form a critical link in the ecosystem. We need to pay attention to these stream zones if we hope to restore water clarity.

The bill protects Lake Tahoe from the threat of quagga mussels and other invasive aquatic species. Quagga mussels pose a very serious threat to Lake Tahoe, a threat made more intractable because these mussels have been shown to survive in cold waters. A few years ago University of California scientists reported that they found up to 3,000 Asian clams per square meter at spots between Zephyr Point and Elk Point in Lake Tahoe. The spreading Asian clam population could put sharp shells and rotting algae on the Lake's beaches and contribute to the spread other invasive species such as quagga mussels.

The bill would authorize $20.5 million for watercraft inspections and removal of existing invasive species. It would require all watercraft to be inspected and decontaminated.

One quagga or zebra mussel can lay 1 million eggs in a year. This means that a single boat carrying quagga could devastate the lake's biology, local infrastructure, and the local economy.

The damage that could be inflicted at Lake Tahoe by a quagga infestation has been estimated at tens of millions of dollars annually. The threat to Lake Tahoe cannot be overstated. There were no quagga mussels in Lake Mead 4 years ago. Today there are more than 3 trillion. The infestation is probably irreversible.

But there is some good news. Last summer, scientists placed long rubber mats across the bottom of Lake Tahoe to cut off the oxygen to the Asian clams. Early research suggests these mats were very effective at killing the clams. And scientists have also discovered how to decontaminate boats and kill quagga mussels.

We can fight off these invaders. But it will require drive and imagination—and the help authorized within this bill.

The bill supports reintroduction of the Lahontan Cutthroat Trout. The legislation authorizes $20 million over 10 years for the Lahontan Cutthroat Trout Recovery Plan. The Lahontan Cutthroat Trout is an iconic species that has an important legacy in Lake Tahoe.

When John C. Fremont first explored the Truckee River in January of 1844, he called it the Salmon Trout River because he found the Pyramid Lake Lahontan Cutthroat Trout. The trout relied on the Truckee River and its tributaries for their spawning runs in spring, traveling up the entire river's length as far as Lake Tahoe and Donner Lake, where they used the cool, pristine waters and clean gravel beds to lay their eggs. But dams, pollution and overfishing caused the demise of the Lahontan Cutthroat Trout.

Lake Tahoe is one of 11 historic lakes where Lahontan Cutthroat Trout flourished in the past, and it's a critical part of the strategy to recover the species.

The bills funds scientific research. The legislation authorizes $30 million over 10 years for scientific programs and research which will produce information on long-term trends in the Basin and inform the most cost-effective projects.

The bill prohibiting mining operations in the Tahoe Basin. The legislation would prohibit new mining operations in the Basin, ensuring that the fragile watershed, and Lake Tahoe's water clarity, are not threatened by pollution from mining operations.

The bill increases accountability and oversight. Every project funded by this legislation will have monitoring and assessment to determine the most cost-effective projects and best management practices for future projects.

The legislation also requires the Chair of the Federal Partnership to work with the Forest Service, Environmental Protection Agency, Fish and Wildlife Service and regional and state agencies, to prepare an annual report to Congress detailing the status of all projects undertaken, including project scope, budget and justification and overall expenditures and accomplishments.

This will ensure that Congress can have oversight on the progress of environmental restoration in Lake Tahoe.

The bill provides for public outreach and education. The Forest Service, Environmental Protection Agency, Fish and Wildlife Service and Tahoe Regional Planning Agency will implement new public outreach and education programs including: encouraging Basin residents and visitors to implement defensible space, conducting best management practices for water quality, and preventing the introduction and proliferation of invasive species.

In addition, the legislation requires signage on federally financed projects to improve public awareness of restoration efforts.

The bill allows for increased efficiency in the management of public land. Under this legislation, the Forest Service would have increased flexibility to exchange land with state agencies which will allow for more cost-efficient management of public land. There is currently a checkerboard pattern of ownership in some areas of the Basin.

Under this new authority, the Forest Service could exchange land with the California Tahoe Conservancy of approximately equal value without going through a lengthy process to assess the land.

For example, if there are several plots of Forest Service land that surround or are adjacent to Tahoe Conservancy land, the Tahoe Conservancy could transfer that land to the Forest Service so that it can be managed more efficiently.

This legislation is needed because the ''Jewel of the Sierra'' is in big trouble. If we don't act now, we could lose Lake Tahoe—and lose it with stunning speed—as climate change increases in severity.

The effects of climate change on Lake Tahoe are already visible. It is making the basin dry and tinder-hot, increasing the risks of catastrophic wildfire. Daily air temperatures have increased 4 degrees since 1911. Snowfall has declined from an average of 52 percent of overall precipitation in 1910 to just 34 percent in recent years.

Climate change has raised Lake Tahoe's water temperature 1.5 degrees in 38 years. That means the cyclical deep-water mixing of the lake's waters will occur less frequently, and this could significantly disrupt Lake Tahoe's ecosystem.

Anyone doubting that climate change poses a considerable threat to Lake Tahoe should read an alarming recent report by the UC Davis Tahoe Environmental Research Center.

It was written for the U.S. Forest Service by scientists who have devoted their professional careers to studying Lake Tahoe. And it paints a distinctly bleak picture of the future for the ''Jewel of the Sierra.''

Among its findings: The Tahoe Basin's regional snowpack could decline by as much as 60 percent in the next century, with increased floods likely by 2050 and prolonged droughts by 2100.

Even ''under the most optimistic projections,'' average snowpack in the Sierra Nevada around Tahoe will decline by 40 to 60 percent by 2100, according to the report.

This would bankrupt Tahoe's ski industry, threaten the water supply of Reno and other communities, and degrade the lake's fabled water clarity. It would be devastating.

Pollution and sedimentation have threatened Lake Tahoe's water clarity for years. In 1968, the first year UC Davis scientists measured clarity, the lake had an average depth of 102.4 feet. Clarity declined over the next 3 decades, hitting a low of 64 feet in 1997.

There has been some improvement this decade. This year scientists recorded average clarity at 69.6 feet—roughly within the range of the past eight years. But it is a fragile gain.

The University of California Davis report has determined that an all-out attack on pollution and sedimentation is the lake's last hope.

Geoff Schladow, director of the UC Davis Tahoe Environmental Research Center and one of the report's authors, has highlighted the need to restore short-term water quality in Lake Tahoe—while there's still time to do it.

According to the report, ''reducing the load of external nutrients entering the lake in the coming decades may be the only possible mitigation measure to reduce the impact of climate change on lake clarity.'' In other words, the sediment and runoff entering the lake could fuel algal growth, creating a downward spiral in water quality and clarity.

The Lake Tahoe Restoration Act of 2011 would directly fund efforts to address water clarity issues and impacts from climate change.

Last year, the Lake Tahoe Restoration Act of 2010 passed the Senate Environment and Public Works Committee unanimously, but there was not enough time for a floor vote. It is my hope that this legislation can be passed early in the legislative session.

A lot of good work has been done. But there's a lot more work to do, and time is running out.

Mark Twain called Lake Tahoe ''the fairest picture the whole world affords.'' We must not be the generation who lets this picture fall into ruin. We must rise to the challenge, and do all we can to preserve this ''noble sheet of water.''

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. 432

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lake Tahoe Restoration Act of 2011''.

SEC. 2. FINDINGS AND PURPOSES.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

''SEC. 2. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) Lake Tahoe—

''(A) is 1 of the largest, deepest, and clearest lakes in the world;

''(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

''(C) is recognized nationally and worldwide as a natural resource of special significance;

''(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which—

''(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

''(B) contributes significantly to the economies of California, Nevada, and the United States;

''(3) the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

''(4) the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;

''(5) the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;

''(6) the rate of decline in water clarity of Lake Tahoe has decreased in recent years;

''(7) a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;

''(8) fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;

''(9) the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

''(10) approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;

''(11) forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in—

''(A) high tree density and mortality;

''(B) the loss of biological diversity; and

''(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

''(12) the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

''(13) there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);

''(14) the report prepared by the University of California, Davis, entitled the 'State of the Lake Report', found that conditions in the Lake Tahoe Basin had changed, including—

''(A) the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and

''(B) since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;

''(15) 75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;

''(16) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

''(A) congressional consent to the establishment of the Tahoe Regional Planning Agency with—

''(i) the enactment in 1969 of Public Law 91–148 (83 Stat. 360); and

''(ii) the enactment in 1980 of Public Law 96–551 (94 Stat. 3233);

''(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

''(C) the enactment of Public Law 96–586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

''(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and

''(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

''(17) the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

''(18) the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

''(A) stream and wetland restoration;

''(B) urban stormwater conveyance and treatment; and

''(C) programmatic technical assistance;

''(19) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

''(A) committing to increased Federal resources for environmental restoration at Lake Tahoe; and

''(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

''(20) at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons—

''(A) renewed their commitment to Lake Tahoe; and

''(B) expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;

''(21) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than $1,430,000,000 to the Lake Tahoe Basin, including—

''(A) $424,000,000 from the Federal Government;

''(B) $612,000,000 from the State of California;

''(C) $87,000,000 from the State of Nevada;

''(D) $59,000,000 from units of local government; and

''(E) $249,000,000 from private interests;

''(22) significant additional investment from Federal, State, local, and private sources is necessary—

''(A) to restore and sustain the environmental health of the Lake Tahoe Basin;

''(B) to adapt to the impacts of changing climatic conditions; and

''(C) to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and

''(23) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least $10,000,000 and up to

$20,000,000 annually for the Fire Risk Reduction and Forest Management Program.

''(b) PURPOSES.—The purposes of this Act are—

''(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);

''(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of—

''(A) the environmental threshold carrying capacities for the region; and

''(B) other applicable environmental standards and objectives;

''(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

''(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

''(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

''(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.''.

SEC. 3. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of the Army for Civil Works.

''(3) CHAIR.—The term 'Chair' means the Chair of the Federal Partnership.

''(4) COMPACT.—The term 'Compact' means the Tahoe Regional Planning Compact included in the first section of Public Law 96–551 (94 Stat. 3233).

''(5) DIRECTOR.—The term 'Director' means the Director of the United States Fish and Wildlife Service.

''(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term 'Environmental Improvement Program' means—

''(A) the Environmental Improvement Program adopted by the Planning Agency; and

''(B) any amendments to the Program.

''(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term 'environmental threshold carrying capacity' has the meaning given the term in article II of the compact.

''(8) FEDERAL PARTNERSHIP.—The term 'Federal Partnership' means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive order).

''(9) FOREST MANAGEMENT ACTIVITY.—The term 'forest management activity' includes—

''(A) prescribed burning for ecosystem health and hazardous fuels reduction;

''(B) mechanical and minimum tool treatment;

''(C) road decommissioning or reconstruction;

''(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;

''(E) nonnative invasive species management; and

''(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

''(10) NATIONAL WILDLAND FIRE CODE.—The term 'national wildland fire code' means—

''(A) the most recent publication of the National Fire Protection Association codes numbered 1141, 1142, 1143, and 1144;

''(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

''(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

''(11) PLANNING AGENCY.—The term 'Planning Agency' means the Tahoe Regional Planning Agency established under Public Law 91–148 (83 Stat. 360) and Public Law 96–551 (94 Stat. 3233).

''(12) PRIORITY LIST.—The term 'Priority List' means the environmental restoration priority list developed under section 8.

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(14) TOTAL MAXIMUM DAILY LOAD.—The term 'total maximum daily load' means the total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

''(15) STREAM ENVIRONMENT ZONE.—The term 'Stream Environment Zone' means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

''(16) WATERCRAFT.—The term 'watercraft' means motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.''.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

Section 4 of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking ''basin'' and inserting ''Basin''; and

(2) by adding at the end the following:

''(c) TRANSIT.—

''(1) IN GENERAL.—The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given—

''(A) to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;

''(B) to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and

''(C) to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.

''(2) NATIONAL FOREST TRANSIT PROGRAM.—Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, interagency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.

''(d) FOREST MANAGEMENT ACTIVITIES.—

''(1) COORDINATION.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

''(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

''(2) MULTIPLE BENEFITS.—

''(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

''(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

''(I) reducing forest fuels;

''(II) maintaining or restoring biological diversity;

''(III) improving wetland and water quality, including in Stream Environment Zones; and

''(IV) increasing resilience to changing climatic conditions; and

''(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

''(B) EXCEPTION.—Notwithstanding clause (A)(i), the attainment of multiple ecosystem benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.

''(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

''(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and

''(B) provide for monitoring to ascertain the attainment of the post-project conditions.

''(e) WITHDRAWAL OF FEDERAL LAND.—

''(1) IN GENERAL.—Subject to valid existing rights and paragraphs (2) and (3), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

''(A) all forms of entry, appropriation, or disposal under the public land laws;

''(B) location, entry, and patent under the mining laws; and

''(C) disposition under all laws relating to mineral and geothermal leasing.

''(2) DETERMINATION.—

''(A) IN GENERAL.—The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

''(B) REQUIREMENTS.—The determination of the Secretary under subparagraph (A)—

''(i) shall be effective beginning on the date on which the determination is issued;

''(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

''(iii) shall not be subject to administrative renewal.

''(3) EXCEPTIONS.—A land exchange shall be exempt from withdrawal under this subsection if carried out under—

''(A) the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351); or

''(B) the Santini-Burton Act (Public Law 96–586; 94 Stat. 3381).

''(f) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

''(g) COOPERATIVE AUTHORITIES.—

''(1) IN GENERAL.—During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2011, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

''(2) REPORT ON LAND STATUS.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including—

''(i) a description of future plans and recent actions for land consolidation and adjustment; and

''(ii) the identification of any obstacles to desired conveyances or interchanges.

''(B) INCLUSIONS.—The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

''(C) EFFECT.—Nothing in this paragraph delays the conveyance of parcels under—

''(i) the authority of this Act; or

''(ii) any other authority available to the Secretary.

''(3) SUPPLEMENTAL AUTHORITY.—The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.''.

SEC. 5. CONSULTATION.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

''SEC. 5. CONSULTATION.

''In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.''.

SEC. 6. AUTHORIZED PROJECTS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

''SEC. 6. AUTHORIZED PROJECTS.

''(a) IN GENERAL.—The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out or provide financial assistance to any project or program described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable. The Administrator shall use no more than 3 percent of the funds provided for administering the projects or programs described in subsection (c) (1) and (2).

''(b) MONITORING AND ASSESSMENT.—All projects authorized under subsection (c) and section 8 shall—

''(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent with the program developed under section 11; and

''(2) use the integrated multiagency performance measures established under that section.

''(c) DESCRIPTION OF ACTIVITIES.—

''(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION.—Of the amounts made available under section 18(a), $40,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

''(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

''(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

''(C) Kings Beach Watershed Improvement Project in Placer County, California.

''(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

''(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

''(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

''(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

''(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

''(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

''(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

''(2) STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION.—Of the amounts made available under section 18(a), $32,000,000 shall be made available for grants by the Administrator for the Federal share of the following projects:

''(A) Upper Truckee River and Marsh Restoration Project.

''(B) Upper Truckee River Mosher, Reaches 1 & 2.

''(C) Upper Truckee River Sunset Stables.

''(D) Lower Blackwood Creek Restoration Project.

''(E) Ward Creek.

''(F) Third Creek/Incline Creek Watershed Restoration.

''(G) Rosewood Creek Restoration Project.

''(3) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

''(A) IN GENERAL.—Of the amounts made available under section 18(a), $136,000,000 shall be made available for assistance by the Secretary for the following projects:

''(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

''(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

''(iii) Biomass projects, including feasibility assessments and transportation of materials.

''(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

''(v) Washoe Tribe projects on tribal lands within the Lake Tahoe Basin.

''(B) MULTIPLE BENEFIT FUELS PROJECTS.—Consistent with the requirements of section 4(d)(2), not more than $10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

''(C) MINIMUM ALLOCATION.—Of the amounts made available to carry out subparagraph (A), at least $80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

''(D) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

''(E) COST-SHARING REQUIREMENTS.—

''(i) IN GENERAL.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

''(ii) FORM OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—The non-Federal share required under clause (i) may be in the form of cash contributions or in-kind contributions, including providing labor, equipment, supplies, space, and other operational needs.

''(II) CREDIT FOR CERTAIN DEDICATED FUNDING.—There shall be credited toward the non-Federal share required under clause (i) any dedicated funding of the communities or local fire districts for a fuels reduction management program, defensible space inspections, or dooryard chipping.

''(III) DOCUMENTATION.—Communities and local fire districts shall—

''(aa) maintain a record of in-kind contributions that describes—

''(AA) the monetary value of the in-kind contributions; and

''(BB) the manner in which the in-kind contributions assist in accomplishing project goals and objectives; and

''(bb) document in all requests for Federal funding, and include in the total project budget, evidence of the commitment to provide the non-Federal share through in-kind contributions.

''(4) INVASIVE SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), $20,500,000 shall be made available to the Director for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

''(5) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), $20,000,000 shall be made available to the Director for the Lahontan Cutthroat Trout Recovery Program.

''(6) LAKE TAHOE BASIN PROGRAM.—Of the amounts to be made available under section 18(a), $30,000,000 shall be used to develop and implement the Lake Tahoe Basin Program developed under section 11.

''(d) USE OF REMAINING FUNDS.—Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.''.

SEC. 7. ENVIRONMENTAL RESTORATION PRIORITY LIST.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 16, 17, and 18, respectively; and

(3) by inserting after section 7 the following:

''SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.

''(a) FUNDING.—Subject to section 6(d), of the amounts to be made available under section 18(a), at least $136,000,000 shall be made available for projects identified on the Priority List.

''(b) DEADLINE.—Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe

Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

''(c) CRITERIA.—

''(1) IN GENERAL.—The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

''(A) The 5-year threshold carrying capacity evaluation.

''(B) The ability to measure progress or success of the project.

''(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for—

''(i) air quality;

''(ii) fisheries;

''(iii) noise;

''(iv) recreation;

''(v) scenic resources;

''(vi) soil conservation;

''(vii) forest health;

''(viii) water quality; and

''(ix) wildlife.

''(D) The ability of a project to provide multiple benefits.

''(E) The ability of a project to leverage non-Federal contributions.

''(F) Stakeholder support for the project.

''(G) The justification of Federal interest.

''(H) Agency priority.

''(I) Agency capacity.

''(J) Cost-effectiveness.

''(K) Federal funding history.

''(2) SECONDARY FACTORS.—In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

''(3) EROSION CONTROL PROJECTS.—For purposes of the Priority List and section 6(c)(1), erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program. The Administrator shall coordinate with the Secretary on such projects.

''(d) REVISIONS.—

''(1) IN GENERAL.—The Priority List submitted under subsection (b) shall be revised—

''(A) every 4 years; or

''(B) on a finding of compelling need under paragraph (2).

''(2) FINDING OF COMPELLING NEED.—

''(A) IN GENERAL.—If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning Agency, the California Natural Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

''(B) INCLUSIONS.—A finding of compelling need includes—

''(i) major scientific findings;

''(ii) results from the threshold evaluation of the Planning Agency;

''(iii) emerging environmental threats; and

''(iv) rare opportunities for land acquisition.

''SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2011, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

''(b) CRITERIA.—The strategies referred to in subsection (a) shall provide that—

''(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;

''(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft—

''(A) has been in waters infested by quagga or zebra mussels;

''(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; and

''(C) cannot be reliably decontaminated in accordance with paragraph (3);

''(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

''(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

''(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

''(c) CERTIFICATION.—The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

''(d) APPLICABILITY.—The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

''(e) FEES.—The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed $1,000 per violation.

''(2) OTHER AUTHORITIES.—Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

''(g) LIMITATION.—The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

''(h) FUNDING.—Of the amounts made available under section 6(c)(4), not more than $500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments—

''(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

''(2) to evaluate and identify options for ensuring that all waters connected to Lake Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

''(i) SUPPLEMENTAL AUTHORITY.—The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

''(j) SAVINGS CLAUSE.—Nothing in this title shall be construed as restricting, affecting, or amending any other law or the authority of any department, instrumentality, or agency of the United States, or any State or political subdivision thereof, respecting the control of invasive species.

''SEC. 10. ARMY CORPS OF ENGINEERS; INTERAGENCY AGREEMENTS.

''(a) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

''(b) LOCAL COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

''(2) COMPONENTS.—The agreement entered into under paragraph (1) shall—

''(A) describe the nature of the technical assistance;

''(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

''(C) include cost-sharing provisions in accordance with paragraph (3).

''(3) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

''(B) FORM.—The Federal share may be in the form of reimbursements of project costs.

''(C) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.

''SEC. 11. LAKE TAHOE BASIN PROGRAM.

''The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement the Lake Tahoe Basin Program that—

''(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan—

''(A) to evaluate the effectiveness of the Environmental Improvement Program;

''(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

''(C) to assess the impacts and risks of changing climatic conditions and invasive species;

''(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

''(3) coordinates the development of the annual report described in section 13;

''(4) produces and synthesizes scientific information necessary for—

''(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

''(B) the evaluation of standards and benchmarks;

''(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

''(6) develops new tools and information to support objective assessments of land use and resource conditions;

''(7) provides scientific and technical support to the Federal Government and State and local governments in—

''(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

''(B) the development and implementation of an integrated stormwater monitoring and assessment program;

''(8) establishes and maintains independent peer review processes—

''(A) to evaluate the Environmental Improvement Program; and

''(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

''(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions in the Lake Tahoe Basin.

''SEC. 12. PUBLIC OUTREACH AND EDUCATION.

''(a) IN GENERAL.—The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

''(1) owners of land and residences in the Lake Tahoe Basin—

''(A) to implement defensible space; and

''(B) to conduct best management practices for water quality; and

''(2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.

''(b) REQUIRED COORDINATION.—Public outreach and education programs for aquatic invasive species under this section shall—

''(1) be coordinated with Lake Tahoe Basin tourism and business organizations; and

''(2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

''SEC. 13. REPORTING REQUIREMENTS.

''Not later than February 15 of each year, the Administrator, in cooperation with the Chair, the Secretary, the Director, the Planning Agency, and the States of California and Nevada, consistent with section 6(c)(6) and section 11, shall submit to Congress a report that describes—

''(1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year—

''(A) the project scope;

''(B) the budget for the project; and

''(C) the justification for the project, consistent with the criteria established in section 8(c)(1);

''(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;

''(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

''(4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

''SEC. 14. ANNUAL BUDGET PLAN.

''As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, and the United States Fish and Wildlife Service), including—

''(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

''(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

''(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

''SEC. 15. GRANT FOR WATERSHED STRATEGY.

''(a) IN GENERAL.—Of the amounts to be made available under section 18(a), the Administrator shall use not more than $500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

''(b) COMMENT.—In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

''(c) COMPONENTS.—The watershed strategy developed under subsection (a) shall include—

''(1) a classification system, inventory, and assessment of stream environment zones;

''(2) comprehensive watershed characterization and restoration priorities consistent with—

''(A) the Lake Tahoe total maximum daily load; and

''(B) the environmental threshold carrying capacities of Lake Tahoe;

''(3) a monitoring and assessment program consistent with section 11; and

''(4) an adaptive management system—

''(A) to measure and evaluate progress; and

''(B) to adjust the program.

''(d) DEADLINE.—The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.''.

SEC. 8. RELATIONSHIP TO OTHER LAWS.

Section 17 of The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2358) (as redesignated by section 7(2)) is amended by inserting '', Director, or Administrator'' after ''Secretary''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

The Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2351) is amended by striking section 18 (as redesignated by section 7(2)) and inserting the following:

''SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

''(a) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $415,000,000 for a period of 10 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2011.

''(2) USE OF FUNDS.—As of the date of enactment of the Lake Tahoe Restoration Act of 2011, of the funds authorized to be appropriated to be used to carry out sections 6 and 7, the Secretary may use such sums as are necessary to implement projects on the Priority List, to remain available until expended.

''(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

''(1) shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and

''(2) shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.

''(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.

''(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts \2/3\ the costs of relocating facilities in connection with—

''(1) environmental restoration projects under sections 6 and 8; and

''(2) erosion control projects under section 2 of Public Law 96–586 (94 Stat. 3381).

''(e) SIGNAGE.—To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that—

''(1) provides information to the public on—

''(A) the amount of Federal funds being provided to the project; and

''(B) this Act; and

''(2) displays the visual identity mark of the Environmental Improvement Program.''.

SEC. 10. CONFORMING AMENDMENTS.

(a) ADMINISTRATION OF ACQUIRED LAND.—Section 3(b) of Public Law 96–586 (94 Stat. 3384) is amended—

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

''(b) ADMINISTRATION OF ACQUIRED LAND.—

''(1) IN GENERAL.—Land''; and

(2) by adding at the end the following:

''(2) INTERCHANGE.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the 'Secretary') may interchange (as defined in the first section of Public Law 97–465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.

''(B) ELIGIBLE LAND.—The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.

''(C) CONSIDERATION.—In any interchange under this paragraph, the Secretary shall accept land within the Lake Tahoe Basin Management Unit of approximately equal value (as defined in accordance with section 6(2) of Public Law 97–465 (16 U.S.C. 521h)).

''(D) ENVIRONMENTAL ANALYSIS.—For the purposes of any environmental analysis of an interchange under this paragraph, the Secretary shall—

''(i) assume the maintenance of the environmental status quo; and

''(ii) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.

''(E) USE OF LAND ACQUIRED BY STATE GOVERNMENT.—In any interchange under this paragraph, the Secretary shall—

''(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure—

''(I) protection of the public interest, including protection of the ecological, scenic, wildlife, and recreational values of the National Forest System; and

''(II) the provision for appropriate access to, and use of, land within the National Forest System;

''(III) that land subject to exchange is monitored for compliance with subclauses (I) and (II); and

''(IV) if the land conveyed under this paragraph is used in a manner that is inconsistent with this section, the land shall, at the discretion of the Secretary, revert to the United States; or

''(ii) reserve a conservation easement to ensure that the land conveyed is managed in accordance with subclauses (I) through (IV) of clause (i).

''(F) DELEGATION OF MONITORING AND ENFORCEMENT BY TRANSFER OF CONSERVATION EASEMENT.—

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

''(I) a conservation agency of a local government or an Indian tribe;

''(II) the Tahoe Regional Planning Agency; or

''(III) an organization that—

''(aa) is organized for, and at all times since the formation of the organization, has been operated principally for 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(bb) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

''(cc) is described in paragraph (1) or (2) of section 509(a) of that Code; or

''(dd)(AA) is described in section 509(a)(3) of that Code; and

''(BB) is controlled by an organization described in section 509(a)(2) of that Code.

''(ii) DELEGATION.—Subject to clause (iii), the Secretary may delegate to an eligible entity any monitoring and enforcement duties relating to a conservation easement under this paragraph by transferring title of ownership to an easement to an eligible entity to hold and enforce.

''(iii) RESTRICTION.—The Secretary may delegate monitoring or enforcement duties under clause (ii) if—

''(I) the Secretary retains the right to conduct periodic inspections and enforce the easement;

''(II) the Secretary determines that the transfer will promote protection of ecological, scenic, wildlife, and recreational values;

''(III) the eligible entity assumes the costs incurred in administering and enforcing the easement;

''(IV) the Secretary determines that the eligible entity has the resources necessary to carry out monitoring and enforcement activities; and

''(V) all delegated monitoring and enforcement duties revert to the Secretary if the eligible entity cannot perform the delegated duties, at the discretion of the Secretary.

''(G) TRANSFER OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT.—Any unit of State government that receives National Forest System land through an interchange under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.''.

(b) INTERAGENCY AGREEMENT FUNDING.—Section 108(g) of title I of division C of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2942) is amended by striking ''$25,000,000'' and inserting ''$75,000,000''.

Mr. REID. Mr. President, today I join Senator FEINSTEIN in introducing the Lake Tahoe Restoration Act of 2011 along with Senator ENSIGN and Senator BOXER. Our bill protects Lake Tahoe by helping federal agencies work more collaboratively with local governments to manage federal lands, preventing catastrophic wildfires, keeping invasive species out of the lake, using sound science to prioritize projects, and leveraging state and local funding. Senator FEINSTEIN has done a lot of work to improve this legislation while maintaining a broad coalition of support and I want to thank her for her good work.

Lake Tahoe is a place of incredible beauty. When Mark Twain first saw Lake Tahoe in 1861, he described it as ''a noble sheet of blue water lifted 6,300 feet above the level of the sea, and walled in by a rim of snow-clad mountain peaks that towered aloft full three thousand feet higher still!'' He went on to proclaim the view in front of him as surely ''the fairest picture the whole earth affords.'' I could not agree more.

But for all its beauty, Lake Tahoe Basin is in peril. The famed clarity of the lake declined by over a third during the last 50 years; it is estimated that 25 percent of the trees in the basin are dead or dying; the prized Lahontan cutthroat trout sport fish that once grew to more than 40 pounds are no longer present; and many of the basin's natural marshes and wetlands have been altered or drained. This perilous decline jeopardizes the 23,000 jobs and $1.8 billion in annual revenues that Lake Tahoe contributes to the Nevada and California economies.

It became clear to me in the 1990s that a major commitment and coordinated efforts were necessary to turn things around for the health and future of Lake Tahoe and the Lake Tahoe Basin. In 1996, I called then-President Clinton and Vice President Gore and asked if they would come to Lake Tahoe with me so that they could see both the incredible beauty of the place and many threats facing it. When we convened in July 1997, the President and Vice President brought four cabinet secretaries with them and we had a multi-day session on the future of Lake Tahoe. President Clinton promised to make Lake Tahoe a priority—for the people of Nevada, for the people of California, and for the whole country. An executive order and the subsequent Lake Tahoe Restoration Act of 2000 were the result of that commitment.

It would have been difficult to imagine at that first summit how much progress we would be able to make in the last 14 years. The clarity of the lake now appears to have stabilized, thousands of acres of forest lands have been restored, roads and highways across the basin have been improved to limit runoff, and the natural function of many miles of stream zones and riparian areas has been restored. But there is a great deal yet to be done. We offer the Lake Tahoe Restoration Act of 2011 as the next step.

Our bill focuses federal attention on the areas where we can be most effective and it builds on the lessons we have learned since 1997. The basic summary of the bill is that it authorizes $415 million over 10 years to improve water clarity, reduce the threat of fire, and restore the environment.

I would like to make a very important point about the federal role in protecting Lake Tahoe. The U.S. Forest Service manages 75 percent of the land surrounding the lake and it is impossible to make real progress in the Lake Tahoe Basin without providing the Forest Service with the tools they need to manage that land. With that in mind, we call on the Forest Service to support the thresholds put forth by the Tahoe Regional Planning Agency, we provide encouragement and funding to work on the restoration of stream environment zones, and we withdraw all Forest Service in the Basin lands from mineral entry in order to minimize soil disturbance. The Forest Service is also granted increased flexibility to exchange land with the states of Nevada and California which will allow for more cost-efficient management of the over 8,000 publicly owned urban parcels spread throughout the Basin. Currently, the Forest Service owns over 3,280 of these urban parcels and there are questions about whether it is in the public interest for the Forest Service to manage these urban lands or whether it would be better to pass them to other responsible entities that could provide more efficient management. We have asked the Forest Service to report to Congress on their plans for improving this part of their program, including any suggestions for how Congress might be able to help. Along with these new authorities and direction for forest management, the bill authorizes $136 million to reduce the threat of wildfire. This includes work on Forest Service lands as well as work done by local fire agencies. Local communities and fire districts that receive grants from this generous program will provide a 25 percent cash match.

Lake Tahoe is uniquely beautiful and it's worth fighting to protect it. It is my sincere hope that my grandchildren will see the day when the lake's clarity is restored to 100 feet or more, when Tahoe's giant native trout are once again plentiful, and when nearby forests are diverse and healthy. Mark Twain saw something amazing when he crested into the Lake Tahoe Basin. We owe it to ourselves and to subsequent generations to restore as much of that splendor as we can. This bill is the next step in that journey.

By Mr. COCHRAN (for himself and Ms. MIKULSKI):

S. 434. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined as a cosponsor by my friend, the distinguished Senator from Maryland, Ms. MIKULSKI. The purpose of this bill is to improve geographic literacy among K through 12 students by supporting professional development programs for their teachers that are administered in institutions of higher learning. The bill also assists States in measuring the impact of education in geography.

Ensuring geographic literacy prepares students to be good citizens of both our Nation and the world. John Fahey, who is Chairman and CEO of the National Geographic Society, once stated that, ''Geographic illiteracy impacts our economic well-being, our relationships with other nations and the environment, and isolates us from the world.'' When students understand their own environment, they can better understand the differences in other places, and the people who live in them. Knowledge of the diverse cultures, environment, and distances between states and countries helps our students to understand national and international policies, economies, societies and political structures on a global scale.

To expect that Americans will be able to work successfully with other people around the world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and we need to be preparing our younger generation for competition in the international economy. A strong base of geography knowledge improves these opportunities.

The U.S. Bureau of Economic Analysis reports that in 2010, the overall volume of international trade, as the sum of imports and exports, was over $4.3 trillion. Geographic knowledge is increasingly needed for U.S. businesses in international markets to understand such factors as physical distance, time zones, language differences and cultural diversity.

Geospatial technology is an emerging career that is now available to people with an extensive background in geography education. Professionals in geospatial technology are employed in federal government agencies, and in the private and non-profit sectors in areas such as agriculture, archeology, ecology, land appraisal, and urban planning and development. It is important to improve and expand geography education so that students in the United States can attain the necessary expertise to fill and retain the estimated 70,000 new jobs that are becoming available each year in the geospatial technology industry.

Former Secretary of State Colin Powell once said, ''To solve most of the major problems facing our country today—from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS—will require every young person to learn more about other regions, cultures, and languages.'' It is clear to me that we need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared and trained to teach the skills necessary to solve these problems.

Over the last 15 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful, and research shows that students who have benefitted from this teaching outperform other students. State geography alliances exist in 26 states and the District of Columbia endowed by grants from the Society. But, their efforts alone are not enough.

In my home state of Mississippi, teachers and university professors are making progress to increase geography education in schools through additional professional training. Based at the University of Mississippi, hundreds of geography teachers are members of the Mississippi Geography Alliance. This Alliance conducts regular workshops for graduate and undergraduate students who are preparing to be certified to teach elementary and high school-level geography in our State. These workshops have provided opportunities for model teaching sessions and discussion of best practices in the classroom.

The bill I am introducing establishes a Federal commitment to enhance the education of our teachers, focuses on geography education research, and develops reliable and advanced technology based classroom materials. I hope the Senate will consider the seriousness of the need to make this enhanced investment in geography.

By Mrs. FEINSTEIN:

S. 440. A bill for the relief of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am reintroducing a private relief bill on behalf of the Buendias, a family who has lived in the Fresno area of California for more than 20 years. The beneficiaries of this bill include Jose Buendia Balderas, his wife, Alicia Aranda de Buendia, and their daughter, Ana Laura Buendia Aranda. I believe this family merits Congress' special consideration.

I would like to start with the story of Jose Buendia, a remarkable father and husband who has embraced the hard work ethic of this country. Many years ago, Jose's father worked as an agricultural worker on the Bracero program.

In 1981, he brought his son to the United States. Jose worked hard, providing financial support to his family in Mexico and working his way up through jobs in landscaping and construction.

Today, Jose is a valuable employee with Bone Construction, Inc. He has worked with this California-based company for nearly 10 years, developing skills and experience and now serving as a lead foreman. Timothy Bone, the owner of the company, calls Jose a ''reliable, hardworking and conscientious'' worker.

Jose is married to Alicia, who goes to work season after season in California's labor-intensive agriculture industry. She currently works for a fruit packing company in Reedley, California. Jose and Alicia have raised two outstanding children, Ana Laura, age 22, and Alex, age 20, who have both always excelled in school.

Ana Laura earned a 4.0 GPA at Reedley High School, and was offered an academic scholarship at the University of California, Berkeley. Unfortunately, she could not accept the scholarship because of her undocumented status.

Ana Laura nonetheless persisted. She enrolled at the University of California, Irvine and is on track to graduate this spring with a major in Chicano Studies and Art.

Ana Laura's younger brother, Alex, is a United States citizen. He graduated high school with a 3.85 GPA and now studies engineering at the University of California, Merced. Last spring, he graduated with honors and a scholarship from Reedley College with an Associate of Science degree in Engineering.

Remarkably, the Buendias should have been able to correct their immigration status years ago. Jose should have qualified for legalization pursuant to the Immigration and Reform Control Act of 1986; however, his application was never acted upon because his attorney was convicted of fraudulently submitting legalization and Special Agricultural Worker applications, tainting all of his clients.

The Immigration and Naturalization Service took nearly 7 years to determine that Jose's application contained no fraudulent information, but at that point it was too late. Jose was no longer eligible for relief due to changes in U.S. immigration law.

Still, the Buendia family continued to seek legal status through other means. In 1999, it appeared they had succeeded when an Immigration Judge granted the family cancellation of removal based on the hardship their son, Alex, would face if deported to Mexico. However, the decision was appealed and ultimately overturned. At this point, the Buendias have exhausted their options to remain together as a family here in the United States.

In the more than 20 years of living in California, the Buendias have shown that they are committed to working to achieve the American dream. They have a strong connection to their local community, as active members of the Parent Teachers Association and their

church. They pay their taxes every year, paid off their mortgage, and remain free of debt. They have shown that they are responsible, maintaining health insurance, savings accounts, and retirement accounts.

Moreover, the Buendia children are excellent students pursuing higher education here in the United States. Without this private bill, these young adults will be separated from their family or forced to relocate to a country they simply do not know. I do not believe it is in the Nation's best interest to prevent talented youth raised here in the United States, who have good moral character and outstanding academic records, from realizing their future.

I respectfully ask my colleagues for their support of the Buendia family. I hope the Senate will consider this private relief legislation in the 112th Congress.

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. 440

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JOSE BUENDIA BALDERAS, ALICIA ARANDA DE BUENDIA, AND ANA LAURA BUENDIA ARANDA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jose Buendia Balderas, Alicia Aranda De Buendia, or Ana Laura Buendia Aranda enter the United States before the filing deadline specified in subsection (c), Jose Buendia Balderas, Alicia Aranda De Buendia, or Ana Laura Buendia Aranda, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jose Buendia Balderas, Alicia Aranda De Buendia, and Ana Laura Buendia Aranda under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 441. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobain Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I offer private immigration relief legislation to provide lawful permanent resident status to Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola. The Arreolas are Mexican nationals living in the Fresno area of California.

Esidronio and Maria Elena have lived in the United States for over 20 years. Two of their five children, Nayely, age 25, and Cindy, age 20, also stand to benefit from this legislation.

The other three Arreola children, Robert, age 19, Daniel, age 15, and Saray, age 14, are United States citizens. Today, Esidronio and Maria Elena and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

The Arreolas are facing deportation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking the attorney's disbarment for his actions in his client's immigration cases.

Esidronio came to the United States in 1986 and was an agricultural migrant worker in the fields of California for several years. As a migrant worker at that time, he would have been eligible for permanent residence through the Seasonal Agricultural Workers SAW, program, had he known about it.

Maria Elena was living in the United States at the time she became pregnant with her daughter Cindy. She returned to Mexico to give birth because she wanted to avoid any problems with the Immigration and Naturalization Service.

Because of the length of time that the Arreolas were in the United States, it is likely that they would have qualified for suspension of deportation, which would have allowed them to remain in the United States legally. However, their poor legal representation foreclosed this opportunity.

One of the most compelling reasons for my introduction of this private bill is the devastating impact the deportation of Esidronio and Maria Elena would have on their children—three of whom are American citizens—and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, was the first in her family to graduate from high school and the first to graduate college. She attended Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and worked part-time in the admissions office. She graduated from Fresno Pacific University with a degree in Business Administration and is working on her graduate degree. Nayely recently got married.

At a young age, Nayely demonstrated a strong commitment to the ideals of citizenship in her adopted country. She worked hard to achieve her full potential both through her academic endeavors and community service. As the Associate Dean of Enrollment Services at Fresno Pacific University states in a letter of support, ''[T]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream.''

In high school, Nayely was a member of Advancement Via Individual Determination, AVID, college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also President of the Key Club, a community service organization. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

Nayely's sister, Cindy, also recently married and has a one-year-old daughter. Neither Nayely nor Cindy are eligible to adjust their status based on their marriages because they grew up in the United States undocumented.

The Arreolas also have other family who are United States citizens or lawful permanent residents of this country. Maria Elena has three brothers who are American citizens, and Esidronio has a sister who is an American citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves.

As I previously mentioned, Esidronio was previously employed as a farm worker, but now has his own business in California repairing electronics. His business has been successful enough to

enable him to purchase a home for his family. He and his wife are active in their church community and in their children's education.

It is clear to me that this family has embraced the American dream. Enactment of the legislation I have reintroduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 441

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Marina Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Arreola Carlos, and Cindy Jael Arreola under section 202(e) of such Act (8 U.S.C. 1152(c)).

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 442. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce private relief legislation for Robert Kuan Liang and his wife, Chun-Mei, ''Alice'', Hsu-Liang.

I first introduced a private bill for Robert and Alice in 2003. Since then this family has only further demonstrated their hard work ethic and commitment to realizing the American dream. I continue to believe that Robert and Alice merit Congress' special consideration and the extraordinary relief provided by private legislation.

Robert and Alice have been living in San Bruno, California, for the last 27 years. Robert is a national and refugee from Laos, and Alice is originally from Taiwan. They have three children who are all United States citizens. I am concerned that forcing Robert and Alice to return to their home countries would tear this family apart and cause immense and unwarranted hardship to them and their children.

Robert and Alice have called California their home since they first entered the United States in 1983. They came here legally on tourist visas. They face deportation today because they remained in the United States past the terms of their visas, and because their attorney failed to handle their immigration case on a timely basis before federal immigration laws changed in 1996.

In many ways, the Liang family represents a uniquely American success story. Robert was born in Laos, but fled the country as a teenager after his mother was killed by Communists. He witnessed many traumatic experiences in his youth, including the attack that killed his mother and frequent episodes of wartime violence. He routinely witnessed the brutal persecution and deaths of others in his village in Laos. In 1975, he was granted refugee status in Taiwan.

Robert and his wife risked everything to come to the United States. Despite the challenges of their past, they built a family in California and established a place for themselves in the local community. They are homeowners. They own a successful business, Fong Yong Restaurant. They file annual income taxes and are financially stable.

Robert and Alice support their three children, Wesley, Bruce, and Eva, who are all American citizens. Wesley is now 18 years old and studying at City College of San Francisco. The younger children, Bruce and Eva, attend schools in the San Bruno area and continue to do well in their classes.

There are many reasons to believe that deporting Robert and Alice would have a harmful impact on the children, who have all of their ties to the United States. Deportation would either break this family apart or force them to relocate to a country entirely foreign to the one they know to be home.

The Immigration Judge who presided over Robert and Alice's case in 1997 also concluded that Robert and Alice's deportation would adversely impact the Liang children.

Moreover, Robert would face significant hurdles if deported, having fled Laos as a refugee more than 27 years ago. The emotional impact of the wartime violence Robert experienced at a young age was traumatic and continues to strain him. He battles severe clinical depression here in the United States. Robert fears that if he is deported and moves to his wife's home country, Taiwan, he will face discrimination on account of his nationality. Robert does not speak Taiwanese, and he worries about how he would pursue mental health treatment in a foreign country.

Robert and Alice have worked since 1993 to resolve their immigration status. They filed for relief from deportation; however, it took nearly five years for the Immigration and Naturalization Service, INS, to act on the case. By the time their case went through in 1997, the immigration laws had changed and the Liangs were no longer eligible for relief. I supported these changes, set forth in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. But, I also believe there may be situations worthy of special consideration.

Robert and Alice Liang represent one such example. They are long-term residents of the United States. Their children are all U.S. citizens. The Immigration Judge that presided over the appeal of this case determined that Robert and Alice would have qualified for relief from deportation, in light of these positive factors, had the INS given their case timely consideration. Unfortunately, their immigration case took nearly five years to move forward.

A private bill is the only way for both Robert and Alice to remain in the United States together with their family. They have worked extraordinarily hard to make the United States their home. I believe Robert and Alice deserve the relief provided by a private bill.

I respectfully ask my colleagues to support this private relief bill on behalf of the Liangs.

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. 442

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Robert Liang and Alice Liang shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas

to Robert Liang and Alice Liang, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Robert Liang and Alice Liang under section 202(e) of that Act (8 U.S.C. 1152(e)).

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.–

By Mrs. FEINSTEIN:

S. 443. A bill for the relief of Javier Lopez-Urenda and Maria Leticia Arenas; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce a private relief bill on behalf of Javier Lopez-Urenda and Maria Leticia Arenas. Javier and Leticia, originally from Mexico, are the parents of three U.S. citizen children, Bryan, age 17, Ashley, age 13, and Nancy, age 7. This family lives in Fremont, California.

I first introduced a bill for Javier and Leticia in 2009, and I continue to believe they deserve Congress' special consideration for such an extraordinary form of relief as a private bill. Javier and Leticia are outstanding parents, volunteers, workers, and leaders in their community. Javier and Leticia came to the United States after each suffered the loss of a parent.

Leticia left Mexico at age 17 after her mother died from cancer. Javier came to the United States in 1990, at age 23, several years after the murder of his father in Michoacán, Mexico.

Javier had been living and working in the United States for over 25 years when I first learned about this case. He originally entered the country looking for work to support his extended family. Today, Javier is a Manager at Full Bloom Baking Company in San Mateo, California, where he has been an employee for over 18 years. In fact, Javier was the second employee hired at Full Bloom when the company first began.

Javier's fellow co-workers at Full Bloom have written compelling letters to me about Javier's hard work ethic and valuable contributions. The company owners assert that with his help, the company grew to be one of the largest commercial bakeries in the Bay Area, today employing approximately 385 people.

They write that Javier is a mentor to others and maintains a ''tremendous amount of 'institutional knowledge' that can never be replaced.'' One of his co-workers wrote, ''Without Javier at the bakery, the lives of hundreds of people will change.''

Javier made attempts to legalize his status in the United States. At one point, he received an approved labor certification. However, his case could not be finalized due to poor timing and a lengthy immigration process. It took three years, for example, for his labor certification to be approved. By that time, Javier was already in removal proceedings and his case is now closed.

During consideration of Javier's case, the Ninth Circuit Court of Appeals acknowledged the difficult situation Javier faces. The Court wrote, ''We are not unmindful of the unique and extremely sympathetic circumstances of this case. By all accounts, Petitioner has been an exemplary father, employee, and member of his local community. If he were to be deported, he would be separated from his wife, three U.S. citizen children, and the life he has worked so hard to build over the past 17 years. In light of the unfortunate sequence of events leading up this juncture and Petitioner's positive contributions to society, Petitioner may very well be deserving of prosecutorial grace.''

Unfortunately, the Court ultimately denied the case. Javier and his wife have no additional avenues for adjusting their status. A private bill is the only way for them to remain in the United States.

I believe it is important to consider the potentially harmful impact on Javier and Maria Leticia's three U.S. citizen children, Bryan, Ashley, and Nancy, should their parents be deported. Bryan, Ashley, and Nancy are all in school in California. Javier owns their home in Fremont. He is the sole financial provider for his wife and children, while also providing some financial support to extended family members in Mexico. Javier and Leticia are good parents and play active roles in their children's lives. The Principal of Patterson Elementary School described Javier and Leticia as ''two loving and supportive parents who are committed to their children's success.''

All too often, deportation separates U.S. citizen children from their parents. In 2009, the Inspector General of the Department of Homeland Security found that, in the last ten years, at least 108,434 immigrant parents of American citizen children were removed from this country. Other reports show that deporting a parent causes trauma and long-lasting harm to children.

Moreover, the deportation of Javier and Leticia would be a significant loss to the community. Leticia is currently volunteering and training for a job with Bay Area Women Against Rape in Oakland, which provides services to survivors of sexual assault. She is also a certified health promoter and volunteer at Vazquez Health Center in Fremont.

Javier's community involvement is just as impressive. He has volunteered with the Women's Foundation of California, Lance Armstrong's Livestrong Foundation, the Saint Patrick Proto Cathedral Parish, the American Red Cross, and the California AIDS Ride.

Patricia W. Chang, a long-time community leader in California and current CEO of Feed the Hunger, writes: ''Asking Mr. Urenda to leave the United States would deprive his children of their father, an upstanding resident of the country. It would deprive the community of an active participant, leader, and volunteer.''

Judy Patrick, President/CEO of the Women's Foundation of California, states that Javier ''is a model participant in this society.''

Clearly, Javier and Leticia have earned the admiration of their community here in the United States. They are the loving parents of three American children. Javier is a valued employee at Full Bloom Baking Company. This family shows great potential, and I believe it is in our Nation's best interest to allow them to remain here with their children and to continue making significant contributions to California and the Nation as a whole.

I respectfully ask my colleagues to support this private relief bill.

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. 443

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JAVIER LOPEZ-URENDA AND MARIA LETICIA ARENAS.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Javier Lopez-Urenda and Maria Leticia Arenas shall each be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Javier Lopez-Urenda or Maria Leticia Arenas enter the United States before the filing deadline specified in subsection (c), that alien shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only to an application for issuance of an immigrant visa or an application for adjustment of status that is filed, with appropriate fees, within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Javier Lopez-Urenda and Maria Leticia Arenas, the Secretary of State shall instruct the proper officer to reduce by two, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 444. A bill for the relief of Shirley Constantino Tan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am introducing a bill for the private relief of Shirley Constantino Tan. Shirley is a Filipina national living in Pacifica, California. She is the proud mother of 14–year-old U.S. citizen twin boys, Jashley and Joreine, and the spouse of Jay Mercado, a naturalized U.S. citizen.

I believe Shirley merits Congress' special consideration for this extraordinary form of relief because I believe her removal from the United States would cause undue hardship for her and her family. Shirley faces deportation to the Philippines, which would separate her from her family and jeopardize her safety.

Shirley experienced horrific violence in the Philippines before she left to come to the United States. When Shirley was only 14 years old, her cousin murdered her mother and her sister and shot Shirley in the head. While the cousin who committed the murders was eventually prosecuted, he received a short jail sentence. Fearing for her safety, Shirley fled the Philippines just before her cousin was due to be released from jail. She entered the United States legally on a visitor's visa in 1989.

Shirley's current deportation order is the result of negligent counsel. Shirley applied for asylum in 1995. While her case appeal was pending at the Board of Immigration Appeals, her attorney failed to submit a brief to support her case. As a result, the case was dismissed, and the Board of Immigration Appeals granted Shirley voluntary departure from the United States.

Shirley never received notice that the Board of Immigration Appeals granted her voluntary departure. Shirley's attorney moved offices, did not receive the order, and ultimately never informed her of the order. As a result, Shirley did not depart the United States and the grant of voluntary departure automatically became a deportation order. Shirley learned about the deportation order for the first time on January 28, 2009, when Immigration and Customs Enforcement agents took her into immigration custody.

Because of her attorney's negligent actions, Shirley was denied the opportunity to present her case in U.S. immigration proceedings. Shirley later filed a complaint with the State Bar of California against her former attorney. She is not the first person to file such a complaint against this attorney.

In addition to the hardship that would come to Shirley if she is deported, Shirley's deportation would be a serious hardship to her two United States citizen children, Jashley and Joreine, who are minors.

Jashley and Joreine are currently attending Terra Nova High School in Pacifica, California, where they continue to be excellent students on the honor roll. The children are involved in their school's music program, playing the clarinet and the flute. The children's teacher wrote a letter to me in which she described Shirley's involvement in Jashley and Joreine's lives, referring to Shirley as a ''model'' parent and describing her active role in the school community. In addition to caring for her two children, Shirley is the primary caregiver for her elderly mother-in-law.

If Shirley were forced to leave the United States, her family has expressed that they would go with Shirley to the Philippines or try and find a third country where the entire family could relocate. This would mean that Jashley and Joreine would have to leave behind their education and the only home they know in the United States.

While Shirley and Jay are legally married under California law at this time, Shirley cannot legally adjust her immigration status through the regular family-based immigration procedures.

I do not believe it is in our Nation's best interest to force this family, with two United States citizen children, to make the choice between being separated and relocating to a country where they may face safety concerns or other serious hardships.

Shirley and her family are involved in their community in Pacifica and own their own home. The family attends Good Shepherd Catholic Church, volunteering for the church and the Mother Theresa of Calcutta's Daughters of Charity. Shirley has the support of dozens of members of her community who shared with me the family's spirit of commitment to their community.

Enactment of the legislation I am introducing on behalf of Shirley today will enable this entire family to continue their lives in California and make positive contributions to their community.

I ask my colleagues to support this private bill.

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. 444

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIRLEY CONSTANTINO TAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shirley Constantino Tan shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shirley Constantino Tan enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Shirley Constantino Tan, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs, FEINSTEIN:

S. 445. A bill for the relief of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing a private relief bill on behalf of Jorge Rojas Gutierrez, his wife, Oliva Gonzalez Gonzalez, and their son, Jorge Rojas Gonzalez. The Rojas family, originally from Mexico, is living in the San Jose area of California.

The story of the Rojas family is compelling, and I believe they merit Congress' special consideration for such an extraordinary form of relief as a private bill.

Jorge and his wife, Oliva, originally came to the United States in 1990 when their son Jorge Rojas, Jr. was just 2 years old. In 1995, they left the country to attend a funeral, and then re-entered the United States on visitor's visas.

The family has since expanded to include two sons, Alexis Rojas, now 18 years old, Matias, now a year old, a daughter Tania Rojas, now age 16, and a granddaughter, Mina Rojas, who is less than a year old.

The Rojas family first attempted to legalize their status in the United

States when an unscrupulous immigration consultant, who was not an attorney, advised them to apply for asylum. Unfortunately, without proper legal guidance, this family did not realize at the time that they lacked a valid basis for asylum. The asylum claim was denied in 2008, leaving the Rojas family with no further options to legalize their status.

Since their arrival in the United States more than 20 years ago, the Rojas family has demonstrated a robust work ethic and a strong commitment to their community in California. They have paid their taxes and worked hard to contribute to this country.

Jorge is a hard-working individual who has been employed by Valley Crest Landscape Maintenance in San Jose, California, for the past 16 years. Currently, he works on commercial landscaping projects. Jorge is well-respected by his supervisor and his peers.

In addition to supporting his family, Jorge has volunteered his time to provide modern green landscaping and building projects at his children's school in California. He is active in his neighborhood association, working with his neighbors to open a library and community center in their community.

Oliva, in addition to raising her three children, has also been very active in the local community. She works to help other immigrants assimilate to American life by acting as a translator and a tutor for immigrant children in local schools and after school programs in Northern California.

Before her youngest son was born, Oliva volunteered with the People Acting in Community Together, PACT, organization, where she worked to prevent crime, gangs and drug dealing in San Jose neighborhoods and schools.

Both Jorge and Oliva are active volunteers with the Second Harvest Food Bank, assisting in distributing food to the needy at a community center.

Perhaps one of the most compelling reasons for permitting the Rojas family to remain in the United States is the impact that their deportation would have on their three children. Two of the Rojas children, Alexis and Tania, are American citizens. Jorge Rojas, Jr. has lived in the United States since he was a toddler.

For Alexis, Tania, and Jorge, this country is the only country they really know.

Jorge Rojas, Jr., who entered the United States as an infant with his parents, recently became a father. He is now 22 years old and working at a job that allows him to support his daughter, Mina. Jorge graduated from Del Mar High School in 2007 and is taking classes at San Jose City College.

Alexis, age 18, graduated from Del Mar High School and is now a student at West Valley College in Saratoga, California. He is interested in studying linguistics. Tania, age 16, still attends Del Mar High School and plans to graduate next year. Their teachers describe them as ''fantastic, wonderful and gifted'' students.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear.

When I first introduced this bill, I received dozens of letters from the community in Northern California in support of this family. Enactment of the legislation I have reintroduced today will enable the Rojas family to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill.

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. 445

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JORGE ROJAS GUTIERREZ, OLIVA GONZALEZ GONZALEZ, AND JORGE ROJAS GONZALEZ.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez enters the United States before the filing deadline specified in subsection (c), Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, or Jorge Rojas Gonzalez, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent residence to Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jorge Rojas Gutierrez, Oliva Gonzalez Gonzalez, and Jorge Rojas Gonzalez under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 446. A bill for the relief of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to reintroduce private relief legislation in the 112th Congress on behalf of Ruben Mkoian, Asmik Karapetian, and their son, Arthur Mkoyan. The Mkoian family has been living in Fresno, California, for over 15 years. I continue to believe this family deserves Congress' special consideration for such an extraordinary form of relief as a private bill.

The Mkoian family is originally from Armenia. They decided to leave Armenia for the United States in the early 1990s, following several incidents in which the family experienced vandalism and threats to their well-being.

In Armenia, Ruben worked as a police sergeant on vehicle licensing. At one point, he was offered a bribe to register stolen vehicles, which he refused and reported to his superior, the police chief. He later learned that a co-worker had gone ahead and registered the vehicles at the request of the chief.

Several disturbing incidents occurred after Ruben reported the bribe offer to illegally register vehicles. Ruben's store was vandalized; after he said he would call the police, he received threatening phone calls telling him to keep quiet. At one point, the Mkoians suffered the loss of their home when a bottle of gasoline was thrown into their residence, burning it to the ground. In April 1992, several men entered the family store and assaulted Ruben, hospitalizing him for 22 days.

Ruben, Asmik, and their three-year-old son, Arthur, left Armenia soon thereafter and entered the United States on visitor visas. They applied for political asylum in 1992 on the grounds that they would be subject to physical attacks if returned to Armenia. It took 16 years for their case to be finalized, and the Ninth Circuit Court of Appeals denied their asylum case in January 2008.

At this time, Ruben, Asmik, and Arthur have exhausted every option to remain legally in the United States.

The Mkoians have worked hard to build a place for their family in California. Ruben works as a truck driver for a California trucking company. He has been described as ''trustworthy,'' ''knowledgeable,'' and an asset to the company. Asmik has completed training at a local community college and is now a full-time medical assistant with Fresno Shields Medical Group.

The Mkoians attend St. Paul Armenian Apostolic Church in Fresno. They do charity work to send medical equipment to Armenia. Asmik also teaches

Armenian School on Saturdays at the church.

I would particularly like to highlight the achievements of the Ruben and Asmik's two children, Arthur and Arsen, who were raised in California and have been recognized publicly for their scholastic achievements.

I first introduced a private bill for this family on Arthur's high school graduation day. Despite being undocumented, Arthur maintained a 4.0 grade point average in high school and was a valedictorian for the class of 2008. Arthur, now 20 years old, is in his third year at the University of California, Davis. He is studying biochemistry, maintains excellent grades, and was on the Dean's Merit List again this past quarter.

Arthur's brother, Arsen, is 14 years old and a United States citizen. He is currently a freshman at Bullard High School in Fresno, where he does well in his classes, maintaining a 3.9 grade point average.

I believe Arthur and Arsen are two young individuals with great potential here in the United States. Like their parents, they have demonstrated their commitment to working hard—and they are succeeding. They clearly aspire to do great things here in the United States.

It has been more than 18 years since Ruben, Asmik, and Arthur left Armenia. This family has few family members and virtually no supporting contacts in Armenia. They invested their time, resources, and effort in order to remain in the United States legally, to no avail. A private relief bill is the only means to prevent them from being forced to return to a country that long ago became a closed chapter of their past.

When I first introduced a bill on behalf of the Mkoian family in 2008, I received written endorsements from Representatives George Radanovich, R–CA, and JIM COSTA, D–CA, in strong support of the family. I also received more than 200 letters of support and dozens of calls of support from friends and community members, attesting to the positive impact that this family has had in Fresno California.

I believe that this case warrants our compassion and our extraordinary consideration. I respectfully ask my colleagues to support this private legislation on behalf of the Mkoian family.

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. 446

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

SECTION 1. PERMANENT RESIDENT STATUS FOR RUBEN MKOIAN, ASMIK KARAPETIAN, AND ARTHUR MKOYAN.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan enters the United States before the filing deadline specified in subsection (c), Ruben Mkoian, Asmik Karapetian, or Arthur Mkoyan, as appropriate, shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon granting an immigrant visa or permanent resident status to Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Ruben Mkoian, Asmik Karapetian, and Arthur Mkoyan under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 447. A bill for the relief of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am reintroducing private immigration relief legislation to provide lawful permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and their daughter, Adilene Martinez. This family is originally from Mexico but has been living in California for twenty years. I believe they merit Congress' special consideration for this extraordinary form of relief.

When Jose came to the United States from Mexico, he began working as a busboy in restaurants in San Francisco, California. In 1990, he started working as a cook at Palio D'Asti, an award-winning Italian restaurant in San Francisco.

Jose worked his way through the ranks, eventually becoming Palio's sous chef. His colleagues describe him as a reliable and cool-headed coworker, and as ''an exemplary employee'' who not only is ''good at his job but is also a great boss to his subordinates.''

He and his wife, Micaela, call San Francisco home. Micaela works as a housekeeper. They have three daughters, two of whom are United States citizens. Their oldest child Adilene, age 22, is undocumented. Adilene graduated from the Immaculate Conception Academy and attended San Francisco City College. She is now studying nursing at Los Medranos College.

The Martinez's second daughter, Jazmin, is a senior at Leadership High School and has applied to attend several Universities in California. Jazmin is a United States citizen and has been diagnosed with asthma. According to her doctor, if the family returns to Mexico, the high altitude and air pollution in Mexico City could be fatal to Jazmin.

The Martinez family attempted to legalize their status through several channels.

In 2001, Jose's sister, who has legal status, petitioned for Jose to get a green card. However, the current green card backlog for siblings from Mexico is long, and it will be many years before Jose will be eligible to legalize his status though his sister.

In 2002, the Martinez family applied for political asylum. Their application was denied. An immigration judge denied their subsequent application for cancellation of removal because he could not find the ''requisite hardship'' required for this form of immigration relief. Ironically, the immigration judge who reviewed their case found that Jose's culinary ability was a negative factor weighing against keeping the family in the United States, finding that Jose's skills indicated that he could find a job in Mexico.

Finally, Daniel Scherotter, the executive chef and owner of Palio D'Asti, petitioned for legal status for Jose based upon Jose's unique skills as a chef. Even though U.S. Citizenship and Immigration Services approved Jose's work petition, there is a backlog for employment based visas and it may be many years before Jose can get a visa. Until then, he and his family remain subject to deportation.

Jose, Micaela, and their daughter, Adilene, have no other administrative options to legalize their status. If they are deported, they will face a several-year ban from returning to the United States. Jose and Micaela will be separated from their American citizen-children and their community.

The Martinez family has become an integral part of their community in California. They are active in their faith community and their children's schools. They volunteer with community-based organizations and are, in turn, supported by their community. When I first introduced this bill, I received dozens of letters of support from their fellow parishioners, teachers, and members of their community.

The Martinez family truly embraces the American dream. Jose worked his way through the restaurant industry to become a chef and an indispensable employee at a renowned restaurant. Adelene worked hard in high school and is now attending college.

I believe the Martinez family's presence in the United States allows them to continue making significant contributions to their community in California.

I ask my colleagues to support this private bill.

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. 447

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez, the Secretary of State shall instruct the proper officer to reduce by 3, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Jose Alberto Martinez Moreno, Micaela Lopez Martinez, and Adilene Martinez under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e) and 1153(a)), as applicable.

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 448. A bill for the relief of Shing Ma ''Steve'' Li; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am introducing a private relief bill on behalf of Shing Ma ''Steve'' Li. Steve is a Peruvian national who lives in San Francisco, California. He was brought to the United States as a child and is now a student at City College of San Francisco hoping to become a nurse.

I decided to introduce a private bill on Steve's behalf because I believe that Steve would suffer undue hardship if he were removed to Peru. Without this legislation, Steve would be separated from his family and his community, and returned to a country he does not know.

Steve was only 12 years old when his parents brought him to the United States. Steve's parents are Chinese nationals who originally fled China to escape economic oppression and the Chinese government's policies on reproductive rights. From China, his parents went to Peru, where Steve was born.

The family then sought asylum in the United States, which was denied. Steve was ordered removed to Peru, where he was born, while his parents were ordered removed to China, the country of their nationality. Steve's parents would not be able to accompany their son to Peru.

Steve's parents never told him about the asylum denial or the removal orders. Steve did not know that he was in the United States illegally, and he went through all of his teenage years in the United States believing he was legally allowed to be here. He did not learn about his deportation order until one morning this past September when Immigration and Customs Enforcement agents arrived at his home and took him into custody.

All too often, youngsters like Steve are put in the position of being returned to a country they do not know. These young people did not make the choice to come to the United States but were brought to this country by their parents. Many of these young people grew up in America and have little or no memory of the countries they came from. They are hard working young people dedicated to their education. They have stayed out of trouble. Some are valedictorians and honor roll students. Many are community leaders and have an unwavering commitment to serving the United States.

I hoped that the Senate would pass the DREAM Act last year to provide qualified young people the opportunity to contribute to this country and their communities. Unfortunately, the bill fell short of the 60 votes it needed to move forward. I hope the Senate will one day pass the DREAM Act. The legislation I am introducing today will provide one of these youngsters the opportunity give back to the country he calls home.

Steve attended George Washington High School in San Francisco, California. While there, he was enrolled in the Honor's Program and became very involved in his high school community. Steve was an athlete on the cross country and track team. He worked for the school newspaper as a reporter, editor, and cameraman. Demonstrating his desire to educate his community on health issues, Steve also provided presentations to other students through his high school's wellness program on the risks of drinking and driving and sexually transmitted diseases.

Steve graduated high school in 2008 and enrolled at City College of San Francisco to pursue a career in nursing. City College of San Francisco awarded Steve the Goldman Scholarship to cover the cost of his tuition. Steve has continued his active involvement in his community, joining the Asian American Student Success Center, as well as the Science, Technology, Engineering and Mathematics Program, which is a 2-year outreach and educational support program.

Steve continued his commitment to academic achievement when he attended the San Francisco State University Summer Science Institute, which provided a year-long internship to prepare him for a career in health care upon his graduation from college.

Educators working with Steve highlight his potential for giving back to the United States, while Steve's friends and other community members have contacted me about the impact his compassion and helpfulness has had on the community. Steve's teachers call him a ''great student,'' ''hard working,'' ''an exceptional student,'' and ''goal directed.''

This private bill is an opportunity for Steve to finish his education and remain in the country he considers his only home. If he were forced to relocate to Peru, his education would be cut short, and Steve would be sent to a place where he knows no one. I believe that, by staying in California, Steve will only continue to serve his community and serve this country as a health care professional.

I ask my colleagues to support this private bill.

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. 448

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SHING MA "STEVE" LI.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Shing Ma ''Steve'' Li shall be—

(1) deemed to have been lawfully admitted to, and remained in, the United States; and

(2) eligible for issuance of an immigrant visa or for adjustment of status under section 245 of such Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of an immigrant visa or for adjustment of status are filed, with appropriate fees, not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa to Shing Ma ''Steve'' Li, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Shing Ma ''Steve'' Li under—

(1) section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) section 202(e) of such Act (8 U.S.C. 1152(e)), if applicable.

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 449. A bill for the relief of Joseph Gabra and Sharon Kamel; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today, I am reintroducing private relief legislation on behalf of Joseph Gabra and Sharon Kamel, a couple living with their family in Camarillo, California.

Joseph and Sharon are nationals of Egypt who fled their home country over twelve years ago after being targeted for their religious involvement in the Christian Coptic Church in Egypt. They became involved with this church during the 1990s, Joseph as an accountant and project coordinator helping to build community facilities and Sharon as the church's training director in human resources.

Unfortunately, Joseph and Sharon were also subjected to threats and abuse. Joseph was jailed repeatedly because of his involvement with the church. Sharon's family members were violently targeted, including her cousin who was murdered and her brother whose business was firebombed. When Sharon became pregnant with her first child, she was threatened by a member of a different religious organization against raising her child in a non-Muslim faith.

Joseph and Sharon came to the United States legally seeking refuge in November 1998. They immediately notified authorities of their intent to seek protection in the United States, filing for political asylum in May 1999.

However, Joseph, who has a speech impediment, had difficulty communicating why he was afraid to return to Egypt, and one year later their asylum application was denied because they could not adequately establish that they were victims of persecution. Joseph and Sharon pursued the appropriate means for appealing this decision, to no avail.

It should be noted that sometime later Sharon's brother applied for asylum in the United States. He, too, applied on the basis of persecution he and his family faced in Egypt, but his application was approved and he was granted this status in the United States.

There are no other avenues for Joseph and Sharon to pursue relief here in the United States. If they are deported, they will be forced back to a country where they sincerely fear for their safety.

Since arriving in the United States more than twelve years ago, Joseph and Sharon have built a family here, including four children who are United States citizens: Jessica, age 12, Rebecca, age 11, Rafael, age 10, and Veronica, age 6. Jessica, Rebecca, and Rafael attend school in California and maintain good grades. Veronica is attending kindergarten at Camarillo Heights Elementary School.

Joseph and Sharon worked hard to achieve financial security for their children, and they created a meaningful place for their family in California. Both earned college degrees in Egypt. Joseph, who has his Certified Public Accountant license, has been working in the accounting department for a technology company in California.

Joseph also volunteers for his son's Boy Scout Troop, and has expressed interest in pursuing opportunities as an Arabic language expert here in the United States. Joseph and Sharon carry strong support from friends, coworkers, members of their local church, and other Californians who attest to their good character and community contributions.

I am concerned that the entire family would face serious and unwarranted hardships if forced to relocate to Egypt. For Jessica, Rebecca, Rafael, and Veronica, the only home they know is in the United States. It is quite possible these four American children would face discrimination or worse in Egypt on account of their religion, as was the experience of many of their family members.

Joseph and Sharon have made a compelling plea to remain in the United States. These parents emphasize their commitment to supporting their children and making a healthy and productive place for them to grow up in California. I believe this family deserves that opportunity.

I respectfully ask my colleagues to support this private relief bill on behalf of Joseph Gabra and Sharon Kamel.

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. 449

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Joseph Gabra and Sharon Kamel shall each be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Joseph Gabra and Sharon Kamel, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Joseph Gabra and Sharon Kamel under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), or, if applicable, the total number of immigrant visas that are made available to natives to the country of birth of Joseph Gabra and Sharon Kamel under section 202(e) of that Act (8 U.S.C. 1152(e)).

(d) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 450. A bill for the relief of Jacqueline W. Coats; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I come to the floor to reintroduce private relief legislation on behalf of Jacqueline Coats, a widow living in the San Francisco Bay Area. I rise today to ask my colleagues to support this legislation in the 112th Congress, which would provide Jacqueline with the extraordinary relief I believe she deserves.

Jacqueline came to the United States from Kenya in 2001 on a student visa to study Mass Communications at San Jose State University. In January 2002, based on the advice she received from a college advisor, Jacqueline attempted to transfer to City College of San Francisco, which required her to file for reinstatement. However, the request for reinstatement was denied in October 2002, and Jacqueline's immigration status lapsed the following year.

Jacqueline married Marlin Coats, an American citizen, on April 17, 2006, at San Francisco City Hall. But not even a month after the marriage, on May 13, 2006, Jacqueline's husband died while heroically attempting to save two boys from drowning at Ocean Beach in San Francisco. The two children survived with the help of a rescue crew, but Mr. Coats was caught in a riptide and died. The sudden and unexpected loss of her husband devastated Jacqueline.

Unfortunately, a loophole in U.S. immigration laws meant that Jacqueline's status in the United States was suddenly in jeopardy due to the death of her husband. Jacqueline and her husband had prepared and signed an application for a green card at their attorney's office just four days before Mr. Coats died. However, the petition did not get filed until after his death, meaning it could no longer be considered valid.

Jacqueline very likely would have received permanent residence in the United States were it not for the abrupt death of Mr. Coats. At the time, Jacqueline received a medal honoring her husband's heroic actions. The San

Francisco Board of Supervisors, the San Francisco Police Department, and the San Francisco chapter of the NAACP all passed resolutions in support of her remaining in the United States.

In 2009, I co-sponsored legislation known as the Fairness to Surviving Spouses Act to address this hole in U.S. immigration laws that creates unnecessary hardship for foreign-born men and women—like Jacqueline—whose immigration status is at risk when the sponsoring U.S. citizen spouse dies. I do not believe our immigration system should penalize individuals whose earnest efforts to become permanent legal residents of this country are cut short when their sponsoring spouse dies.

I was pleased that the President signed the Fairness to Surviving Spouses Act into law as part of a Department of Homeland Security appropriations bill on October 28, 2009. U.S. Citizenship and Immigration Services is now implementing this law, which allows widows of American citizens to continue to petition for permanent residency as long as they can prove that they entered into their marriage in good faith. Jacqueline may be eligible for this form of relief; however, I believe that a private bill remains necessary until this process can be finalized.

Jacqueline has been a hard-working employee for a transit company in Oakland, California, since 2004. She is taking three classes at St. Mary's College, and she remains close with the family of her late husband. For Jacqueline, the Coats family here in the United States has become her own.

Ramona Burton, one of Mr. Coats' siblings, wrote in a letter to me: ''She spent her first American Christmas with us, her first American Thanksgiving . . . I can't imagine looking around and not seeing her there. She needs to be there.'' Another concerned California constituent wrote to me that common fairness, morality and decency'' should be the standards by which we view this case. I agree. Despite the tragedy of losing her husband, Jacqueline continues to work hard, take classes, and integrate herself within her community.

Without some form of relief, Jacqueline will be deported to Kenya, a country she has not lived in since she was 21 years old. This is never what her late husband, a citizen of the United States, intended.

I believe Congress should honor this family by granting Jacqueline permanent residency in the United States. I urge my colleagues to give consideration to Jacqueline and to support this private relief immigration bill.

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. 450

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

SECTION 1. PERMANENT RESIDENT STATUS FOR JACQUELINE W. COATS.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Jacqueline W. Coats shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Jacqueline W. Coats enters the United States before the filing deadline specified in subsection (c), Jacqueline W. Coats shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Jacqueline W. Coats, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Jacqueline W. Coats under section 202(e) of that Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 451. A bill for the relief of Claudia Marquez Rico; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I come to the floor today to reintroduce private relief legislation for Claudia Marquez Rico. I first introduced a private bill for Claudia back in 2006. This young woman has lived in California for most of her life. She suffered tremendous hardship after the sudden death of her parents more than ten years ago. I believe she deserves the special relief granted by a private bill.

Claudia was born in Jalisco, Mexico. She was only 6 years old when her parents brought her, and her two younger brothers, to the United States.

Ten years ago, tragedy struck this family. Early in the morning on October 4, 2000, while driving to work, Claudia's parents were killed in a horrific car accident when their vehicle collided with a truck on a rural road.

Suddenly orphaned, Claudia and her siblings were fortunate enough to have a place to go. They were welcomed into the loving home of their aunt, Hortencia, and uncle, Patricio, who are both United States citizens. Hortencia and Patricio are active at Buen Pastor Catholic Church. Patricio is a youth soccer coach. This couple raised the Marquez children as their own, counseling them through the loss of their parents and helping them with their school work. They became the legal guardians of the Marquez children in 2001.

Claudia likely would have resolved her immigration status, were it not for poor legal representation. The death of the Marquez parents meant that Claudia and her siblings should have qualified for special immigrant juvenile status. Congress created this special immigrant status to protect children under extraordinary circumstances and spare them the hardship of deportation when a state court deems the children to be dependents as a result of abuse, abandonment, or neglect. In fact, Claudia's younger brother, Omar, was granted this special immigrant juvenile status, providing him legal permanent residency.

However, the lawyer for the Marquez children failed to secure this relief for Claudia. She has now reached the age of majority without having resolved her immigration status, making her ineligible for this special relief.

It is important to take note that the lawyer who handled this case currently faces charges on numerous counts of professional incompetence and moral turpitude for mishandling immigration cases. The California State Bar accused him of a ''despicable and far-reaching pattern of misconduct.'' The Bar sought to disbar the attorney before he resigned with pending charges.

Claudia deserved a fair chance at resolving her immigration status, but her attorney's egregious behavior stripped her of this opportunity.

Claudia, nonetheless, finished school despite these adverse circumstances. She secured a job in Redwood City, California, and she currently lives with her younger sister, Maribel, in Menlo Park, where they care for their grandfather. Claudia also provides financial support to her two brothers, Jose and Omar, whenever necessary. She is still active in the local community, attending San Clemente Catholic Church in Hayward.

It would be an injustice to add to the Marquez family's misfortune by tearing these siblings apart. Claudia and her siblings have come to rely on each other in the absence of their deceased parents, and Claudia is clearly a central support of this family. Moreover, Claudia has never visited Mexico and has no close relatives in the country. She was so young when her parents brought her to the United States that she has no memories of Mexico.

I am reintroducing a private relief bill on Claudia's behalf because I believe her removal from the United

States would go against our standard of fairness and would only cause additional hardship on a family that already endured so much.

I respectfully ask my colleagues to support this private relief legislation on behalf of Claudia Marquez Rico.

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. 451

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

SECTION 1. PERMANENT RESIDENT STATUS FOR CLAUDIA MARQUEZ RICO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Claudia Marquez Rico shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Claudia Marquez Rico enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and, if otherwise eligible, shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Claudia Marquez Rico, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Claudia Marquez Rico under section 202(e) of such Act (8 U.S.C. 1152(e)).

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Claudia Marquez Rico shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(f) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 452. A bill for the relief of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to offer legislation to provide lawful permanent residence status to Alfredo Plascencia Lopez and his wife, Maria del Refugio Plascencia, Mexican nationals who live in the San Bruno area of California.

I have decided to offer legislation on their behalf because I believe that, without it, this hardworking couple and their five children, all United States citizens, would face extreme hardship. Their children would either face separation from their parents or be forced to leave the only country they know and give up on their education in the United States.

The Plascencias have been in the United States for over 20 years. They worked for years to adjust their status through appropriate legal channels, but poor legal representation ruined their opportunities. The Plascencias' lawyer refused to return their calls or otherwise communicate with them in any way. He also failed to forward crucial immigration documents, or even notify the Plascencias that he had them. Because of the poor representation they received, Alfredo and Maria only became aware that they had been ordered to leave the United States fifteen days prior to their scheduled deportation.

The Plascencias were shocked to learn of their attorney's malfeasance, but they acted quickly to secure legitimate counsel and to file the appropriate paperwork to delay their deportation to determine if any other legal action could be taken.

Since arriving in the United States in 1988, Alfredo and Maria have proven themselves a civic-minded couple who share our American values of hard work, dedication to family, and devotion to community.

For over 15 years, Alfredo has been gainfully employed at Vince's Shellfish, where his dedication and willingness to learn have propelled him from part-time work to a managerial position. He now oversees the market's entire packing operation and several employees.

The president of the market, in one of the several dozen letters I received in support of Alfredo, referred to him as ''a valuable and respected employee'' who ''handles himself in a very professional manner'' and serves as ''a role model'' to other employees. Others who have written to me praising Alfredo's job performance refer to him as ''gifted,'' ''trusted,'' ''honest'' and ''reliable.''

Maria has distinguished herself as a medical assistant at a Kaiser Permanente hospital in the Bay Area. Not satisfied with working as a maid at a local hotel, she went to school, earned her high school equivalency degree, and improved her skills to become a medical assistant. She is now in a program to become a Licensed Vocational Nurse. She plans to graduate next year and start a nursing program with Kaiser to become a registered nurse.

Several Californians who wrote to me in support of Maria describe her as ''responsible,'' ''efficient,'' and ''compassionate.'' Kaiser Permanente's Director of Internal Medicine wrote to say that Maria is ''an asset to the community and exemplifies the virtues we Americans extol: hardworking, devoted to her family, trustworthy and loyal, [and] involved in her community. She and her family are a solid example of the type of immigrant that America should welcome wholeheartedly.''

Together, Alfredo and Maria have used their professional successes to realize many of the goals dreamed of by all Americans. They saved up and bought a home. They own a car. They have good health care benefits, and they each have begun saving for retirement. They are sending their daughter, Christina, age 19, to college and plan to send the rest of their children to college as well.

Allowing the Plascencias to remain in the United States would preserve their achievements and ensure that they will be able to make substantive contributions to the community in the future.

In addition, this bill will have a positive impact on the couple's United States citizen children, who are dedicated to pursuing their educations and becoming productive members of their community.

Christina is the Plascencias' oldest child. She is 20 years old, working and taking classes at Skyline Community College and the College of San Mateo. She would like to be a paralegal. Erika, age 16, attends Peninsula High School in San Bruno and was recently named Student of the Month. Erika's teachers praise her abilities and have referred to her as a ''bright spot'' in the classroom.

Alfredo and Maria also have three young children: Alfredo, Jr., age 14, Daisy, age 9, and Juan-Pablo, age 5.

Removing Alfredo and Maria from the United States would be tragic for their children. The Plascencia children were born in America and through no fault of their own have been thrust into a situation that has the potential to dramatically alter their lives.

It would be especially tragic if Erika, Alfredo, and Daisy have to leave the United States. They are old enough to understand that they are leaving their schools, their teachers, their friends, and their home. They would leave everything that is familiar to them.

The Plascencia family would then be in Mexico without a means for supporting themselves and with no place to live. The children would have to acclimate to a different culture, language, and way of life.

The only other option would be for Alfredo and Maria to leave their children here with relatives. This separation is a choice which no parents should have to make.

I am reintroducing this legislation because I believe that the Plascencias will continue to make positive contributions to their community in California and this country. The Plascencia

children should be given the opportunity to realize their full potential in the United States, with their family intact.

I respectfully ask my colleagues to support this bill.

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. 452

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

SECTION 1. PERMANENT RESIDENT STATUS FOR ALFREDO PLASCENCIA LOPEZ AND MARIA DEL REFUGIO PLASCENCIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Alfredo Plascencia Lopez and Maria Del Refugio Plascencia shall each be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Alfredo Plascencia Lopez or Maria Del Refugio Plascencia enter the United States before the filing deadline specified in subsection (c), Alfredo Plascencia Lopez or Maria Del Refugio Plascencia, as appropriate, shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of immigrant visas or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas or permanent residence to Alfredo Plascencia Lopez and Maria Del Refugio Plascencia, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Alfredo Plascencia Lopez and Maria Del Refugio Plascencia under section 202(e) of that Act (8 U.S.C. 1152(e)).

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. GRASSLEY:

S. 454. A bill to amend titles XVIII and XIX of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid and CHIP, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, earlier today the Finance Committee held a hearing to discuss the serious problems of fraud in Medicare and Medicaid. Over the last 9 years, the Finance Committee has held more than 20 oversight hearings dealing with Medicare and Medicaid fraud. These hearings highlighted the flaws in how the Federal Government administers Medicare and Medicaid. They also stress the need to create disincentives for those who seek to defraud these vital programs.

Every dollar lost to Medicare or Medicaid fraud is a dollar that is not available for beneficiaries. Of course, we ought to be very cognizant of that considering the impending bankruptcy of Medicare. In 2009, the Federal Government spent $502 billion on Medicare and $379 billion on Medicaid. It is estimated that between $40 billion and $70 billion was lost to fraud that year. However, officials from the Department of Health and Human Services and the Department of Justice announced last month that their health care fraud prevention and enforcement efforts recovered $4 billion in fraud. So compare that $4 billion with the $44 billion to $70 billion, and it means we still have a very long way to go.

When it comes to public programs such as Medicare and Medicaid, it is clear the Federal Government needs to be more effective in combating waste, fraud, and abuse. The Federal Government has simply made it too easy for bad actors to steal from each of these programs. It says a lot when we hear that organized crime has moved into health care fraud because it is more lucrative than organized crime. Medicare and Medicaid also attract more criminals because the profits of fraud greatly outweigh the consequences if you get caught. Then there are those who don't even get caught.

Taxpayer dollars should only go to bona fide providers and medical suppliers. But the reimbursement system is set up so that the Federal Government pays first and asks questions later. In other words, the system is based on a program we call the pay-and-chase system.

Over the years, Congress has given the executive branch more authority to improve enforcement of fraud, waste, and abuse laws. During health care reform, Senator BAUCUS and I developed a bipartisan set of legislative proposals to combat fraud, waste, and abuse. Many of these proposals are in the bill I introduced in the last Congress, S. 2964, the Strengthening Program Integrity and Accountability in Health Care Act, and many were even included in the Patient Protection and Affordable Care Act. These provisions did not draw opposition from either side of the aisle.

Tackling fraud, waste, and abuse in health care is one of the areas where there is widespread agreement. But our work does not end with the passage of legislation. Congress needs to keep the pressure on Federal officials to do everything possible to prevent and stop fraud.

There is also more Congress must do in ways of reform to enhance the government's ability to fight this fraud. We need to ensure that phantom doctors, pharmacies, and durable medical equipment suppliers cannot simply bill Medicare millions of dollars in just a few months and then get out of town scot-free. Health and Human Services and the Center for Medicare and Medicaid Services need to use the tools already available to them to make sure claims are legitimate before they are paid.

But even with all of that, we must remain vigilant in our oversight efforts, which is the constitutional responsibility of the legislative branch of government, because tomorrow's criminals will find ways to get around the laws and regulations we put in place today. That is why I am introducing the Strengthening Program Integrity and Accountability in Health Care Act of 2011. This bill contains the remaining proposals from S. 2964 that are necessary to enhance the government's ability to combat Medicare and Medicaid fraud. It builds on reforms we made in the last Congress.

The bill would require the Secretary of Health and Human Services to issue regulations to make Medicare claims and payment data available to the public similar to other Federal spending disclosed through www.USAspending.gov. This Web site lists almost all Federal spending, but it doesn't include Medicare payments made to physicians. That means virtually every other government program, including even some defense spending, is more transparent, or responds to the citizens' right to know, than spending by the Medicare Program. So that differential between defense spending and most other government programs and what we allow the public to know about the Medicare tax dollars being spent is too big of a gap and one we should not tolerate anymore because a taxpayer dollar spent on Medicare isn't any different from the public's right to know about a taxpayer dollar spent on defense programs. Let's say even for this Senator, with my background in farming and participating in a family farm operation, the public can read in the newspapers of Iowa, as they can for every State, the amount of money a certain Senator—or I shouldn't say Senator—a certain farmer gets from the farm program. It is all taxpayers' dollars.

In addition, this bill also goes on to create a national clearinghouse of information so that we can better detect, prevent, and thereby deter medical identity theft. This is about the Federal Government sharing information it already has in ways that protect the taxpayer and work against those defrauding the system.

The bill would also change Federal laws that require Medicare to pay providers quickly regardless of the risks of fraud, waste, and abuse. Under current law, the government is required to

make payments for what is called a clean claim within 14 to 30 days before interest accrues on the claim. That is not enough time for the limited number of Medicare auditors to determine if a claim is legitimate before a payment has to be made. The result is that this what we call prompt-payment rule requires that Medicare pay bad actors first and ask questions later, which leads to that pay-and-chase system I previously mentioned.

So this bill would add to the tools Congress provided to the executive branch last year to prevent fraudulent payment on the front end. It would extend the time payments must be made if the Secretary of Health and Human Services determines there is a likelihood of fraud, waste, and abuse.

In addition, the bill would expand the Health and Human Services inspector general's authority to exclude an individual from participating in the Federal health care program. I wish to give an example. The inspector general would be able to exclude an individual if the individual had ownership or control interests in an entity at the time the entity engaged in misconduct such as health care fraud. Now, I know that is common sense to the taxpayers of America, but it is not something the inspector general can do today.

I still have other areas my bill addresses, and one is in the area of illegal, unapproved drugs. Just last week, the Los Angeles Times reported that the Food and Drug Administration is struggling to keep unapproved drugs off the market. It reported that ''in many cases, the agency doesn't even know what the drugs are or where they are.'' This is another example of how the Federal reimbursement system creates an incentive for bad actors to get around the rules.

In this case, those rules are the Food and Drug Administration requirements for putting a drug on the market.

Medicaid pays until the Food and Drug Administration identifies a drug or class of drugs as not approved for marketing and then takes formal action.

Under such circumstances, the Federal Government doesn't even have the option to chase after the previous payments.

My bill would stop such payments, unless the State Medicaid Programs first verify with the Food and Drug Administration that the drug is being legally marketed.

Again, that may sound like common sense, but it is something that can't be done without a change in the law.

The changes I am proposing would go a long way to deter those who would defraud our health care system. It also would provide greater protections to the taxpayers.

Fighting fraud, waste, and abuse in Medicare and Medicaid is vital to the sustainability of each program. My bill will help add to the reforms we passed last year. It will fix some of the blatant problems that incentivize and reward waste, fraud, and abuse. Over 100 million Americans rely on Medicare and Medicaid for health insurance.

Right now, these programs, as we all know—every Member of the Senate knows and most of the public knows—these programs are on an unsustainable path. My bill takes necessary steps to move these programs toward sustainability.

I urge my colleagues to support this legislation and help me by cosponsoring it.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 455. A bill to promote development and opportunity with regards to spectrum occupancy and use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KERRY, to re-introduce comprehensive spectrum reform legislation to modernize our nation's radio spectrum planning, management, and coordination activities. Taking this corrective action will allow us to meet the future telecommunications needs of all spectrum users. For consumers, these fixes will lead to additional choices, greater innovation, lower prices, and more reliable services.

Over the past year, there has been growing concern about a looming radio spectrum crisis. It is not without reason—growth and innovation within spectrum-based services have exploded over the past decade. In particular, the cellular industry has been a prominent driver of this expansion. Currently, there are more than 290 million wireless subscribers in the U.S., and American consumers use more than 6.4 billion minutes of air time per day.

While the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband through the use of smartphones and netbooks—smartphones actually outsold personal computers in the last quarter of 2010. According to the Pew Research Center, 56 percent of adult Americans have accessed the Internet via a wireless device. ABI Research forecasts there will be 150 million mobile broadband subscribers by 2014—a 2,900 percent increase from 2007. Spectrum is so important that both the Federal Communications Commission and the President have made it a priority to find additional spectrum for wireless broadband so providers have the necessary capacity to meet the growing demand of consumers and businesses alike.

There are constraints however, spectrum is a finite resource, and we cannot manufacture new spectrum. Making matters worse, the government's current spectrum management framework is inefficient and has not kept up with technological advancements. As evidence, the Government Accountability Office, in a series of reports, concluded ''the current structure and management of spectrum use in the U.S. does not encourage the development and use of some spectrum efficient technologies.''

The legislation we are re-introducing today fixes the fundamental deficiencies that exist in spectrum management and promotes efforts to improve spectrum efficiency. Specifically, the Reforming Airwaves by Developing Incentives and Opportunistic Sharing, RADIOS, Act tasks the FCC and the National Telecommunications and Information Administration, NTIA, to conduct the fundamental first step of a comprehensive inventory of radio spectrum and to perform much-needed spectrum measurements to determine actual usage and occupancy rates. This data would provide decision makers at the FCC, NTIA, and Congress a clearer, more detailed, and up-to-date understanding of how spectrum is currently being used and by whom—data essential to sound policy decisions and spectrum management.

The bill also requires a cost-benefit analysis of spectrum relocation opportunities to move certain incumbent users and services to more efficient spectrum bands. Many legacy wireless services could employ newer technologies to provide more efficient use of spectrum. The legislation would also establish Wi-Fi hot-spots and allow the installation of wireless antenna systems and base stations, such as femtocells, in all publicly accessible Federal buildings as well as streamline Federal rights-of-way and wireless tower sitings on Federal buildings. Such efforts would improve wireless and broadband coverage for Americans and also result in lower costs to taxpayers since spectrum would be utilized more effectively by Federal agencies.

In addition, my bill requires greater collaboration between the FCC and NTIA on spectrum policy and management related issues, implementation of spectrum sharing and reuse programs, as well as more market-based incentives to promote efficient spectrum use. It also sets a deadline for the creation of the National Strategic Spectrum Plan, which will provide a long-term vision for domestic spectrum use and strategies to meet those needs. While the National Broadband Plan touches on several of these areas, this legislation will provide greater assistance in developing the 21st Century comprehensive spectrum policy necessary to meet the future spectrum needs of all users.

It should be noted the RADIOS Act is intended to complement the National Broadband Plan and the recently announced Presidential Wireless Initiative in promoting more efficient use of spectrum and ensuring that the proper framework is in place to meet America's future telecommunications needs. But it also encourages greater focus on other areas outside the Plan and the Initiative by promoting technological innovation and more robust spectrum management.

Senator KERRY and I envision this legislation to be a supplement to other legislative efforts related to spectrum. And we look forward to working with our colleagues in the Senate and with all stakeholders to advance comprehensive 21st Century spectrum policy necessary to meet the future spectrum needs of all users.

Our Nation's competitiveness, economy, and national security demand that we allocate the necessary attention to this policy shortcoming—it is the only way we will be able to avert a looming spectrum crisis and continue to realize the boundless benefits of spectrum-based services. That is why I sincerely hope that my colleagues will join Senator KERRY and me in supporting this critical legislation.

By Mr. RISCH (for himself, Mr. COBURN, Mr. DEMINT, Mr. LEE, and Mr. JOHNSON of Wisconsin):

S. 460. A bill to prohibit the Secretary of Education from promulgating or enforcing regulations or guidance regarding gainful employment; to the Committee on Health, Education, Labor, and Pensions.

Mr. RISCH. Mr. President, I am pleased to be joined by my colleagues, Senators COBURN, DEMINT, JOHNSON and LEE, in introducing the Education for All Act. This important piece of legislation would preserve educational and economic opportunities for all Americans.

The U.S. Department of Education is proposing new ''gainful employment'' rules that would deny federal financial aid to students who attend proprietary colleges and vocational certificate programs. These rules would disqualify students from receiving federal education loans if their chosen programs do not meet a complex formula comparing student debt to future earning potential. Why should students be discouraged from attending a school they want or a profession they chose because of Washington bureaucrats?

The bill I am introducing today would prohibit these regulations from going into effect.

The ''gainful employment'' rules could deny hundreds of thousands of students access to the training and skills development they need to secure a job in today's troubled economy. There is high demand in some sectors for highly skilled workers and propriety schools are uniquely qualified to meet the training needs of these employers. It is simply irresponsible for the government to throw roadblocks in front of students and institutions at a time when job creation in America should be the administration's number one priority.

Further, the ''gainful employment'' rules will disproportionately harm low-income and minority students. These students often depend more heavily on education loans regardless of the type of institution they attend and take longer to repay.

The rules would also significantly impact health care programs. Nearly half of all health care workers are trained at proprietary schools. With an aging baby boom population, demand for trained health care providers is already critical and will only get worse. President Obama's health care law adds to this burden as well. We ought to be expanding educational capacity for health care workers, not enacting regulations that threaten access.

In short, this legislation will preserve educational and economic opportunities for all Americans. I urge all of my colleagues to support this bill.

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. 460

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Education for All Act of 2011''.

SEC. 2. GAINFUL EMPLOYMENT.

Notwithstanding any other provision of law, the Secretary of Education may not use any Federal funds to—

(1) implement, administer, or enforce the final regulations on ''Program Integrity: Gainful Employment—New Programs'' published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66665 et seq.);

(2) issue a final rule or otherwise implement the proposed rule on ''Program Integrity: Gainful Employment'' published by the Department of Education on July 26, 2010 (75 Fed. Reg. 43616 et seq.);

(3) implement, administer, or enforce section 668.6 of title 34, Code of Federal Regulations, (relating to gainful employment), as amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed Reg. 66832 et seq.); or

(4) promulgate or enforce any new regulation or rule with respect to the definition or application of the term ''gainful employment'' under the Higher Education Act of 1965 on or after the date of enactment of this Act.

By Mr. KOHL (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. NELSON of Florida, Ms. MIKULSKI, and Mr. BROWN of Ohio):

S. 462. A bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators BLUMENTHAL, SHERROD BROWN, CASEY, GILLIBRAND, MIKULSKI and BILL NELSON to introduce the Elder Abuse Victims Act of 2011. This legislation creates in the Department of Justice an Office of Elder Justice, OEJ, that will protect America's seniors by strengthening law enforcement's response to elder abuse. The OEJ will provide leadership, training materials and other needed information to prosecutors, law enforcement, adult protective services and others, in order to build a robust infrastructure to effectively address elder abuse. Additionally, the bill will encourage states to set up multidisciplinary teams where information and resources are shared in order to better serve the victims of elder abuse.

The plight of vulnerable seniors is a subject of great concern. Elder abuse is often hidden from sight by the victims themselves. Even so, experts conservatively estimate that as many as two million Americans age 65 and older have been injured, exploited, or otherwise mistreated by someone on whom they depend for care or protection.

As Federal policymakers, it is time that we step forward and tackle this challenge with dedicated efforts and more vigorous programs that will make fighting elder abuse as important a priority as ongoing efforts to counter child abuse.

We need to provide assistance to our courts, which would benefit from having access to designated staff that has particular knowledge and expertise in elder abuse. Specialized protocols may be required where victims are unable to testify on their own behalf, due to cognitive impairments or poor physical health. And there is a great need for specialized knowledge that will support successful prosecutions and enhance the development of case law. Today, many state elder abuse statutes lack adequate provisions to encourage wide reporting of abuse and exploitation, more thorough investigations, and greater prosecution of abuse cases.

For the victims of elder abuse, many of whom are physically frail and very frightened, we must do much more. First and foremost, we must be more responsive. Not too long ago, it was difficult to even get an abuse case investigated. While that is starting to change, we have much more work to do. Sometimes, for example, emergency interventions may be needed, particularly if the older person is being harmed at the hands of family members or trusted ''friends.'' It may be necessary to remove the older adult from his or her home to a temporary safe haven. To do this, we must build a much more robust infrastructure.

This legislation, strongly supported by the Elder Justice Coalition, will go a long way toward improving the ability of law enforcement, prosecutors and other government agencies to respond to abuse of older Americans.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 462

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Elder Abuse Victims Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms ''abuse'', ''elder'', ''elder justice'', ''exploitation'', and ''neglect'' have the meanings given those terms in section 2011 of the Social Security Act (42 U.S.C. 1397j);

(2) the term ''elder abuse'' includes neglect and exploitation;

(3) the term ''Director'' means the Director of the Office appointed under section 3(b);

(4) the term ''Office'' means the Office of Elder Justice established under section 3(a);

(5) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory of possession of the United States; and

(6) the term ''task force'' means a multidisciplinary task force on elder justice established or designated under section 5(c)(1).

SEC. 3. OFFICE OF ELDER JUSTICE.

(a) IN GENERAL.—There is established within the Department of Justice a office to be known as the Office of Elder Justice, which shall address issues relating to elder abuse.

(b) DIRECTOR.—The Office shall be headed by a Director who shall—

(1) be appointed by the President, by and with the advice and consent of the Senate, from among individuals with experience and expertise in elder abuse; and

(2) serve as counsel to the Attorney General on elder justice and elder abuse.

(c) RESPONSIBILITIES.—The Director shall—

(1) create, compile, evaluate, and disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—

(A) investigating, prosecuting, pursuing, preventing, understanding, and mitigating the impact of—

(i) physical, sexual, and psychological abuse of elders;

(ii) exploitation of elders, including financial abuse and scams targeting elders; and

(iii) neglect of elders; and

(B) assessing, addressing, and mitigating the physical and psychological trauma to victims of elder abuse;

(2) collect data and perform an evidence-based evaluation to—

(A) assure the efficacy of measures and methods intended to prevent, detect, respond to, or redress elder abuse; and

(B) evaluate the number of victims of elder abuse in each State and the extent to which the needs of the victims are served by crime victim services, programs, and sources of funding;

(3) publish a report, on an annual basis, that describes the results of the evaluations conducted under paragraphs (1) and (2), and submit the report to each Federal agency, each State, and the Committee on the Judiciary and the Special Committee on Aging of the Senate and the Committee on the Judiciary of the House of Representatives;

(4) evaluate training models to determine best practices, create replication guides, create training materials, if necessary, for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(A) conduct investigations in elder abuse cases;

(B) address evidentiary issues and other legal issues; and

(C) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases, including in administrative, civil, and criminal judicial proceedings;

(5) conduct, and update on a regular basis, a study of laws and practices relating to elder abuse, neglect, and exploitation, including—

(A) a comprehensive description of State laws and practices;

(B) an analysis of the effectiveness of State laws and practices, including—

(i) whether the State laws are enforced; and

(ii) if enforced—

(I) how the State laws are enforced; and

(II) how enforcement of the State laws has effected elder abuse within the State;

(C) a review of State definitions of the terms ''abuse'', ''neglect'', and ''exploitation'' in the context of elder abuse cases;

(D) a review of State laws that mandate reporting of elder abuse, including adult protective services laws, laws that require the reporting of nursing home deaths or suspicious deaths of elders to coroners or medical examiners, and other pertinent reporting laws, that analyzes—

(i) the impact and efficacy of the State laws;

(ii) whether the State laws are enforced;

(iii) the levels of compliance with the State laws; and

(iv) the response to, and actions taken as a result of, reports made under the State laws;

(E) a review of State evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to elder abuse, neglect, and exploitation;

(F) a review of State fiduciary laws, including law relating to guardianship, conservatorship, and power of attorney;

(G) a review of State laws that permit or encourage employees of depository institutions (as defined in section 3(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(1)) and State credit unions (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)) to prevent and report suspected elder abuse, neglect, and exploitation;

(H) a review of State laws used in civil court proceedings to prevent and address elder abuse;

(I) a review of State laws relating to fraud and related activities in connection with mail, telemarketing, the Internet, or health care;

(J) a review of State laws that create programs, offices, entities, or other programs that address or respond to elder abuse; and

(K) an analysis of any other State laws relating to elder abuse; and

(6) carry out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, detection, and response to elder abuse.

SEC. 4. DATA COLLECTION.

The Attorney General, in consultation with the Secretary of Health and Human Services, shall, on an annual basis—

(1) collect from Federal, State, and local law enforcement agencies and prosecutor offices statistical data relating to the incidence of elder abuse, including data relating to—

(A) the number of elder abuse cases referred to law enforcement agencies, adult protective services, or any other State entity tasked with addressing elder abuse;

(B) the number and types of cases filed in Federal, State, and local courts; and

(C) the outcomes of the cases described in subparagraphs (A) and (B) and the reasons for such outcomes;

(2) identify common data points among Federal, State, and local law enforcement agencies and prosecutor offices that would allow for the collection of uniform national data;

(3) publish a summary of the data collected under paragraphs (1) and (2);

(4) identify—

(A) the types of data relevant to elder abuse that should be collected; and

(B) what entity is most capable of collecting the data described in subparagraph (A); and

(5) develop recommendations for collecting additional data relating to elder abuse.

SEC. 5. ELDER VICTIMS GRANT PROGRAM.

(a) IN GENERAL.—The Director may make grants and provide technical assistance to not more than 15 States to assist the States in developing, establishing, and operating programs designed to improve—

(1) the response to cases of elder abuse in a manner that limits additional trauma to the elder victims; and

(2) the investigation and prosecution of cases of elder abuse.

(b) ELIGIBILITY.—A State is eligible to receive a grant under this section if the State—

(1) has a crime victims compensation program that meets the criteria described in section 1403(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)); and

(2) is in compliance with subsection (c).

(c) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a State shall establish or, subject to paragraph (5), designate a multidisciplinary task force on elder justice that is composed of professionals with knowledge and experience relating to the criminal justice system and issues of elder abuse.

(2) MEMBERSHIP REQUIREMENT.—Except as provided in paragraph (6), a task force shall include—

(A) representatives from law enforcement agencies, such as police officers, sheriffs and deputy sheriffs, detectives, public safety officers, corrections officers, investigators and victims' service personnel;

(B) a representative from the crime victim compensation program of the State;

(C) judicial and legal officers, including individuals who work on cases of elder abuse;

(D) elder justice and elder law advocates, including local agencies on aging and local public and private agencies and entities relating to elder abuse and other crimes against elders;

(E) health and mental health professionals;

(F) representatives from social services agencies in the State;

(G) representatives from adult protective services; and

(H) family members of victims of elder abuse.

(3) REVIEW AND EVALUATION.—A task force shall—

(A) review and evaluate the investigative, administrative, and judicial responses to cases of elder abuse in the State;

(B) make recommendations to the State based on the review and evaluation conducted under subparagraph (A), including recommendations relating to—

(i) modifying the investigative, administrative, and judicial response to cases of elder abuse, in a manner that—

(I) reduces the additional trauma to the elder victim; and

(II) ensures procedural fairness to the individual accused of elder abuse; and

(ii) experimental, model, and demonstration programs for testing innovative approaches and techniques that may improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in elder abuse cases, and which ensure procedural fairness to the accused, including a determination of which programs are most effective; and

(C) submit the recommendations described in subparagraph (B) to the Office.

(4) REPORT.—Not later than 1 year after a State receives grant funds under this section, the State shall submit to the Director a report that includes—

(A) an evaluation of the effectiveness of the grant program;

(B) a list of all laws of the State relating to elder abuse; and

(C) any other information the Director may require.

(5) TASK FORCE ALTERNATIVE.—If determined appropriate by the Director, a State may designate a commission or task force established by a State before January 1, 2011, with membership and functions comparable to those described in paragraphs (2) and (3), as a task force for the purposes of this subsection.

(6) TASK FORCE MEMBERSHIP WAIVER.—The Director may waive, in part, the task force membership requirements under paragraph (2) for a State that demonstrates a need for the waiver.

(d) USE OF FUNDS.—Grant funds awarded under this section may be used to support—

(1) State and local prosecutor offices and courts in elder abuse matters, including—

(A) hiring or paying salary and benefits for employees and establishing or implementing units designated to work on elder justice issues in State prosecutors' offices and State courts; and

(B) hiring or paying salary and benefits for an employee to coordinate elder justice-related cases, training, technical assistance, and policy development for State and local prosecutors and courts;

(2) State and local law enforcement agencies investigating cases of elder abuse; and

(3) adult protective services.

(e) EVALUATION AND REPORT.—Not later than 1 year after the date on which the Director makes available the final funds awarded under a grant under this section, the Director shall—

(1) evaluate the grant program established under this section; and

(2) submit to the appropriate congressional committees a report on the evaluation conducted under paragraph (1), including recommendations on whether the grant program should be continued.

SEC. 6. ELDER JUSTICE COORDINATING COUNCIL.

Section 2021(b)(1)(B) of the Social Security Act (42 U.S.C. 1397k(b)(1)(B)) is amended by striking ''(or the Attorney General's designee)'' and inserting ''(or the Director of the Office of Elder Justice)''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $20,000,000 for each of fiscal years 2012 through 2014.

By Mr. KOHL (for himself, Mr. CASEY, Mr. BLUMENTHAL, and Mr. BROWN of Ohio):

S. 464. A bill to establish a grant program to enhance training and services to prevent abuse in later life; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators BLUMENTHAL, SHERROD BROWN, and CASEY to introduce the End Abuse in Later Life Act of 2011. This legislation improves the provisions in the existing Violence Against Women Act dealing with abuse in later life by enhancing direct services for victims and increasing the kinds of experts who participate in multidisciplinary training programs.

Abuse in later life is a sad and growing problem in our society. Experts conservatively estimate that 14.1 percent of older Americans have been injured, exploited, or otherwise mistreated by someone on whom they depend for care or protection each year. This type of abuse is especially disturbing because the victims are often physically frail, defenseless, and very frightened.

It is time that we take action on the Federal level to protect older Americans who fall victim to physical, financial, sexual and emotional abuse. We can do this by training law enforcement, prosecutors, governmental agencies, victim advocates, and relevant court officers to recognize and address instances of abuse in later life. This legislation also encourages cross-training of these groups and multidisciplinary collaborative community efforts in order to better serve victims.

By passing this legislation, we will ensure that abuse later in life is given the serious consideration it deserves and make great strides to protect one of the most vulnerable populations in America. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 464

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''End Abuse in Later Life Act of 2011''.

SEC. 2. ENHANCED TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

(a) IN GENERAL.—Subtitle H of the Violence Against Women Act of 1994 (42 U.S.C. 14041 et seq.) is amended to read as follows:

''Subtitle H—Enhanced Training and Services to End Abuse Later in Life

''SEC. 40801. ENHANCED TRAINING AND SERVICES TO END ABUSE IN LATER LIFE.

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

''(1) provide training, consultation, and information on abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

''(2) create or enhance direct services to victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

''(3) create or support coordinated community response to abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

''(b) DEFINITIONS.—In this section—

''(1) the term 'exploitation' has the meaning given the term in the section 2011 of the Social Security Act (42 U.S.C. 1397j);

''(2) the term 'later life', relating to an individual, means the individual is 50 years of age or older; and

''(3) the term 'neglect' means the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an individual in later life.

''(c) GRANT PROGRAM.—

''(1) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may make grants to eligible entities to carry out the activities described in paragraph (2).

''(2) MANDATORY AND PERMISSIBLE ACTIVITIES.—

''(A) MANDATORY ACTIVITIES.—An eligible entity receiving a grant under this section shall use the funds received under the grant to—

''(i) provide training programs to assist law enforcement agencies, prosecutors, agencies of States or units of local government, population-specific organizations, victims service providers, victim advocates, and relevant officers in Federal, Tribal, State, Territorial, and local courts in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

''(ii) provide or enhance services for victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect;

''(iii) establish or support multidisciplinary collaborative community responses to victims of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

''(iv) conduct cross-training for law enforcement agencies, prosecutors, agencies of States or units of local government, attorneys, health care providers, population-specific organizations, faith-based advocates, victims service providers, and courts to better serve victims of abuse in later life, domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect.

''(B) PERMISSIBLE ACTIVITIES.—An eligible entity receiving a grant under this section may use the funds received under the grant to—

''(i) provide training programs to assist attorneys, health care providers, faith-based leaders, or other community-based organizations in recognizing and addressing instances of abuse in later life, including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect; and

''(ii) conducting outreach activities and public awareness campaigns to ensure that victims of abuse in later life (including domestic violence, dating violence, sexual assault, stalking, exploitation, and neglect) receive appropriate assistance.

''(C) LIMITATION.—An eligible entity receiving a grant under this section may use not more than 10 percent of the total funds received under the grant for an activity described in subparagraph (B)(ii).

''(3) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if—

''(A) the entity is—

''(i) a State;

''(ii) a unit of local government;

''(iii) an Indian Tribal government or Tribal organization;

''(iv) a population-specific organization with demonstrated experience in assisting individuals over 50 years of age;

''(v) a victim service provider with demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking; or

''(vi) a State, Tribal, or Territorial domestic violence or sexual assault coalition; and

''(B) the entity demonstrates that the entity is a part of a multidisciplinary partnership that includes, at a minimum—

''(i) a law enforcement agency;

''(ii) a prosecutor's office;

''(iii) a victim service provider; and

''(iv) a nonprofit program or government agency with demonstrated experience in assisting individuals in later life.

''(4) UNDERSERVED POPULATIONS.—In making grants under this section, the Attorney General shall give priority to proposals providing population-specific services to racial and ethnic minorities and other underserved populations.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2012 through 2016.

''(B) REQUIREMENT.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended and may only be used for the activities described in this subsection.

''(C) ALLOCATION OF FUNDS.—

''(i) ADMINISTRATIVE COSTS.—Of the amount appropriated pursuant to subparagraph (A) in each fiscal year, the Attorney General may use not more than 2.5 percent for administration and monitoring of grants made under this subsection.

''(ii) EVALUATION.—Of the amount appropriated pursuant to subparagraph (A) in each fiscal year the Attorney General may use not more than 5 percent for contracts or cooperative agreements with entities with demonstrated expertise in program evaluation, to evaluate programs under this subsection.

''(d) RESEARCH.—

''(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, shall conduct research to promote understanding of, prevention of, and response to abuse in later life, including domestic violence, sexual abuse, dating violence, stalking, exploitation, and neglect.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) $3,000,000 for each of fiscal years 2012 through 2016.''.

(b) DEFINITION.—Section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)) is amended—

(1) by striking paragraph (9);

(2) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively; and

(3) by inserting before paragraph (2), as redesignated, the following:

''(1) ABUSE IN LATER LIFE.—The term 'abuse in later life' means any action against a person who is 50 years of age or older that constitutes the willful—

''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

''(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.''.

(c) TECHNICAL AND CONFORMING CORRECTION.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1796) is amended in the table of contents by inserting after the item relating to section 40703 the following:

''Subtitle H — Enhanced Training and Services to End Abuse Later in Life

''Sec. 40801. Enhance training and services to end abuse later in life.''.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 9—SUPPORTING THE GOALS AND IDEALS OF THE DESIGNATION OF THE YEAR OF 2011 AS THE INTERNATIONAL YEAR FOR PEOPLE OF AFRICAN DESCENT

Mr. CARDIN (for himself and Mr. WICKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON RES. 9

Whereas United Nations Resolution 64/169, adopted by the General Assembly on December 18, 2009, designates the year 2011 as the ''International Year for People of African Descent'';

Whereas the African Diaspora is expansive, spanning across the globe from Latin America and the Caribbean to Asia, with persons of African descent living on every continent, including Europe;

Whereas the historical bonds and shared experiences that tie the African continent with the world must be recalled;

Whereas the global contributions of people of African descent must be recognized as a means of preserving that heritage;

Whereas the General Assembly of the United Nations adopted Resolution 64/169 with a view to strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to—

(1) the full enjoyment of economic, cultural, social, civil, and political rights for people of African descent;

(2) the participation and integration of people of African descent in all political, economic, social, and cultural aspects of society; and

(3) the promotion of greater knowledge of, and respect for, the diverse heritage and culture of people of African descent; and

Whereas the Helsinki Final Act resulting from the Conference on Security and Cooperation in Europe in 1975 states that ''participating States will respect human rights and fundamental freedoms (. . .) for all without distinction as to race, sex, language, or religion;'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the designation of the year of 2011 as the International Year for People of African Descent;

(2) encourages the recognition and celebration of the collective history and achievements made by people of African descent;

(3) reaffirms the importance of inclusion and the full and equal participation of people of African descent around the world in all aspects of political, economic, social, and cultural life;

(4) continues to support bilateral and multilateral efforts to promote democracy, human rights, the rule of law, and the eradication of poverty, hunger, inequality, and social exclusion; and

(5) reaffirms the commitment of Congress to address racism, discrimination, and intolerance in the United States and around the globe.

Mr. CARDIN. Mr. President, I rise today at the close of Black History Month to introduce this concurrent resolution that supports the continued recognition of persons of African descent throughout the year both here and abroad. This resolution commemorates the United Nations designation of 2011 as the International Year for People of African Descent such that we can continue to honor and recognize the contributions of African-Americans and others to our societies beyond Black History Month.

On December 10, 2010, Secretary General Ban Ki-moon launched the International Year for People of African Descent to ''promote greater awareness of and respect for the diverse heritage and culture of people of African descent.''

We should view this year not only as an opportunity to celebrate the diversity of our societies, but also to honor the vast contributions persons of African descent make every day to the economic, social and political fabric of our communities—be they in Africa, Latin America, Europe, or right here at home in the United States.

It is also necessary that we recognize the global impact of the slave trade. As Secretary Hillary Clinton noted in her recognition of this year, ''[this is a time] to remember our hemisphere's shameful history of slavery and to reaffirm our commitment to eradicate racism and reduce inequality wherever it lingers.''

All too often, persons of African descent in this country and abroad face discrimination and disadvantage. We must not only do more at home, but also partner with others around the globe to address these problems.

In the Senate, I have led efforts to strengthen the civil rights of African-Americans and others from hate crimes prevention to voting rights. As Co-Chairman of the Helsinki Commission, I have worked to support the ideals enshrined in the 1975 Helsinki Final Act to ''respect human rights and fundamental freedoms . . . for all without distinction as to race, sex, language, or religion.''

This has included supporting efforts to raise awareness of the specific situation of the estimated seven to nine million persons of African descent in Europe following increased incidents of hate crimes, racial profiling, and other forms of discrimination amidst economic crisis, national security, and immigration concerns.

As we mark the International Year for People of African Descent, I ask that you join me in my work promoting equality, opportunity, understanding, and respect at home and around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 133. Mrs. FEINSTEIN (for herself, Mr. RISCH, Mr. REID of Nevada, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform.

SA 134. Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 135. Ms. COLLINS (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 23,

supra; which was ordered to lie on the table.

SA 136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 137. Ms. LANDRIEU (for herself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 117 proposed by Mr. BENNET (for himself and Mr. UDALL of Colorado) to the bill S. 23, supra; which was ordered to lie on the table.

SA 138. Mr. BROWN of Ohio (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 139. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

SA 140. Mrs. BOXER (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 23, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 133. Mrs. FEINSTEIN (for herself, Mr. RISCH, Mr. REID of Nevada, Mr. CRAPO, Mrs. BOXER, and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; as follows:

On page 2, line 1, strike ''**FIRST INVENTOR TO FILE.**'' and insert ''**FALSE MARKING.**''

On page 2, strike line 2 and all that follows through page 16, line 4.

On page 16, line 5, strike ''(1) IN GENERAL.—'' and insert ''(a) IN GENERAL.—'' and move 2 ems to the left.

On page 16, line 7, strike ''(A)'' and insert ''(1)'' and move 2 ems to the left.

On page 16, line 11, strike ''(B)'' and insert ''(2)'' and move 2 ems to the left.

On page 16, line 18, strike ''(2) EFFECTIVE DATE.—'' and insert ''(b) EFFECTIVE DATE.—'' and move 2 ems to the left.

On page 16, line 19, strike ''subsection'' and insert ''section''.

On page 16, strike line 22 and all that follows through page 23, line 2.

On page 23, strike line 3 and all that follows through page 31, line 15, and renumber sections accordingly.

On page 64, strike line 18 and all that follows through page 65, line 17.

On page 69, line 10, strike ''derivation'' and insert ''interference''.

On page 69, line 14, strike ''derivation'' and insert ''interference''.

On page 71, line 9, strike ''DERIVATION'' and insert ''INTERFERENCE''.

On page 71, lines 9 and 10, strike ''derivation'' and insert ''interference''.

On page 71, line 14, strike ''derivation'' and insert ''interference''.

On page 72, line 3, strike ''derivation'' and insert ''interference''.

On page 72, line 8, strike ''derivation'' and insert ''interference''.

On page 73, line 1, strike ''derivation'' and insert ''interference''.

On page 73, between lines 5 and 6, insert the following:

(d) CONFORMING AMENDMENTS.—Sections 41, 134, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking ''Board of Patent Appeals and Interferences'' each place that term appears and inserting ''Patent Trial and Appeal Board''.

On page 73, line 6, strike ''(d)'' and insert ''(e)''.

On page 93, strike lines 6 through 8, and insert the following: by inserting ''(other than the requirement to disclose the best mode)'' after ''section 112 of this title''

On page 98, strike lines 20 and 21, and insert the following:

SEC. 17. EFFECTIVE DATE.

Except as otherwise provided

On page 99, strike lines 1 through 14.

SA 134. Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

After section 17, insert the following:

SEC. 18. PROHIBITION OF AUTHORIZED GENERICS.

(a) PROHIBITION OF AUTHORIZED GENERICS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(w) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

''(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

''(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).''.

(b) CONFORMING AMENDMENT.—Section 505(t)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(t)(3)) is amended by striking ''In this section'' and inserting ''In this subsection''.

SA 135. Ms. COLLINS (for herself and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in division A of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2011, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,042,653,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,912,449,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $13,210,161,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,165,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve

training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,940,191,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $612,191,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,650,797,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,511,296,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,060,098,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $33,306,117,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $37,809,239,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,539,740,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $36,062,989,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,210,810,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,840,427,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,344,264,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $275,484,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,291,027,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,454,624,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the

Armed Forces, $14,068,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $464,581,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $502,653,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $316,546,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), $108,032,000, to remain available until September 30, 2012.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $522,512,000, to remain available until September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $217,561,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,254,791,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,570,108,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,461,086,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,847,066,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications

and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,145,665,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $16,170,868,000, to remain available for obligation until September 30, 2013.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,221,957,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $1,721,969,000.

Carrier Replacement Program (AP), $908,313,000.

NSSN, $3,430,343,000.

NSSN (AP), $1,691,236,000.

CVN Refueling, $1,248,999,000.

CVN Refuelings (AP), $408,037,000.

DDG–1000 Program, $77,512,000.

DDG–51 Destroyer, $2,868,454,000.

DDG–51 Destroyer (AP), $47,984,000.

Littoral Combat Ship, $1,168,984,000.

Littoral Combat Ship (AP), $190,351,000.

LHA–R, $942,837,000.

Joint High Speed Vessel, $180,703,000.

Oceanographic Ships, $88,561,000.

LCAC Service Life Extension Program, $83,035,000.

Service Craft, $13,770,000.

For outfitting, post delivery, conversions, and first destination transportation, $295,570,000.

In all: $15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,804,963,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,236,436,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,483,739,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C–17 aircraft, Global Hawk Unmanned Aerial Vehicle and F–22 aircraft may be obligated until all C–17, Global Hawk and F–22 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH–60 Operational Loss Replacement program to meet the approved HH–60 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,424,764,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $731,487,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,568,091,000, to remain available for obligation until September 30, 2013: *Provided,* That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,009,321,000, to remain available for obligation until September 30, 2013: *Provided,* That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $34,346,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $9,710,998,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $17,961,303,000 (reduced by $225,000,000), to remain available for obligation until September 30, 2012: *Provided,* That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further,* That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $26,742,405,000 (reduced by $225,000,000), to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, $3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,434,536,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,474,866,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $31,382,198,000; of which $29,671,764,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $1,175,513,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,467,307,000, of which $1,067,364,000 shall be for operation and maintenance, of which no less than $111,178,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $35,130,000 for activities on military installations and $76,048,000, to remain available until September 30, 2012, to assist State and local governments; $7,132,000 shall be for procurement, to remain available until September 30, 2013; and $392,811,000, to remain available until September 30, 2012, shall be for research, development, test and evaluation, of which $385,868,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to

this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $306,794,000, of which $305,794,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2013, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $292,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $649,732,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That, in the case of a host nation that does not provide salary increases on an annual basis, any increase granted by that nation shall be annualized for the purpose of applying the preceding proviso: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2011: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8008. The Secretaries of the Air Force and the Army are authorized, using funds available under the headings ''Operation and Maintenance, Air Force'' and ''Operation and Maintenance, Army'', to complete facility conversions and phased repair projects which may include upgrades and additions to Alaskan range infrastructure and training areas, and improved access to these ranges.

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract

and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

Navy MH–60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code,

shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8022. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8024. (a) Of the funds made available in this Act, not less than $30,374,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $27,048,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $2,424,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $902,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2011 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2011, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2012 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2011. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8030. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term ''Indian tribe'' means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–1).

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2012 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8038. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8039. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $86,300,000.

''Other Procurement, Army, 2009/2011'', $147,600,000.

''Aircraft Procurement, Navy, 2009/2011'', $26,100,000.

''Aircraft Procurement, Air Force, 2009/2011'', $116,900,000.

''Aircraft Procurement, Army, 2010/2012'', $14,000,000.

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $36,000,000.

''Missile Procurement, Army, 2010/2012'', $9,171,000.

''Aircraft Procurement, Navy, 2010/2012'', $184,847,000.

''Procurement of Ammunition, Navy and Marine Corps, 2010/2012'', $11,576,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2010/2014'': DDG–51 Destroyer, $22,000,000.

''Other Procurement, Navy, 2010/2012'', $9,042,000.

''Aircraft Procurement, Air Force, 2010/2012'', $151,300,000.

''Other Procurement, Air Force, 2010/2012'', $36,600,000.

''Research, Development, Test and Evaluation, Army, 2010/2011'', $53,500,000.

''Research, Development, Test and Evaluation, Air Force, 2010/2011'', $198,600,000.

''Research, Development, Test and Evaluation, Defense-Wide, 2010/2011'', $10,000,000.

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year

for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8055. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross

violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which $12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S.

Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8075. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 8077. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8078. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8079. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $24,000,000 to the Red Cross; $1,200,000 to the Special Olympics; and $20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8081. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8082. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8083. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8084. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8085. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8086. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8087. Of the funds provided in this Act, $7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8088. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8089. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8090. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8093. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E

Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

SEC. 8094. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8095. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8096. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8097. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8098. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8099. The amounts appropriated in title II of this Act are hereby reduced by $1,983,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: (1) From ''Operation and Maintenance, Army'', $700,000,000; and (2) From ''Operation and Maintenance, Defense-Wide'', $1,283,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8100. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8102. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8103. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8104. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 unless the contractor agrees not to—

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

(e) By March 1, 2011, or within 60 days after enactment of this Act, whichever is later, the Government Accountability Office shall submit a report to the Congress evaluating the effect that the requirements of this section have had on national security, including recommendations, if any, for changes to these requirements.

SEC. 8105. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.

SEC. 8106. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Office, and the designated

Intelligence Community functional lead element.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, $50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8110. (a) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Navy'', not less than $2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(b) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Air Force'', not less than $2,000,000 shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10 section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8112. In addition to amounts provided elsewhere in this Act, there is appropriated $300,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8113. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 124 Stat. 1871) is amended by striking ''1 year'' both places it appears and inserting ''2 years''.

SEC. 8114. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8115. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8116. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

(b) In addition to the amounts provided elsewhere in this Act, $20,000,000, is appropriated to the Department of Defense for ''Operation and Maintenance, Defense-Wide'' for energy security pilot projects under subsection (a).

SEC. 8117. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8118. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

(1) A description of the programming details necessary to obtain an appropriate mix of fixed wing and rotor wing firefighting assets needed to produce an effective aviation

resource base to support the wildland fire management program into the future. Such programming details shall include the acquisition and contracting needs of the mix of aviation resources fleet, including the acquisition of up to 24 C–130Js equipped with the Mobile Airborne Fire Fighting System II (in this section referred to as ''MAFFS''), to be acquired over several fiscal years starting in fiscal year 2012.

(2) The costs associated with acquisition and contracting of the aviation assets described in paragraph (1).

(3) A description of the costs of the operation, maintenance, and sustainment of a fixed and rotor wing aviation fleet, including a C–130J/MAFFS II in an Air National Guard tactical airlift unit construct of 4, 6, or 8 C–130Js per unit starting in fiscal year 2012, projected out through fiscal year 2020. Such description shall include the projected costs associated with each of the following through fiscal year 2020:

(A) Crew ratio based on 4, 6, or 8 C–130J Air National Guard unit construct and requirement for full-time equivalent crews.

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

(C) Yearly flying hour model and the cost for use of a fixed and rotor wing aviation fleet, including C–130J in its MAFFS capacity supporting the United States Forest Service.

(D) Yearly flying hour model and cost for use of a C–130J in its capacity supporting Air National Guard tactical airlift training.

(E) Any other costs required to conduct both the airlift and firefighting missions, including the Air National Guard unit construct for C–130Js.

(4) Proposed program management, utilization, and cost share arrangements for the aircraft described in paragraph (1) for primary support of the Forest Service and secondary support, on an as available basis, for the Department of Defense, together with any proposed statutory language needed to authorize and effectuate the same.

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $27,002,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $59,212,782,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation New Dawn and Operation Enduring Freedom.

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized

training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $497,849,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $417,983,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Afghanistan Infrastructure Fund''. For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this

paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,269,549,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $850,000,000, to remain available for obligation until September 30, 2013, of which $250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,422,092,000, of which $1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2011.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2011.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed $500,000,000 of the amount appropriated in this title under the heading ''Operation and Maintenance, Army'' may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program (CERP), for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent, small scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That projects (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed $20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander's Emergency Response Program in Iraq and Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with either the host nation, a non-Department of Defense agency of the United States Government or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9009. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates for the accounts referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9011. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, $3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

(b) The projects carried out under paragraph (a) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(c) The Secretary may use up to $150,000,000 of the funds available for overseas contingency operations in ''Operation and Maintenance, Army'' for additional activities to carry out projects under paragraph (a).

SEC. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

(b) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contractor employees in the United States Central Command, including—

(1) the number of employees of a contractor awarded a contract by the Department of Defense (including subcontractor employees) who are employed at the time of the report in the area of operations of the United States Central Command, including a list of the number of such employees in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(2) for each fiscal year quarter beginning on the date of the report and ending on September 30, 2012—

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

(B) an explanation of how the number of such employees listed under subparagraph (A) relates to the planned number of military personnel in such locations.

This division may be cited as the ''Department of Defense Appropriations Act, 2011''.

SA 136. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 21, between lines 2 and 3, insert the following:

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $200,000 to carry out this subsection.

SA 137. Ms. LANDRIEU (for herself and Mr. CARDIN) submitted an amendment intended to be proposed to amendment SA 117 proposed by Mr. BENNET (for himself and Mr. UDALL of Colorado) to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 2, between lines 19 and 20, insert the following:

(3) consider whether the potential locale for the satellite office is in a rural area (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); and

(4) consider whether the potential locale for the satellite office would provide service to an underserved portion of potential patent applicants, such as an area with a high concentration of minority-owned businesses, women-owned businesses, or small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)).

SA 138. Mr. BROWN of Ohio (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. 19. GAO STUDY ON JOB CREATION.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall examine the effects of patent rights on job creation and savings in the United States' manufacturing sector, including patents granted to inventions arising out of government-supported research.

SA 139. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 17, line 15, strike ''to all cases'' and all that follows through ''on or after'' on line 16, and insert the following: ''to cases commenced after''.

SA 140. Mrs. BOXER (for herself and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

On page 42, line 19, strike ''more than 6'' and all that follows through the period on line 22, and insert the following: ''either after the period for discovery to be completed in a patent infringement action has ended or after the date set for filing of summary judgement actions in a patent infringement action, whichever comes first.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

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 2, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 2, 2011, at 2:30 p.m. in SD–406.

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 2, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Preventing Health Care Fraud: New Tools and Approaches to Combat Old Challenges.''

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 2, 2011, at 9:30 a.m., to hold a hearing entitled, ''National Security & Foreign Policy Priorities in the FY 2012 International Affairs Budget.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Improving Employment Opportunities for People with Intellectual Disabilities'' on March 2, 2011, at 10 a.m.

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 2, 2011, at 10 a.m. to conduct a hearing entitled ''Eliminating the Bottlenecks: Streamlining the Nomination Process.''

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 2, 2011, at 10 a.m. in room SD–226 of the Dirksen Office Building, to conduct a hearing entitled ''Helping Law Enforcement Find Missing Children.''

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 2, 2011, at 2:45 p.m. in room SD–226 of the Dirksen Office Building, to conduct a hearing entitled ''Judicial Nominations.''

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

COMMITTEE ON VETERANS AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans Affairs be authorized to meet during the session of the Senate on March 2, 2011. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 10:30 a.m.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 2, 2011, at 2:30 p.m. to conduct a hearing entitled, ''Preventing Abuse of the Military's Tuition Assistance Program.''

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

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on March 2, 2011, from 2–5 p.m. in Dirksen 106.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 and all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, Navy, and Public Health Service; that the nominations be confirmed en bloc, and the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Eric E. Fiel

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Howard D. Stendahl

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be lieutenant general

Maj. Gen. Ellen M. Pawlikowski

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael J. Basla

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Dennis L. Via

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Mark P. Hertling

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Susan S. Lawrence

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. Bednarek

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Francis J. Wiercinski

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Renaldo Rivera

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William M. Buckler, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Mark J. MacCarley

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Arlen R. Royalty

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Rhett A. Hernandez

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Johnny M. Sellers

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Janson D. Boyles

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Vincent K. Brooks

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Juan G. Ayala
Brigadier General David H. Berger
Brigadier General William D. Beydler
Brigadier General Mark A. Brilakis
Brigadier General Mark A. Clark
Brigadier General Charles L. Hudson
Brigadier General Thomas M. Murray
Brigadier General Lawrence D. Nicholson
Brigadier General Andrew W. O'Donnell, Jr.
Brigadier General Robert R. Ruark
Brigadier General Glenn M. Walters

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN171 AIR FORCE nominations (3) beginning ERWIN RADER BENDER, JR., and ending CATHERINE A. HALLETT, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN172 AIR FORCE nominations (6) beginning DAVID M. CRAWFORD, and ending JAMES H. WALSH, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN173 AIR FORCE nominations (175) beginning RICHARD T. ALDRIDGE, and ending VICKY J. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN216 AIR FORCE nominations (3) beginning STEPHEN L. BUSE, and ending ANGELA P. PETTIS, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN217 AIR FORCE nominations (3) beginning THOMAS J. COLLINS, and ending LINDA A. STOKESCROWE, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN218 AIR FORCE nominations (4) beginning PHILLIP M. ARMSTRONG, and ending RICHARD E. SPEARMAN, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN219 AIR FORCE nominations (5) beginning LLOYD H. ANSETH, and ending KARL B. ROSS, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN220 AIR FORCE nominations (7) beginning KATHLEEN M. FLARITY, and ending JENNETTE L. ZMAEFF, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN221 AIR FORCE nominations (7) beginning MELINA T. DOAN, and ending FELIPE D. VILLENA, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN223 AIR FORCE nominations (12) beginning VILLA L. GUILLORY, and ending DANNY K. WONG, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN224 AIR FORCE nominations (14) beginning ALFRED P. BOWLES II, and ending HERMINIGILDO V. VALLE, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN225 AIR FORCE nominations (49) beginning BRIAN F. AGEE, and ending ANITA JO ANNE WINKLER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN226 AIR FORCE nominations (100) beginning EARL R. ALAMEIDA, JR., and ending DANIEL S. YENCHESKY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN242 AIR FORCE nominations (7) beginning STEVEN L. ARGIRIOU, and ending ADAM E. TOREM, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN243 AIR FORCE nominations (2) beginning RICHARD C. ALES, and ending DEREK C. UNDERHILL, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

IN THE ARMY

PN150 ARMY nominations (8) beginning MARC T. ARELLANO, and ending HOWARD E. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN151 ARMY nominations (6) beginning GREGREY C. BACON, and ending DONNIE J. QUINTANA, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN174 ARMY nomination of Sebastian A. Edwards, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN175 ARMY nomination of Gregory R. Ebner, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN176 ARMY nominations (10) beginning CURTIS O. BOHLMAN, JR., and ending ROBERT C. SMOTHERS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN227 ARMY nomination of Edward J. Benz III, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN228 ARMY nomination of Charles E. Lynde, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN229 ARMY nominations (4) beginning OZREN T. BUNTAK, and ending RUTH NELSON, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN230 ARMY nominations (3) beginning MARCIA A. BRIMM, and ending HEATHER V. SOUTHBY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN231 ARMY nominations (3) beginning DUSTIN C. FRAZIER, and ending JAN I. MABY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN232 ARMY nominations (8) beginning ROBERT L. BIERENGA, and ending JOHNNIE M. TOBY, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN233 ARMY nominations (12) beginning DON A. CAMPBELL, and ending KEVIN T. WILKINSON, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

IN THE FOREIGN SERVICE

PN159 FOREIGN SERVICE nominations (103) beginning Irene Arino de la Rubia, and ending Robert Joseph Faucher, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

IN THE MARINE CORPS

PN178 MARINE CORPS nomination of Timothy E. Lemaster, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN180 MARINE CORPS nominations (2) beginning DAX HAMMERS, and ending DAVID STEVENS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN181 MARINE CORPS nominations (2) beginning RICHARD MARTINEZ, and ending JAMES P. STOCKWELL, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN182 MARINE CORPS nominations (4) beginning WILLIAM FRAZIER, JR., and ending MICHAEL A. NOLAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN183 MARINE CORPS nominations (4) beginning DOUGLAS R. CUNNINGHAM, and ending DARREN R. JESTER, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN184 MARINE CORPS nominations (4) beginning JAMES E. HARDY, JR., and ending JAMES C. ROSE, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN185 MARINE CORPS nominations (5) beginning CONRAD G. ALSTON, and ending LEWIS E. SHEMERY, III, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN186 MARINE CORPS nominations (5) beginning DAVID M. ADAMS, and ending MICHAEL C. ROGERS, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN187 MARINE CORPS nominations (6) beginning STEFAN R. BROWNING, and ending STEVE R. TRASK, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN188 MARINE CORPS nominations (7) beginning JOEL T. CARPENTER, and ending RANDAL J. PARKAN, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN189 MARINE CORPS nomination of Roger N. Rudd, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN190 MARINE CORPS nomination of Lowell W. Schweickart, Jr., which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN191 MARINE CORPS nomination of Katrina Gaskill, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN193 MARINE CORPS nominations (2) beginning SEAN J. COLLINS, and ending JOHN L. MYRKA, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN195 MARINE CORPS nominations (3) beginning WILLIAM H. BARLOW, and ending DANNY R. MORALES, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN197 MARINE CORPS nomination of James H. Glass, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN206 MARINE CORPS nominations (3) beginning TIMOTHY M. CALLAHAN, and ending JAMES N. SHELSTAD, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN234 MARINE CORPS nominations (7) beginning ERNEST L. ACKISS, III, and ending THEODORE SILVESTER, III, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN235 MARINE CORPS nominations (74) beginning PHILIP Q. APPLEGATE, and ending JAMES D. WILMOTT, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

IN THE NAVY

PN153 NAVY nominations (2) beginning John G. Brown, and ending William A. Mix, which nominations were received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN198 NAVY nomination of Richelle L. Kay, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN201 NAVY nominations (2) beginning CHRIS W. CZAPLAK, and ending ANGELA J. TANG, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN202 NAVY nomination of Scott D. Scherer, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN203 NAVY nominations (2) beginning CARLOS E. MOREYRA, and ending WILLIAM N. BRASSWELL, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN204 NAVY nominations (30) beginning DAVID Q. BAUGHIER, and ending JOHN C. WIEDMANN, III, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN238 NAVY nomination of Jeffrey K. Hayhurst, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN239 NAVY nomination of Steven D. Elias, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN241 NAVY nominations (2) beginning Amy R. Gavril, and ending GRANT A. KIDD, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PUBLIC HEALTH SERVICE

PN162 PUBLIC HEALTH SERVICE nominations (232) beginning Eric P. Goosby, and ending Jeffrey L. Sumter, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senator as Chairman of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the 112th Congress: the Honorable AMY KLOBUCHAR of Minnesota.

ORDERS FOR THURSDAY, MARCH 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Thursday, March 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks there be a period of morning business until 11 a.m., 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; further, at 11 a.m., the Senate resume consideration of S. 23, the America Invents Act; finally, there be a period of morning business from 2 to 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the next hour.

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

PROGRAM

Mr. REID. Mr. President, Senators should expect rollcall votes in relation to amendments to the America Invents Act to occur throughout the day tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:45 p.m., adjourned until Thursday, March 3, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

RAILROAD RETIREMENT BOARD

WALTER A. BARROWS, OF VIRGINIA, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2014, VICE VIRGIL M. SPEAKMAN, JR., RESIGNED.

THE JUDICIARY

NANNETTE JOLIVETTE BROWN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE STANWOOD R. DUVAL, JR., RETIRED.

WILMA ANTOINETTE LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE JUDGE FOR THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF TEN YEARS, VICE RAYMOND L. FINCH, RETIRED.

NANCY TORRESEN, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE, VICE D. BROCK HORNBY, RETIRED.

DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KARIN J. IMMERGUT, TERM EXPIRED.

THOMAS GRAY WALKER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE GEORGE E. B. HOLDING.

FELICIA C. ADAMS, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE JAMES MING GREENLEE, TERM EXPIRED.

CLAYTON D. JOHNSON, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE TIMOTHY DEWAYNE WELCH, TERM EXPIRED.

ALFRED COOPER LOMAX, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE CHARLES M. SHEER, TERM EXPIRED.

CHARLES F. SALINA, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE PETER A. LAWRENCE, TERM EXPIRED.

STATE JUSTICE INSTITUTE

DAVID V. BREWER, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE FLORENCE K. MURRAY, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be ensign

BRIAN J. ADORNATO
SCOTT E. BROO
BART O. BUESSELER
MICHAEL E. DOIG
BRIAN E. ELLIOT
JUSTIN E. ELLIS
GILLIAN L. FAUSTINE
PHILIP J. O. KLAVON
DAMIAN C. MANDA
JESSE P. MILTON
GAYLORD C. NOBLITT IV
LINDSEY L. NORMAN
JENNIFER L. WEGENER
ERIC G. YOUNKIN

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, March 2, 2011:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ERIC E. FIEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. HOWARD D. STENDAHL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ELLEN M. PAWLIKOWSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. BASLA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MARK P. HERTLING

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. SUSAN S. LAWRENCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. BEDNAREK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANCIS J. WIERCINSKI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. RENALDO RIVERA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM M. BUCKLER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARK J. MACCARLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ARLEN R. ROYALTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RHETT A. HERNANDEZ

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOHNNY M. SELLERS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JANSON D. BOYLES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. VINCENT K. BROOKS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JUAN G. AYALA
BRIGADIER GENERAL DAVID H. BERGER
BRIGADIER GENERAL WILLIAM D. BEYDLER
BRIGADIER GENERAL MARK A. BRILAKIS
BRIGADIER GENERAL MARK A. CLARK
BRIGADIER GENERAL CHARLES L. HUDSON
BRIGADIER GENERAL THOMAS M. MURRAY
BRIGADIER GENERAL LAWRENCE D. NICHOLSON
BRIGADIER GENERAL ANDREW W. O'DONNELL, JR.
BRIGADIER GENERAL ROBERT R. RUARK
BRIGADIER GENERAL GLENN M. WALTERS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ERWIN RADER BENDER, JR. AND ENDING WITH CATHERINE A. HALLETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID M. CRAWFORD AND ENDING WITH JAMES H. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD T. ALDRIDGE AND ENDING WITH VICKY J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH STEPHEN L. BUSE AND ENDING WITH ANGELA P. PETTIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH THOMAS J. COLLINS AND ENDING WITH LINDA A. STOKESCROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH PHILLIP M. ARMSTRONG AND ENDING WITH RICHARD E. SPEARMAN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH LLOYD H. ANSETH AND ENDING WITH KARL B. ROSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH KATHLEEN M. FLARITY AND ENDING WITH JENNETTE L. ZMAEFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MELINA T. DOAN AND ENDING WITH FELIPE D. VILLENA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH VILLA L. GUILLORY AND ENDING WITH DANNY K. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH ALFRED P. BOWLES II AND ENDING WITH HERMINIGILDO V. VALLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN F. AGEE AND ENDING WITH ANITA JO ANNE WINKLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH EARL R. ALAMEIDA, JR. AND ENDING WITH DANIEL S. YENCHESKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN L. ARGIRIOU AND ENDING WITH ADAM E. TOREM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD C. ALES AND ENDING WITH DEREK C. UNDERHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MARC T. ARELLANO AND ENDING WITH HOWARD E. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2011.

ARMY NOMINATIONS BEGINNING WITH GREGREY C. BACON AND ENDING WITH DONNIE J. QUINTANA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2011.

ARMY NOMINATION OF SEBASTIAN A. EDWARDS, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF GREGORY R. EBNER, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CURTIS O. BOHLMAN, JR. AND ENDING WITH ROBERT C. SMOTHERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

ARMY NOMINATION OF EDWARD J. BENZ III, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF CHARLES E. LYNDE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH OZREN T. BUNTAK AND ENDING WITH RUTH NELSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH MARCIA A. BRIMM AND ENDING WITH HEATHER V. SOUTHBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH DUSTIN C. FRAZIER AND ENDING WITH JAN I. MABY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH ROBERT L. BIERENGA AND ENDING WITH JOHNNIE M. TOBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

ARMY NOMINATIONS BEGINNING WITH DON A. CAMPBELL AND ENDING WITH KEVIN T. WILKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF TIMOTHY E. LEMASTER, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH DAX HAMMERS AND ENDING WITH DAVID STEVENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH RICHARD MARTINEZ AND ENDING WITH JAMES P. STOCKWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM FRAZIER, JR. AND ENDING WITH MICHAEL A. NOLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH DOUGLAS R. CUNNINGHAM AND ENDING WITH DARREN R. JESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES E. HARDY, JR. AND ENDING WITH JAMES C. ROSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH CONRAD G. ALSTON AND ENDING WITH LEWIS E. SHEMERY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID M. ADAMS AND ENDING WITH MICHAEL C. ROGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH STEFAN R. BROWNING AND ENDING WITH STEVE R. TRASK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH JOEL T. CARPENTER AND ENDING WITH RANDAL J. PARKAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATION OF ROGER N. RUDD, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF LOWELL W. SCHWEICKART, JR., TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATION OF KATRINA GASKILL, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH SEAN J. COLLINS AND ENDING WITH JOHN L. MYRKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH WILLIAM H. BARLOW AND ENDING WITH DANNY R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATION OF JAMES H. GLASS, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH TIMOTHY M. CALLAHAN AND ENDING WITH JAMES N. SHELSTAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH ERNEST L. ACKISS III AND ENDING WITH THEODORE SILVESTER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011 .

MARINE CORPS NOMINATIONS BEGINNING WITH PHILIP Q. APPLEGATE AND ENDING WITH JAMES D. WILMOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH JOHN G. BROWN AND ENDING WITH WILLIAM A. MIX, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 26, 2011.

NAVY NOMINATION OF RICHELLE L. KAY, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH CHRIS W. CZAPLAK AND ENDING WITH ANGELA J. TANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NAVY NOMINATION OF SCOTT D. SCHERER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH CARLOS E. MOREYRA AND ENDING WITH WILLIAM N. BRASSWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NAVY NOMINATIONS BEGINNING WITH DAVID Q. BAUGHIER AND ENDING WITH JOHN C. WIEDMANN III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NAVY NOMINATION OF JEFFREY K. HAYHURST, TO BE CAPTAIN.

NAVY NOMINATION OF STEVEN D. ELIAS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH AMY R. GAVRIL AND ENDING WITH GRANT A. KIDD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH IRENE ARINO DE LA RUBIA AND ENDING WITH ROBERT JOSEPH FAUCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.