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No. 48

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Lord God Almighty, how great and wonderful are Your deeds.

Bless today the many people who help our Senators do their work. Lord, we thank You for the many members of their staffs who help them succeed. We thank You for our pages and the significant work they do. We are grateful for those who work without fanfare to keep the legislative process going. Keep these faithful servants of freedom from growing weary in their labors. Remind them that their harvest season will come. May they never forget that faithfulness is more important to You than success. Guide them with the light of Your truth until one day they will experience the joy of hearing You say, "Well done."

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. DURBIN. Madam President, following any leader remarks, there will be a period of morning business until 11 a.m., with the Republicans controlling the first half and the majority controlling the final half. Following morning business, the Senate will proceed to consideration of H.R. 4, 1099 repeal, with 1 hour of debate. Senators should expect two rollcall votes around noon on the Menendez amendment and passage of H.R. 4, as amended, if amended. We will recess following the votes until 2:15 p.m. for the weekly caucus meetings. We are working to reach an agreement on the small business bill and will notify Senators when additional votes are scheduled.

I am standing in for Majority Leader REID, who has been called to the White House for the meeting with the President and the leadership, the Speaker and the leadership of the House of Representatives. The object of this is obviously to avert a government shutdown.

I listened carefully to the prayer from the Chaplain this morning. I don't know if we will need divine inspiration or divine interjection into this matter, but whatever it will take, I hope people of good will can come to an agreement. We are close. I don't think it is good for us as a government or as a Nation to see a shutdown of basic services that

may cause inconvenience and hardship across America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Madam President, 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.

PAUL RYAN BUDGET PLAN

Mr. MCCONNELL. Madam President, today the chairman of the House Budget Committee, Congressman PAUL RYAN, is releasing a serious and detailed plan for getting our Nation's fiscal house in order. Congressman RYAN's plan would put us on a path to reducing the national debt, it would strengthen the social safety net so we can keep the promises made to the Nation's seniors, it proposes a way for Washington to start living within its means, and it will repeal last year's health care law which will raise health care costs, lead to fewer jobs, and which Americans have rejected. Congressman RYAN is presenting a plan, in other words, to address our most pressing problems head-on at a moment when the President and other Democratic leaders simply refuse to do so themselves. He is doing what his constituents have sent him here to do.

Anybody can say our Nation's problems need to be addressed, but history will show that Chairman RYAN is one of those who actually stepped up to do

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



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it. He should be applauded for that by people of good will on both sides. Unfortunately, we already know how many Democrats intend to respond to this plan. We have heard their spin already. In the absence of any solutions of their own to a looming entitlement fiasco and the testimony of countless experts on the fiscal perils we face, Democrats intend to use Congressman RYAN's plan against anyone who supports it—despite the facts. They will try to scare the public by claiming it says things that it does not. They will squander the golden opportunity we have right now to tackle the biggest problems we face in a bipartisan way, the way our predecessors did when the two parties shared power in Washington, all in the name of having an edge in the next election. Frankly, it is shameful.

Americans elect their President and Senators and Congressmen to lead. They don't expect us to agree on everything, but they expect us to work together when a problem becomes so pressing that cooperation across party lines is required. Now is such a moment. The debt is at crisis levels, posing a threat not just to businesses and families planning for the future but to our national security.

Since the President has taken office, nearly 3 million Americans have lost their jobs. As a result of the ongoing housing crisis, millions of homeowners are currently underwater on their mortgages. The only industry that seems to be growing is government, and the only city that seems to be isolated from problems most Americans face right now is Washington—all at taxpayers' expense.

The budget debate in which we have been engaged in the past several weeks is the direct result of the fact that Democrats in Congress failed to pass one of their own for the current fiscal year. Republicans had to step in and do it for them. Now, 6 months into the current fiscal year, the President and current Members of Congress still have yet to produce a plan of their own. House Republicans have produced multiple plans, including one they will offer today which funds our troops through the end of the year, keeps the government running, and gets us one step closer to the level of spending cuts that even the senior Senator from New York has described as reasonable. Unfortunately, Democrats would rather take potshots at these proposals from the side lines, hoping they become unpopular with the public so they can benefit politically. They have completely and totally abdicated their responsibility.

I would like to applaud Congressman RYAN not only for the energy and creativity and seriousness which he has brought to these issues but also for his courage in doing so at a time when Democrats in Washington would rather sit on their hands. By stepping forward, he has forced a much needed debate about the many crises of the moment.

It is my hope that our friends on the other side recognize this effort for what it is—a serious, good-will effort to do something good and necessary for the future of our Nation—and that for the good of the Nation, they will join this effort at some point before it is too late.

1099 PROVISION

Mr. MCCONNELL. Madam President, as I have traveled across Kentucky over the past year, I have heard from countless small business owners who told me how burdensome the so-called 1099 provision in the Democrats' health care bill would be to implement and how it could hamper their ability to create good private sector jobs. I hope they are tuning in to the Senate floor today so they can watch the vote on its repeal.

This has been a hard-fought effort, and all of the credit should go to the junior Senator from Nebraska, my good friend Senator MIKE JOHANNNS. He has led this fight on behalf of the countless entrepreneurs and small business owners across the country who raised the alarm on this issue.

This is a big win for small business. Importantly, it is also the first of what I hope are many successful repeal votes related to the disastrous health spending bill the Democrats passed last year. The more Americans learn about this bill, the less they like it. We hope we can respond to their concerns with many repeal votes like the one we are going to have this morning right here in Congress. Then we will replace it with the kind of commonsense reforms that will actually lower costs and encourage job creation.

Once again, I thank Senator JOHANNNS for his leadership and hard work on repealing this onerous provision. This is a classic example of a Senator who listened to his constituents, developed a solution, won the support of his colleagues, and doggedly pursued a course of action that led to today's vote. America's small businesses can thank Senator JOHANNNS for pushing this initiative across the finish line. I call on the President to sign it into law.

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 half and the majority controlling the final half.

The Senator from Louisiana.

(The remarks of Mr. VITTER pertaining to the introduction of S. 723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

COTE D'IVOIRE

Mr. INHOFE. Madam President, we hear a lot about the disaster and things that are taking place and the loss of lives in Libya as well as many other places, particularly in the last few months. But going seemingly unnoticed is probably just as great a disaster that is happening in Cote D'Ivoire right now as we speak.

I came to the floor yesterday, and I talked about the fact that elections took place in Cote D'Ivoire last November. The President, the incumbent President, Laurent Gbagbo, was challenged by Alassane Ouattara. They claim Ouattara won the election. Ouattara comes from the north, the Muslim area up there.

We found so much voter fraud that we identified, and we specifically talked about on the Senate floor, that I have asked Secretary Clinton, by letter twice, to intervene and demand a new election.

When I say "voter fraud," I entered this in the RECORD yesterday, so I will not do it again today. But this shows how they miscalculated all those votes in the north. In just one precinct, 100,000 votes—well, actually 94,873. Obviously, if we have 100,000 or so votes in that one precinct, it can happen that way.

But use logic. If all else fails, stop and think about this. How could it be possible that in the northern part of Cote D'Ivoire, when they had the election, what we would call the primary election, President Gbagbo got thousands, thousands of votes in each one of the precincts. Yet when the runoff came, he got zero. That is a statistical impossibility. I think for those of us—certainly, the United States thought the U.N. and perhaps France was accurate in their initial response to this thing that we were going to have to get something done.

Let me go ahead and finish what happened. I mentioned yesterday in the town of Duekoue, Ouattara's forces, along with the French, went in there, murdered about—we think something over 1,000 people. We get the reports from the Red Cross and from other sources.

But Ouattara has tried to deny his involvement in this slaughter. His forces took the town earlier, and this was the week after the Gbagbo forces had gone. I think we can just look at Guillaume Ngefa, who is the deputy head of the U.N. mission in Cote D'Ivoire.

He said Ouattara's forces had carried out the killings in Duekoue. "We have evidence. We have pictures. This was retaliation."

So we have all this evidence I mentioned yesterday which was part of it. I read yesterday from the Guardian, the British Guardian. The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue, which we now know is over 1,000 people. The International Committee of the Red Cross said at least 800 people. It goes on and on, which I made a part of the RECORD yesterday.

In addition to that, we have a statement that was made on the BBC yesterday. Keep in mind, they have, in Duekoue—they murdered all those people. They have mass graves. People are charred and burned. I am going to quote right now, so hold your stomach.

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if the dead are children. He nods and begins to sob quietly into his face mask.

So we know of this disaster that has taken place there, and we do nothing. We know about it. I just will say: America, wake up. The massacre could have been avoided if Ouattara had accepted the mediation effort from the African Union. President Gbagbo did accept, Ouattara did not. He rejected it, and I think we know why he rejected it—because he wants that power. He wants that job.

Anyway, where we are now—and I am going to try to get this all in—the United States should call for a ceasefire and for a new election. I have also been told, within the last day, that the U.N. helicopters, U.S. peace-keeping helicopters are firing upon Gbagbo's military camp.

Lastly, I have sent a letter to the Foreign Relations Committee Chairman JOHN KERRY. Let me applaud JOHN KERRY. He has agreed to hold a hearing to look at this. I cannot tell you how much I appreciate it because it takes courage to stand up against the United Nations and France and our State Department and admit that we have to look into this. So that is exactly what we are going to do.

But that was yesterday on the floor. What has happened? What happened last night? Last night, the job was finished. They went in, and they massacred I do not know how many people.

President Gbagbo had young children who were surrounding his palace and his residence. They are willing to sacrifice their lives to save their country from the French influence they are getting with Ouattara.

They were armed with baseball bats and 2 by 4s. I do not know, there are hundreds of them out there. Last night, Sarkozy had gone to Secretary General Moon and said: Use my forces to end this, and they did. We know what happened last night.

Maybe you do not know what happened last night. They went in with helicopters and with rockets, and they destroyed most of a major city,

Abidjan, the capital of Cote D'Ivoire. We have evidence. I hope people will take advantage of this, particularly those people—I know there are a lot of people out there who are opposed to any intervention we have. They do not truly care about Sub-Saharan Africa. No one cares about Sub-Saharan Africa.

I have stood on this floor time and time again, back when we were sending troops into Bosnia, and the excuse was ethnic cleansing. I said: For every 1 day in any town in any country in Sub-Saharan Africa, there are more people ethnically cleansed than in any day in Bosnia.

But nobody seemed to care. So we have hundreds of kids around there, and last night they were mowed down. If anyone questions this, you can access on my Internet, inhofe.senate.gov, and get the YouTube that shows graphically what they are doing. I do not know how many hundreds, how many thousands of people were brutally murdered last night by the French, supporting Ouattara. It is something we need to get involved in.

When I look at President Obiang, who is from Equatorial Guinea, he is the chairman of the African Union. He says he condemned the foreign intervention in the Ivory Coast. We stand by idly, and we don't do anything about it.

I renew my request to Secretary Clinton and to the State Department and to others who care about the loss of innocent life in sub-Saharan Africa, specifically in Abidjan and Cote d'Ivoire, to come forward and help us find justice. I hope President Gbagbo and his wife Simone are not dead today. They might be dying as we speak. They are raiding their residence, raiding the palace. It is a brutal mess. I don't think I have ever seen in the years I have been here, particularly coming from France, supported by Sarkozy, the raid on innocent lives in sub-Saharan Africa.

If no one else comes in, I will talk longer. I ask unanimous consent to speak until someone comes in to speak.

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

Mr. INHOFE. Madam President, I guess you might wonder why I am concerned. I have had an interest in sub-Saharan Africa for quite some time. After 9/11, finally the United States decided they would do something of concern in sub-Saharan Africa. So what we have had since that time is an interest in helping them to build African brigades, as the terrorists come down through the Horn of Africa and Djibouti and into the continent. We need to help the Africans build brigades so they can resist, not doing it for them, not doing it in place of the Africans, but to help them so they can defend themselves. That is exactly what we have been doing.

I have been honored to be the point man on the Armed Services Committee

to go over and work with these guys. These countries in Africa are our friends. They participate in programs such as the IMET program that allows us to train their officers in the United States, such as the Train and Equip Program that allows us to work with them and train these individuals. When we see an atrocity such as this take place, when we visualize the young kids out there being brutally murdered, we should do something about it.

I praise someone who philosophically I have not agreed with most of the time, Senator JOHN KERRY, Chairman of the Foreign Relations Committee. I am on his committee as well as Armed Services. He is sympathetic to what is going on and has agreed to having a hearing. There is a man named Meltheodore. He was the mayor, when I first met him, mayor of Abidjan in Cote d'Ivoire. He is currently a member of Parliament in Cote d'Ivoire. He is the head of an opposing political party to President Gbagbo. He was a candidate against President Gbagbo when he ran successfully for President. Here is a guy who would have every reason to be opposed to President Gbagbo. Yet he is willing to testify before Senator KERRY's committee that not only did they rig the election, but he showed the documentation on rigging the election, and we should be in a position where we could strongly recommend another election.

I have nothing against Alassane Ouattara except I do know that he has been an enemy of the Gbagbos since long before 2002, when he was opposed to him. This is, I guess, the final kill. But at what expense is this coming? It is coming at a high expense in terms of a number we can't quantify today. If colleagues don't believe it, look it up. They can get the YouTube site. They can watch what happened last night. They can get that off of my Web site, inhofe.senate.gov.

I see my friend Senator MANCHIN from West Virginia. Before yielding the floor, I wish to applaud him for his being courageous and standing up for doing something about the EPA taking over the regulation of greenhouse gases that would put coal and oil and gas out of our reach. I applaud Senator MANCHIN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. MANCHIN. I thank my good friend for his hard work. We are working in a bipartisan manner.

WEST VIRGINIA COAL MINERS

Mr. MANCHIN. Madam President, I rise to mark the tragic occasion of the worst U.S. mining disaster in 40 years. A year ago today, 29 brave and patriotic men went underground to mine the coal that powers our great Nation. They didn't come back. Our entire Nation grieved with their families for their tremendous loss. I rise to honor

their courage, sacrifice, and the extraordinary strength of their families.

I want to say a few words about the proud men and women today who go underground and go unrecognized and make sure that our great Nation can keep the lights on. When some people see a coal miner walk out from underground, they see someone who is tired, wearing dust-covered overalls, steel boots, carrying a hard hat and a dinner bucket, and they make a few flawed assumptions about the amount of education they may or may not have or that they had nowhere else to turn, that was the only job available. I wish everyone to know that those assumptions are dead wrong.

West Virginia coal miners are the backbone of this country, providing the power for the lights in this Chamber, the steel and the machinery that built our country, the greatest industrial power in the world, the military that keeps us safe and free, and the energy for homes and businesses all over the country. West Virginia miners understand geology, mathematics and physics, the way a seam runs through the Earth and how to safely extract its bounty to make our country stronger. Above all, West Virginia miners are the salt of the Earth—patriotic, God-fearing, family loving and family oriented, and proud of their hard work. In our State we have always done the heavy lifting. We are very proud of what we have contributed to this country time and again—in times of war, times of peace, in times of prosperity, and in times of need. At a time when our Nation's attention and misplaced pity will again focus on coal miners because of the first anniversary of the worst mining disaster in the last 40 years, we West Virginians want the world to know we are proud of our coal mining heritage and our future.

As West Virginia's former Governor, now U.S. Senator, I want to tell Americans not only about our sacrifice but also our dedication to our shared future. The miners of West Virginia and their families are the heart and soul of West Virginia and an inspiration for me and my family. We should all draw strength from the courage they have shown us.

Allow me to turn to the terrible day a year ago. In remembering the Upper Big Branch disaster, my thoughts turn first to the families of the 29 miners who went to work that day on April 5, 2010, and didn't come home. In the days following the violent explosion, which remains under investigation today, I spent all day and every day for 5 days waiting to find out with the families if their loved ones were alive or dead. Those families and I stayed together at midnight and dawn, through moments of hope and despair, on pins and needles in the early days and in shared grief when the full scope of the devastation hit us as the rescuers didn't find any more survivors. We prayed together before and after each briefing. We recited the Pledge of Allegiance.

We held each other and cried together. Restaurant owners donated food. Our own WVU coach Bob Huggins visited. And one young man, Nick Helms, whom I remember so well, whose father was killed in the Sago mining disaster in 2006, came down personally and offered his moral support from his firsthand experiences.

In those days the unbreakable bonds of family became clear. One family alone lost three good men. I first told Charles and Linda Davis, the parents of Timmy and the grandparents of Cory and Josh. I told Tommy—and Tommy was another brother who had worked in the mine and just came off the shift. Tommy was the father of Cory. I also told Patty—large families—and Patty is the daughter of Linda and Charles, and she was Josh's mother. So in the mine we had Timmy, the uncle, and we had Josh and Cory. All three men had been found, but they perished. The first question I got from Tommy after I told his parents was: Were they all together?

I said: Yes, they were.

Tommy replied: I knew my brother Timmy would be taking care of the boys.

That was not my State's first mining disaster or mine. When I was a young man, my only family went through the tragedy of the Farmington No. 9 explosion in 1968. Seventy-eight miners were killed that day. It left a searing impression on me. Of course, we didn't know right away how bad it would get. Everyone camped out at the company store. We were all waiting for any word before the authorities finally came and told us all that the decision had been made to seal the mine which essentially meant entombing all of them. In that disaster I lost my uncle, my next-door neighbor, some of my high school classmates. One of my strongest lessons that has stayed with me to this day is that waiting families should be systematically updated on the progress of the rescue operation. I know firsthand that a minute seems like an hour, an hour seems like a day, and a day seems like eternity. With consistent updates, waiting becomes a little more bearable.

During my term as Governor, in the three tragedies we went through—Sago and Aracoma in 2006, and last year at Upper Big Branch—we briefed the families every 2 hours. It was a cycle. We received a briefing from our authorities, then we briefed the families, then we told the media. It was a cycle we continued until the fate of all miners was known.

We have learned a lot in West Virginia. After disasters at Sago and Aracoma, we enacted more safety measures in my term as Governor than in the 30 years before. We have become a leader in safety, and what we are implementing is being used across all types of mining, all over the country and around the world. The bottom line is that in our State, we won't tolerate intimidation from any person or com-

pany that puts profits ahead of safety. I truly believe that the single most important element in any mining operation is the men and women who work there every day. Under my watch, we empowered those individual miners and their families to take more ownership and control over their own safety without fear of retribution, with a 24-hour anonymous hotline to report unsafe conditions. Since May of last year we have had 86 calls. We responded.

At the end of the day, though, the families, the people of West Virginia and all Americans need to know how this tragedy happened and what we must do to prevent anything this terrible from ever happening again. We are still waiting for the results of the Federal and State investigations as well as an independent report from my special appointed investigator J. Davitt McAteer, a West Virginia native and assistant secretary for the Mine Safety and Health Administration under President Bill Clinton. We will look at the results of their investigation to determine what happened, make certain it doesn't happen again, and determine whether anyone, through intimidation or otherwise, put profits ahead of safety and that the people responsible are held accountable.

In the meantime I am cosponsoring a piece of legislation with Senator JAY ROCKEFELLER, the Robert C. Byrd Mine and Workplace Safety and Health Act of 2011. It is designed to improve compliance with existing mine and occupational safety and health laws, empowering workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish the rights of the families of victims of workplace accidents. Last week I spoke again to Tommy Davis, the man who lost his brother, his nephew, and his son at the Upper Big Branch mine. When I asked him what he was doing these days, Tommy gave me a simple answer: JOE, I am back in the mines. Tommy is proud to be a miner. And while he and all of us have much to mourn today, we also have the chance to honor the memories of the 29 dedicated men who died a year ago and their colleagues who continue their work with respect and dignity.

Finally, Gayle and I and all West Virginians pray for continued strength and courage for the families who lost loved ones on this sad day a year ago. May God bless each one of them. May God bless the great State of West Virginia, and may God continue to bless the United States of America.

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

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

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. 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.

COMPREHENSIVE 1099 TAXPAYER
PROTECTION AND REPAYMENT
OF EXCHANGE SUBSIDY OVER-
PAYMENTS ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

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

AMENDMENT NO. 284

Mr. MENENDEZ. Madam President, I rise to call up amendment No. 284, co-sponsored by Senators KERRY and ROCKEFELLER, which is at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself, Mr. KERRY, and Mr. ROCKEFELLER, proposes an amendment numbered 284.

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

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

The amendment is as follows:

(Purpose: To protect small businesses from health insurance premium increases or losses of health insurance coverage)

On page 4, after line 3, insert the following:

(C) STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Affordable Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insurance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) EFFECT OF INCREASES.—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then, notwithstanding subsection (b), the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes of debate equal-

ly divided and controlled between the two leaders or their designees.

The Senator from New Jersey. Mr. MENENDEZ. Thank you, Madam President. I understand Senator BAUCUS is on his way from a meeting, and in the interim I will start off and recognize myself.

I offer this amendment on behalf of middle-class families and on behalf of small businesses. I support repealing the 1099 reporting requirement and have, in fact, voted no less than six times on this floor to repeal 1099 in this body. However, I strongly believe we must do so in a manner that does not increase the burden on our small businesses and their employees, and that is exactly what I fear H.R. 4 does.

The broad bipartisan support for 1099 repeal comes from the fact that it provides relief to small businesses, but the only problem with this version of the repeal is that while it provides relief on the one hand, it may very well take it away with the other. It repeals the 1099 reporting requirements but, at the same time, I am concerned it increases the health care burden on the very same people to whom we are seeking to provide relief.

Some have argued we have already used this very same offset before. We have. Therefore, there is no reason to be concerned now.

The difference is, however, H.R. 4 is very different than what we did 4 months ago, and it risks driving up health insurance costs and cutting health insurance coverage for small businesses and middle-class families. It increases tax penalties—tax penalties. As we approach April 15, I know we are all very tax sensitive. It increases tax penalties on middle-class families, leaving some with a potential tax burden of \$10,000 or more.

How would most middle-class families deal with a tax bill of \$10,000 or more just because their income may have increased \$1 above the eligibility limit during the year for which they got a subsidy?

Some have also argued my amendment will block implementation of the 1099 repeal. That is just factually incorrect. It is an outright misstatement of the facts. My amendment simply directs the Secretary of Health and Human Services after—emphasize “after”—the 1099 repeal passes into law to study the offset in H.R. 4 and determine its effect on small businesses. If the study finds the offset increases health care costs or decreases coverage for small businesses, then current law on the repayment remains in effect. If the study says, no, it didn’t do any of those things, then there is no harm.

Let me be clear. We all want 1099 repeal. My amendment does not in any way affect the repeal of 1099. My colleagues can vote for this amendment and for H.R. 4 because this would repeal 1099. The only potential change my amendment makes would be to the risky offset in the underlying amendment, and only if the study finds that

it hurts small businesses after the repeal has taken place.

My colleagues on the other side of the aisle are trying to frame this debate as either for or against small business, but they are, in my mind, both helping and harming them at the same time under H.R. 4. With this amendment, we can have not only the ability to help small businesses and repeal the 1099 provision, but we can also ensure that small businesses and their employees will not get hurt at the end of the day.

For those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses and their employees, there is no harm in voting for it because you are saying the study will not show an impact and the offset will remain in place.

However, if you believe my amendment would have a revenue score, you are assuming that the offset hurts small businesses and their employees. Either option would argue for supporting my amendment. Either it has no impact, in which case there should be no problem supporting it, or it provides protections for small businesses and their workers, in which case you should want to support it.

I realize what I am concerned about is the harmful effect of this offset provision won’t hit small businesses until 2015, and I know the voices for 1099 repeal are much louder than those against the payback tax. But I also know this is an issue that we will hear about when our constituents get those tax bills at that time, when this provision goes into effect and taxpayers get that first big \$10,000, or more, surprise on their tax bill.

Do you want to be on the record as having given them the tax bill or do you want to be on the record as trying to have saved them from it and saved rising costs for small businesses in their health insurance? I think you want to be on the side of this amendment and having saved them from it.

In closing, I ask, why in the world—especially during these fragile economic times—would we want to do anything that could raise the costs on small businesses? That is why my amendment is supported by entities such as the Main Street Alliance, a probusiness organization; Families USA; the American Cancer Society; Cancer Action Network; Health Care for America Now, to mention a few.

With my amendment, we can protect those who earn a living making our Nation’s small businesses run and repeal 1099 without delay. To me, that is the ultimate show of support for small business.

Madam President, I urge support of my amendment. I reserve the remainder of my time.

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

Mr. HATCH. Madam President, I am going to defer my remarks until after

the Senator from Nebraska speaks. I want to defer to this wonderful Senator because he has done more than any other person in trying to repeal this awful tax provision, this 1099 tax increase provision, and he deserves the credit. I want him to lead off in our debate. Then I will probably speak after that. I yield for the Senator from Nebraska.

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

Mr. JOHANNIS. Madam President, I wish to start today by thanking the distinguished Senator from Utah for his courtesy. I appreciate it immensely. It has been a bit of a long and tortured process to get here today. I appreciate the opportunity to speak first.

All of us work across our States. In communities such as Kearney and Scottsbluff, NE—and I walk those streets often, whether it is in a parade or calling on people—I am struck by the number of small businesses that fill the storefronts.

These businesses are the heart and soul of the community. They contribute to the Little League, they give high school students their first jobs, and they ask “how are the kids doing?” when you stop in to see them. They symbolize what it truly means to be a community. They also symbolize the single most powerful job creating force in our Nation.

Sixty-four percent of the new jobs in our Nation are created by small businesses as they expand and grow. So when their livelihood is threatened by an ill-advised policy, we all in the Senate agree that something must be done.

Shortly after the health care bill was passed, I, like my colleagues, began hearing from small business owners who were very concerned about a provision that was put into the health care bill on page 737. As the number of concerned job creators continued to mount, I knew, and others in the Senate knew, we had to do something about it.

Passing 1099 repeal exemplifies why I came to the Senate—taking an issue that is important to our State and our country and literally building support in this body to do the right thing.

I won't deny there have been some frustrations along the way. I certainly didn't expect to have to present the legislation seven times to get to the finish line. But it has been well worth the effort. I could not be more pleased by the bipartisan support that has built this effort.

Today presents an opportunity for Members of both parties to unite behind doing the right thing for our job creators.

If we pass H.R. 4 and send it on to the President's desk today, it won't be a victory for Republicans or Democrats. I certainly won't report it that way. It is not going to be a victory for a single Senator. It will be a victory for millions of small business owners who

have been begging us to do something about this provision for a long time now, and it will be a victory for common sense.

That is why today is such an important day in the Senate. In a few short minutes, we will have an opportunity to put to an end the looming 1099 paperwork mandate once and for all. Small businesses in my State and all across the country are depending upon us today to act.

One real-life example came from a Nebraska company called Hayneedle. It is an online retailer of home furnishings and other home products. With the new 1099 requirement, Hayneedle estimates that the annual cost of compliance is literally going to exceed \$100,000 for them—\$100,000. That would go a long way to hiring more people.

Adding insult to injury, the 1099 reporting requirement creates a perverse incentive to consolidate suppliers. Fewer suppliers means less 1099 paperwork. This leaves Main Street small suppliers—those businesses I was talking about—out in the cold as big suppliers win more and more business.

Dale Black, a Kentucky Fried Chicken franchise owner from Grand Island, told me:

... want to be a good corporate citizen in the communities I have restaurants, but the 1099 forces me not to hire local vendors and tradesmen in my community, instead giving work to a single regional contractor.

With 40 million businesses, non-profits, churches, and local governments bracing for the 1099 avalanche of paperwork, every Senator could come to the floor today and tell similar stories.

With all these Main Street businesses and their workers hanging in the balance, there is just one clear choice for our businesses: We must advance the House-passed version and, in all due respect to my colleague from New Jersey, reject the Menendez alternative, the Menendez amendment.

You see, only the House-passed version will quickly reach the President's desk and provide immediate relief to our job creators. Adding anything on, passing anything else will cause our job creators to wait on the sidelines yet again, because then, of course, we will have different versions—the House version and the Senate version—and I fear we will go off into never-never land. But you see, time has run out on our job creators.

When this debate began, the mandate seemed a long way away. It was out there on the horizon. We had a long time to work through these issues. But now 8 months has passed. We voted over and over again, and we never could quite get to the finish line.

It is decision time for businesses. They are feeling the pressure to set up the accounting systems they will need to comply with this tangled mess of tax forms that even the IRS doesn't support.

This mandate forces many to set aside money for software that could in-

stead be spent on those new workers, and that is why it is so important that the Senate pass the House bill today.

Put simply, a vote for the House bill is a vote to actually solve the problem. Again, in all due respect to my colleague from New Jersey, the amendment tells our small businesses that they will have to wait longer. Our path actually gives our job creators some certainty they need to grow their businesses. But the other path, as I said, is a guaranteed sidetrack back into never-never land.

While one approach tells small businesses we are with them, the other says we are going to continue to work through this and wrangle back and forth, instead of enacting a bipartisan solution today.

The House of Representatives has already led by example. It is important to recognize that. They passed their 1099 repeal on March 3—more than a month ago—and it got great bipartisan support—314 to 112, and 76 Democrats voted for that repeal.

Not only does this legislation pay for the repeal of the 1099 mandate, it actually reduces the deficit by \$166 million over the next 10 years.

It requires repayment of improper health exchange subsidies—a concept the Senate passed unanimously in December to pay for the doc fix legislation.

If we fail to pass the House version today, well, the job creators are being told that they have to divert more of their resources to managing unnecessary paperwork.

Let's not vote for another alternative that is going to stall this out again. Let's cast a vote today that sends a clear message. Let's defeat the pending Menendez amendment, and then let's pass the bill so we can get it to the President and get it signed. I am hoping this gets strong bipartisan support. I want to say again that the victory today is not for either party or for a single Senator; it is for the job creators who are depending upon our action today.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Montana.

Mr. BAUCUS. Mr. President, my colleague from New Jersey proposed what I think is a very reasonable amendment to the revenue provision of the repeal of this 1099 provision. I plan to support that. It is a good amendment.

One of the key provisions in the Affordable Care Act is the tax credit that will be available to millions of low- and middle-income Americans to purchase health insurance if their employer doesn't make coverage available. That is a credit. It goes to middle- and low-income Americans. The provision that will pay for 1099 repeal will increase the amount that many Americans will have to pay at the end of the year if they receive a credit to purchase their health insurance and their income ends up being higher than the income on which their credit was based.

I share Senator MENENDEZ's concern that this will cause an undue burden.

This could increase premiums that people pay under health insurance, or reduce the benefits of their health insurance coverage, especially in the small business community, and he believes his amendment would reverse the provision—and it does in fact do that—if the HHS Secretary determines it will increase premiums or if it will reduce coverage, that is on health insurance coverage for small businesses.

The 1099 repeal is all about small businesses. That is primarily why we are going to repeal 1099. We don't want to turn around and hurt small businesses in the same bill. There is a real possibility that that would happen with a straight repeal, without the Menendez perfecting amendment.

I urge my colleagues to join me in supporting the Menendez amendment. In effect, that amendment would repeal 1099, which virtually every Member of the body wants to do, but also will make sure the consequences do not hurt small businesses, which will otherwise find their premiums increased or their coverage diminished.

Senator MENENDEZ very wisely anticipates that potential problem with his amendment by essentially providing that the increase would not occur as a premium—that is, the 1099 repeal would not occur if the HHS Secretary determines that it will increase premiums or also reduce coverage for small businesses. I urge my colleagues to support the Menendez amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, today we will vote on the Menendez amendment and then on Senator JOHANN'S amendment to repeal the 1099 tax increase provisions of the health spending law and the small business law. As you know, the health spending law was enacted a little over a year ago, and we are already here trying to undo some of the damage that this massive law has imposed on small businesses. We have heard from small business owner after small business owner who was shocked and frustrated to learn the 1099 provision in the health spending law would require small businesses to send out a much larger number of IRS Form 1099s.

This provision was a counterproductive assault on businesses, and it was unleashed for one reason: to provide the dollars to pay for ObamaCare's \$2.6 trillion in new spending; in other words, to try and back up that spending.

Just to be clear, this is what this provision requires: Starting on January 1, 2012, if a business pays at least \$600 in total in 1 year to a single payee, that business must send an IRS Form 1099 to the IRS as well as to that payee. Since businesses frequently pay at least \$600 in 1 year to all kinds of different payees, this means the health spending law has created an enormous paperwork burden on our businesses, including many small businesses. This is exactly the kind of burden small businesses do not need to face at this

time, when we are still facing unemployment at 8.8 percent, and small businesses create 70 percent of new jobs in this country.

The National Federation of Independent Business, whose membership is made up of small businesses, hit the nail on the head in its April 4, 2011, letter about this provision. This is what they had to say:

We are writing to urge you to support H.R. 4, the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, and to oppose the Menendez amendment. Passing H.R. 4 without any amendments is the best way to finally repeal the expanded Form 1099 requirements included in the Patient Protection and Affordable Care Act. Tax paperwork and compliance are already major expenses for small businesses, and the new reporting requirements included in PPACA will substantially increase these costs.

The new paperwork mandate will require businesses to track and report to the IRS most business-to-business transactions above \$600 in a calendar year. For many businesses this could amount to hundreds of new reportable transactions, which involves sending a 1099 to both the IRS and the reportable business.

That is a pretty strong statement, and the message is clear. This provision will impose considerable hardship on American businesses. The result of this provision will be much more paperwork and much less job creation. I spoke this morning to the Tax Executives Institute, which is one of the most prestigious institutes in our country, especially on taxes. What I announced to them was that I think we are going to get rid of this provision, and I almost got a standing ovation. They went wild down there this morning.

This provision will impose considerable hardship on American businesses, especially small businesses. The result of this provision will be much more paperwork but a lot less job creation.

In addition, Monday, April 4, 2011, the U.S. Chamber of Commerce weighed in on this provision with a similar diagnosis. This is how the chamber put it:

The 1099 reporting mandate, if not repealed, will force more than 40 million entities, including governments, nonprofits, and small and large businesses, to comply with onerous data collection and IRS information filing burdens on virtually all non-credit card purchases totaling \$600 or more with any vendor in a tax year. At a time when they can least afford it, entities will have to institute new, complex recordkeeping, data collection, and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS. The Chamber strongly supports H.R. 4, which would repeal the 1099 mandate, and strongly opposes the Menendez amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the letters from both the NFIB, the representative of small businesses in this country, and the Chamber of Congress.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, April 4, 2011.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 4, the "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011" and strongly opposes an amendment by Sen. Menendez, which could leave intact the 1099 requirement.

The 1099 reporting mandate, if not repealed, will force more than 40 million entities, including governments, nonprofits, and small and large businesses, to comply with onerous data collection and IRS information filing burdens on virtually all noncredit card purchases totaling \$600 or more with any vendor in a tax year. At a time when they can least afford it, entities will have to institute new complex record-keeping, data collection and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS.

The Chamber strongly supports H.R. 4, which would repeal the 1099 mandate, and strongly opposes the Menendez amendment. The Chamber may consider including votes on, or in relation to, these issues in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

APRIL 4, 2011.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to urge you to support H.R. 4, the "Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011," and to oppose the Menendez Amendment. Passing H.R. 4, without any amendments, is the best way to finally repeal the expanded Form 1099 requirements included in the Patient Protection and Affordable Care Act (PPACA).

Tax paperwork and compliance are already major expenses for small businesses and the new reporting requirements included in PPACA will substantially increase these costs. The new paperwork mandate will require businesses to track and report to the IRS most business-to-business transactions above \$600 in a calendar year. For many businesses, this could amount to hundreds of new reportable transactions, which involves sending a 1099 to both the IRS and the reportable business.

According to an SBA study, the cost of complying with the tax code is 66 percent higher for small business as compared to a large business. Small businesses lack the compliance capabilities to track and report each new transaction, and in order to comply with this new requirement they will have to pull capital out of the business that could be better used to reinvest in the business and create jobs.

Passage of H.R. 4, without amendments, is the best way to remove the costly impact the 1099 requirement would have on millions of businesses.

Sincerely,

Aeronautical Repair Station Association;
Agricultural Retailers Association; Air
Conditioning Contractors of America;

Alabama Nursery & Landscape Association; Alliance for Affordable Services; Alliance of Independent Store Owners and Professionals; American Association for Laboratory Accreditation; American Bakers Association; American Council of Engineering Companies; American Council of Independent Laboratories; American Farm Bureau Federation; American Foundry Society; American Hotel & Lodging Association; American Institute of Architects; American Nursery & Landscape Association; American Petroleum Institute; American Rental Association; American Road & Transportation Builders Association; American Society of Interior Designers; American Subcontractors Association, Inc.; American Supply Association; American Veterinary Distributors Association.

American Veterinary Medical Association; AMT—The Association For Manufacturing Technology; Arizona Nursery Association; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Associated Landscape Contractors of Colorado; Association of Free Community Papers; Association of Ship Brokers & Agents; Association of Small Business Development Centers; Automotive Aftermarket Industry Association; Automotive Recyclers Association; Bowling Proprietors Association of America; California Association of Nurseries and Garden Centers; California Landscape Contractors Association; Commercial Photographers International; Community Papers of Florida; Community Papers of Michigan; Community Papers of Ohio and West Virginia; Connecticut Nursery & Landscape Association; Direct Selling Association; Door and Hardware Institute.

Electronic Security Association; Electronics Representatives Association (ERA); Florida Nursery, Growers & Landscape Association; Free Community Papers of New York; Georgia Green Industry Association; Healthcare Distribution Management Association; Hearth, Patio & Barbecue Association; Idaho Nursery & Landscape Association; Illinois Green Industry Association; Illinois Landscape Contractors Association (ILCA); Independent Community Bankers of America; Independent Electrical Contractors, Inc.; Independent Office Products & Furniture Dealers Association; Indiana Nursery and Landscape Association; Industrial Supply Association; Industry Council for Tangible Assets; International Association of Refrigerated Warehouses; International Foodservice Distributors Association; International Franchise Association; International Housewares Association; International Sleep Products Association; Kentucky Nursery and Landscape Association.

Louisiana Nursery and Landscape Association; Maine Landscape and Nursery Association; Manufacturers' Agents Association for the Foodservice Industry; Manufacturers' Agents National Association; Manufacturing Jewelers and Suppliers of America; Maryland Nursery and Landscape Association; Massachusetts Nursery & Landscape Association, Inc.; Michigan Nursery and Landscape Association; Mid-Atlantic Community Papers Association; Midwest Free Community Papers; Minnesota Nursery & Landscape Association;

Motor & Equipment Manufacturers Association; NAMM, National Association of Music Merchants; National Apartment Association; National Association for Printing Leadership; National Association for the Self-Employed; National Association of Home Builders; National Association of Manufacturers; National Association of Mortgage Brokers; National Association of Mutual Insurance Companies; National Association of RV Parks & Campgrounds; National Association of Theatre Owners; National Association of Wholesaler-Distributors.

National Christmas Tree Association; National Club Association; National Community Pharmacists Association; National Council of Chain Restaurants; National Council of Farmer Cooperatives; National Electrical Contractors Association; National Electrical Manufacturers Representatives Association; National Federation of Independent Business; National Home Furnishings Association; National Lumber and Building Material Dealers Association; National Multi Housing Council; National Newspaper Association; National Office Products Alliance; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Small Business Association; National Tooling and Machining Association; National Utility Contractors Association; Nationwide Insurance Independent Contractors Association; Nebraska Nursery and Landscape Association; New Mexico Family Business Alliance; New Mexico Nursery & Landscape Association.

New York State Nursery and Landscape Association; North American Die Casting Association; North Carolina Green Industry Council; North Carolina Nursery and Landscape Association; Northeastern Retail Lumber Association; NPES The Association for Suppliers of Printing, Publishing & Converting Technologies; OFA—An Association of Floriculture Professionals; Office Furniture Dealers Alliance; Ohio Nursery and Landscape Association; Oregon Association of Nurseries; Outdoor Power Equipment Institute; Pennsylvania Landscape and Nursery Association; Pet Industry Distributors Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Professional Golfers Association of America; Professional Landscape Network; Professional Photographers of America; Promotional Products Association International.

S Corp Association; Safety Equipment Distributors Association; Saturation Mailers Coalition; SBE Council; Secondary Materials and Recycled Textiles Association; Self-Insurance Institute of America (SIIA); Service Station Dealers of America and Allied Trades; SIGMA, the Society for Independent Gasoline Marketers of America; Small Business Council of America; Small Business Legislative Council; SMC Business Councils; Society of American Florists; Society of Independent Gasoline Marketers of America; Society of Sport & Event Photographers; South Carolina Nursery & Landscape Association; Southeastern Advertising Publishers Association; Specialty Equipment Market Association; Specialty

Tools & Fasteners Distributors Association; SPI: The Plastics Industry Trade Association; Stock Artists Alliance; TechServe Alliance; Tennessee Nursery & Landscape Association.

Texas Community Newspaper Association; Texas Nursery & Landscape Association; Textile Care Allied Trades Association; Textile Rental Services Association of America; Tire Industry Association; Toy Industry Association, Inc.; Turfgrass Producers International; U.S. Black Chamber Inc.; U.S. Chamber of Commerce; Utah Nursery & Landscape Association; Virginia Christmas Tree Growers Association; Virginia Green Industry Council; Virginia Nursery & Landscape Association; Washington State Nursery & Landscape Association; Western Growers Association; Window and Door Manufacturers Association; Wisconsin Community Papers; Women Construction Owners & Executives; Women Impacting Public Policy; Wood Machinery Manufacturers of America.

Mr. HATCH. Mr. President, President Obama and congressional Democrats tried to sell the American people on their clunker of a health care law by saying it would bring down Federal health care spending. That would have been a miracle if it were true. But even the Obama administration's own actuary at the Centers for Medicare and Medicaid Services has confirmed that claim was false and that Federal spending on health care would actually increase as the result of the health spending law. Some estimate as much as \$2,100 per policy.

The Cash for Clunkers Program was bad enough, but Democrats managed to outdo themselves spending \$2.6 trillion in cash for this clunker of a health care law. This reminds me of a scene from the movie "Vacation." At the beginning of that film, Clark Griswold goes into a dealership to buy a new car before setting off with his family for a cross-country trip to Wally World. Yet instead of getting the new car he had ordered as part of a trade-in, the dealer gave him a pea green Family Truckster, as we can see in this beautiful photograph. Chevy Chase was, of course, Griswold. One only had to look at the Family Truckster to know that it was a lemon.

Clark told the dealer he wanted his old car back. Unfortunately for Clark—or the actor, in this case—his old car was crushed before he could get it back. You can imagine the consternation Chevy Chase faced. You can see the Family Truckster in this picture behind me. There it is, with Chevy standing on top as Clark Griswold.

Clark's experience with the Family Truckster is a metaphor for Americans' experience with ObamaCare. Our Nation's health care system might have needed some work—there is no question about that—but the vast majority of Americans were satisfied with their health care. Yet Democrats gave Americans ObamaCare which, like the Family Truckster, is a true jalopy, and they did their best to crush our former health care system before we could stop them.

I also add that Americans, such as Clark Griswold, eventually reached their wits' end. The tea party, the gubernatorial elections in New Jersey and Virginia, the election of my colleague, the junior Senator from Massachusetts—all of these actions were the result of Americans standing up and letting it be known that they were sick and tired of Washington recklessly spending their money and recklessly regulating, and they were not going to take it anymore.

To borrow from Robert Daltrey, Americans made it clear that they are not going to get fooled again, but that did not stop the Democrats from trying.

At the time the health spending bill was being enacted, President Obama and congressional Democrats were raising taxes to make it appear they were partially paying for the \$2.6 trillion in new spending contained in the partisan health spending law. When the Democrats say this health law saved money, ask yourself this: If the law was actually going to reduce Federal spending on health care, would these massive tax increases have been necessary?

In the end, ObamaCare was more of the same—a tax-and-spend law that vastly increased the size of an already-bloated Federal Government.

President Obama and congressional Democrats should not have raised taxes and cut Medicare to fund a new entitlement program—an unsustainable entitlement program. After all, the three largest entitlement programs—Social Security, Medicare, and Medicaid—are already headed for a fiscal crisis. To create a fourth massive entitlement program when these three entitlement programs were already going broke was fiscal insanity. That is one reason we need to repeal the health spending bill in its entirety and start over.

Senator JOHANNIS' amendment to repeal the 1099 provisions in the health spending law and small business law is a good first step in getting rid of the partisan health spending bill entirely.

I think a lot of people, including Members of Congress who voted for the small business bill last year, were surprised to learn that Congress enacted a second 1099 provision last year. This is separate and apart from the 1099 provision enacted in the partisan health spending law. This new 1099 provision was enacted as part of the small business law last year. I voted against it. By the way, this provision is already in effect since it applies to payments made on or after January 1 of this year.

This 1099 provision causes landlords who are not even actively engaged in the rental real estate business to send in a Form 1099 to the IRS. It is required when they pay more than \$600 in 1 year to a vendor for goods or services. For example, suppose a landlord spends more than \$600 over the course of a year at a home improvement store. That landlord must send out a Form

1099 and send it to the IRS, as well as the provider of goods or services. In addition, that landlord must track down the vendor's taxpayer identification number, which is not necessarily an easy task to do.

This law creates a large and unexpected paperwork burden on these landlords. With the real estate market struggling, we should not impose new paperwork burdens on landlords which only hurt the real estate industry even more.

I urge my colleagues to vote yes on the Senator JOHANNIS' amendment and vote no on the Menendez amendment. As I said, Senator JOHANNIS' amendment is a downpayment on a total repeal of the onerous health care law that over time will wreck our Nation's health care system and lead to an explosion of new Federal spending.

I ask my colleagues to vote no on Senator MENENDEZ's amendment.

I personally wish to pay tribute to my colleague from Nebraska for his indefatigable efforts in trying to repeal these terrible paperwork burdens that nobody is going to look at anyway, that really are not going to make any difference and are just going to cost an arm and a leg over time. I thank him for the hard work he has done. He deserves credit for continuing to fight these battles.

I hope all of us on the Senate floor will get rid of this monstrosity today and hopefully work together to try and straighten out what is a very bad bill in ObamaCare.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The majority controls 19½ minutes; the minority controls 8 minutes.

Mr. BAUCUS. Mr. President, I first wish to correct the record. I stated earlier that if the Menendez provision is triggered, the 1099 repeal will not go into effect. That is not correct. What I meant to say is if the Menendez provision is triggered, then the new true-up rules in H.R. 4 will not go into effect. That is an important distinction. No matter what the result, 1099 will, in fact, be repealed. That is the main point.

I commend all Senators, including Senator JOHANNIS and others, who want to repeal 1099. It is very much the view of this body—I, myself, want to repeal 1099, but I also think the provision offered by Senator MENENDEZ is an improvement on repeal, even though repeal will actually go into effect.

I will also say that there are a lot of statistics bandied about regarding health care reform. The Fidelity company does an analysis of how much it costs people age 65 and older to pay for their health care. That is their premium cost as well as their insurance costs or out-of-pocket costs. Fidelity company has just concluded in the last week or so that as a consequence of

health care reform, the number of dollars that seniors will have to pay for health care will actually be lower—not higher, but lower—than what it otherwise would be on account of passage of that bill.

BUDGET PROPOSAL

I want to say a couple words about the budget proposal offered by the House, the Ryan budget proposal. It is important for people to know what is in that budget. What is in it basically? Let me tell you. That budget cuts \$2.2 trillion in health care costs over 10 years—\$2.2 trillion in cuts in health care costs over 2 years. It repeals health care reform. That is what the Ryan resolution does. His budget resolution repeals health care reform.

What else does it do? It dismantles Medicare. It dismantles Medicare as we know it. Health care reform extends the life of the Medicare trust fund by another 12 years. The Ryan House Republican budget proposal repeals Medicare as we know it. It turns into a voucher program. Basically, it says this: There have been reports that it costs about \$15,000 to pay for seniors under Medicare for 1 year. There are reports that the Ryan proposal says we are just going to give people \$6,000 and give it to a health insurance company. First, that is a big cut, 15 down to 6 and, second, it is to a health insurance company. So the net effect of the Ryan proposal is very simple. It transfers wealth from seniors, from children—because of Medicaid and people in nursing homes—it transfers wealth from them to whom? Health insurance companies. The Medicare proposal is a transfer of wealth from seniors to health insurance companies.

Health care reform did the opposite. We extended the life of Medicare. How did we do it? In part, by cutting health insurance payments. So we helped seniors in health care reform and we cut health insurance companies. The Ryan House Republican budget proposal does the opposite; it cuts benefits to seniors by a whopping amount and it takes that wealth and transfers it over to health insurance companies that will get higher premiums, higher bonus payments, their stock returns will go up, and their administrative expenses will go up. I don't think that is what we want to do. But make no mistake, that is the effect of the Ryan proposal.

Also, I might say, it reduces income taxes by about \$1.2 trillion. So the real net of the effect of the Ryan proposal is, take money away from people and give it to the health insurance companies and the wealthy. That is what the Ryan proposal does. That is exactly what it does. The Ryan proposal takes money, about \$5.8 trillion roughly, over 10 years—takes it away from people, especially seniors and kids on Medicaid, elderly who happen to be on Medicaid—there are big reductions further in discretionary spending—and lowers income taxes by about \$1.2 trillion. It lowers them. That is how it achieves budget savings of \$5.8 trillion. He cuts,

cuts to the bone, and then cuts about \$1.2 trillion more than he has to because \$1.2 trillion is reductions in income tax.

I want the public to know what is in the Ryan budget. That is what it is. Let me say it one more time, clearly, simply. It is a transfer of money away from seniors and from kids on Medicaid and elderly on Medicaid over to health insurance companies—higher bonuses, higher salaries, stock goes up, and in addition it transfers money away from people to pay for tax cuts for the wealthy—not tax cuts for the unwealthy but tax cuts for the wealthy.

How did he do that? He lowers the top rate to 25 percent so the wealthy pay less taxes. He lowers the corporate down to 25 percent, so the bigger companies pay less taxes. That is how he does it. While we are talking about a short-term CR around here, and we are talking about a longer term CR around here, when we start talking about budgets, let's look closely at what is actually in that Ryan proposal.

Of course, we have to lower our budget deficits. Of course, we have to significantly lower our budget deficits. But, of course, we have to do it fairly, so all Americans are part of the solution, so health insurance companies are also part of the solution, so the most wealthy are also part of the solution. All Americans have to be part of the solution. The Ryan budget does not do that. It says only the seniors—we get the budget deficit reduction on the backs of seniors, on the backs of people who otherwise receive medical care under Medicaid and some other things, but also we shift income to the most wealthy by lowering their taxes.

I hope when we are voting on the Menendez amendment, which is important to do, also in the background we understand what is going on in the other body. They may bring this up and try to pass it this week. They may try to pass it on the floor next week—I don't know. But we should recognize it for what it is and come up with a deficit reduction proposal that is fair, fair to all Americans, not on the backs of the seniors for the benefit of health insurance and not on the backs of average Americans for the benefit of the most wealthy, by lowering their income taxes by \$1.2 trillion over 10 years. That is not fair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we are headed toward \$20 trillion in spending. The President's program, the Democrat's program, is maybe one-half of 1 percent, which is almost nothing. This is their program, a blank sheet of paper. That is what it is. At least Congressman RYAN, the Budget Committee chairman over in the House, is trying to do something that is worthwhile. By the way, just so everybody knows, the rich are not going to be treated tremendously respectfully in this matter.

They are going to lose, on the top level, on entitlement programs. There is a cutback for those who reach a certain level of income. This is not as simple as it sounds, nor is it a desire to take anything away from senior citizens. It is trying to get our country's budget under control and it is out of control.

Mr. President, I yield up to 5 minutes to the distinguished Senator from Maine, if I can.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise in support of H.R. 4, to repeal the mandate on small businesses throughout this country. The failure to repeal this onerous mandate of the 1099 requirement would have a profound impact on millions of businesses across this country and on the already stressed job market, as employers have to grapple with the enormity of this cost, not to mention the compliance with this regulation.

I certainly commend the author of this legislation, the Senator from Nebraska, Mr. JOHANNIS, for his tenacity, his perseverance, his relentlessness in bringing this to the forefront not only of the Senate but to the Congress and to the country. I hope we can join with our counterparts in the House of Representatives in an impressive, bipartisan vote because we do need to bring this to a conclusion.

I also appreciate that the Senator from Nebraska included in this repeal the provision I recommended, which was to repeal the provision that the mandate would be extended to rental property owners. This was a requirement that was included in the Small Business Jobs Tax Relief Act that became law last fall—inexplicably, given the fact that the 1099 quagmire was already well known to everyone. Yet it was included in that legislation that became law—so those who are rental property owners will have to comply with this mandate as well. The big difference is, this requirement takes effect in January of this year so unsuspecting owners will already be subject to the burden of reporting to the Internal Revenue Service any business expenditures for goods and services that exceed \$600 per vendor, similar to all the other requirements under the law that will begin for 2012 for all small business owners.

As we all know, this new mandate on small businesses was imposed in the health care reform law. Yet it had nothing to do with reforming the health insurance industry. It had everything to do with raising revenues and placing inordinate burdens on small businesses. The rental real estate was added to this paperwork morass, and what is disconcerting is the fact that it directly affects those States that depend on tourism, such as my State of Maine, with respect to rental property.

I think it is going to be very important to make sure people understand

this requirement will be repealed as part of this legislation. Failure to repeal this mandate will raise the compliance costs for small businesses astronomically. Already, as estimated by the NFIB, the major voice for small businesses in this country—they have estimated that small business compliance costs with respect to tax compliance alone is \$74 an hour. Tax compliance is the most expensive form of paperwork. So the burden on small businesses will be strenuous and inordinate. It is already disproportionate. Their costs are 67 percent higher than larger firms.

There is no question, given the ubiquitous nature of this requirement, that small businesses all across this country will come under the weight of these very stringent regulations, having to submit 1099 forms. In fact, I was talking to an individual the other day who heads up an organization which has 1,650 members and what did he say? He said every one of these members will have to file anywhere from 200 to 600 forms every day. That is 200 to 600 forms on a daily basis.

They didn't want to talk about taxes. They didn't want to talk about anything else. They wanted to talk about whether we were going to repeal the 1099 requirement. That is why there is so much support for this repeal. It is so important, during these difficult economic times, that we avoid imposing any tough regulations on our small business owners.

The other point to be made is, this 1099 requirement is vastly different from what is familiar to most Americans. For most Americans, 1099 forms generally come from their financial institutions to report the interest they have earned on their savings accounts or to report the interest they pay on their mortgage to their lenders. That requirement is specific, to make sure they report directly their tax liability on the income earned in that specific tax year. Now we are reverting to a very different form by requiring businesses to report in the aggregate all their expenditures for goods and services to any vendor. That is a very different requirement.

My concern is one that has not been widely discussed. The fact is, by doing so, by making this conversion how we use the 1099 form, it is essentially putting in place an infrastructure, a system for a value-added tax, by requiring businesses to report all this information. So we could essentially have a system in place, where we could have a functioning value-added tax by taking the next step based on the information that is already required to be submitted by this requirement.

It is urgent we repeal this mandate. It is important to send that message. It is important to repeal this mandate in its entirety.

I yield the floor.

Mr. LEVIN. Mr. President, today we vote on a bill that would repeal the 1099 reporting expansion that was made

into law under the Affordable Care Act. This reporting requirement was designed to improve tax compliance. However, many businesses fear this expansion could end up burdening not those who seek to evade their taxes, but those who innocently do business with those who do. This is why I support the repeal of this reporting requirement in the Affordable Care Act.

Unfortunately, I do not agree with how this bill would pay for this repeal. This bill would hurt individuals who receive modest pay increases or bonuses during the course of a year. The Affordable Care Act subsidizes insurance coverage for middle-class families making under 400 percent of the Federal poverty level who don't have access to employer provided coverage. Under current law, people close to 400 percent line are protected from substantial tax penalties if they receive a modest raise or bonus that bumps them into a higher income bracket. This bill would eliminate that protection and impose a retroactive penalty on those families that could amount to thousands of dollars. Those families, even if they end up over the line by \$1, would have to pay back the entire amount of their subsidies. For a family of four, for instance, this could mean owing more than \$5,900 on their taxes because of an unexpected increase in income from \$89,000 a year—398 percent of the FPL—to \$89,500—\$100 above the 400 percent FPL.

I support the amendment offered by Senator MENENDEZ that directs the Secretary of the Department of Health and Human Services to study the impact of this bill on health care premiums and coverage for small businesses and their employees. If the HHS Secretary finds that the changes in repayment amounts under this bill would increase health insurance premiums for small businesses or their employees or increase the number of uninsured, the repayment amounts would revert to current law.

I look forward to continuing to improve the Affordable Care Act and will continue to fight for affordable and available health care for all Americans.

Mr. BINGAMAN. Mr. President, I rise today to raise serious concerns about the offset proposed for H.R. 4.

I am very supportive of the underlying intent of H.R. 4—repeal of the 1099 reporting requirements, which were created in Affordable Care Act. In fact, I have voted to repeal these requirements over the last few months.

However, I have deep concerns about the offset proposed in H.R. 4. The offset represents harmful policy and has been strongly objected to by President Obama in a Statement of Administrative Policy or "SAP" issued on March 1.

Specifically, H.R. 4 would increase the tax burden on American families seeking health insurance coverage in the new health insurance exchanges. The legislation does so by increasing

the amount of repayment that must be made by families who receive health insurance premium subsidies. Note that these taxpayers could be reporting their income correctly to the exchange throughout the year but still owe substantial payment or "true-up" when they file their taxes simply because the look-back period for subsidy eligibility encompasses an entire year. For example, under H.R. 4, families that have no income for part of the year—for example because of the loss of a job—could owe \$12,000 in true-up payments because they secure employment midway through the year.

I am strongly supportive of ensuring that taxpayers receive accurate subsidies to help offset the cost of health insurance in the new State exchanges. Many experts throughout the Nation have told us, however, that it is critical to provide reasonable hold harmless levels for taxpayers given that subsidies are paid on a monthly basis and the look back period to determine income eligibility encompasses a year. These experts tell us that without such a hold harmless, taxpayers' willingness to participate in the new exchanges will be chilled resulting in only sicker, more costly populations coming to the exchange. This in turn, will drive up costs for individuals, families, and businesses purchasing coverage in the exchange. In fact, the Joint Committee on Taxation has confirmed to me that they project hundreds of thousands of Americans will forgo the receipt of health insurance as a result of H.R. 4 and that a majority of the offsetting revenue from the amendment is generated by forgone health insurance coverage and subsidies, not the recouping of overpayments.

I ask unanimous consent that President Obama's March 1 SAP be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

H.R. 4—COMPREHENSIVE 1099 TAXPAYER PROTECTION AND REPAYMENT OF EXCHANGE SUBSIDY OVERPAYMENTS ACT OF 2011

The Administration strongly supports efforts to repeal the provision in the Affordable Care Act that established information reporting requirements for tax purposes that place an unnecessary bookkeeping burden on small businesses. The Administration is committed to reducing the gap between taxes legally owed and taxes paid, but believes that the burden created on businesses by the new information reporting requirement on purchases of goods that exceed \$600, as included in Section 6041 of the Internal Revenue Code as modified by Section 9006 of the Affordable Care Act, is too great.

However, the Administration has serious concerns about the approach the Congress has taken to paying for the repeal. The Administration strongly opposes the House's offset to pay for this repeal in H.R. 4, which would undo an improvement enacted with nearly unanimous support in the Medicare and Medicaid Extenders Act that eliminated an egregious "cliff" in the tax system affecting middle income taxpayers. Specifically, H.R. 4 would result in tax increases on cer-

tain middle-class families that incur unexpected tax liabilities, in many cases totaling thousands of dollars, notwithstanding that they followed the rules. The Administration also notes that a provision repealing the same information reporting requirements in the FAA Air Transportation Modernization and Safety Improvement Act would pay for the repeal with an unspecified rescission of \$44 billion that, in combination with other proposals currently under consideration in Congress, could cause serious disruption in a wide range of services provided by the Federal government.

The Administration looks forward to continuing to work with the Congress on the repeal of the information reporting requirements in the course of the legislative process, including finding an acceptable offset for the cost of the repeal.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Utah has 1 minute 20 seconds, the majority has 3½ minutes.

Mr. HATCH. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I know we often read that Democrats and Republicans cannot agree. Here is a news flash: We agree on repealing 1099. I have listened to my three distinguished colleagues spend a lot of their time talking about repeal of 1099. We absolutely agree. I have voted six times to do that. That is not an issue.

What is an issue, and my distinguished colleague from Nebraska—with whom I have worked with before in passing some important legislation, and I have a great deal of respect for him—talked about a victory for small business. I agree. But I want a total victory for small business, and a total victory for small business is not repealing 1099 and then giving them a bigger tax bill for their employees or raising the cost of insurance for that small business. A real victory is an opportunity to make sure we repeal 1099—my amendment clearly has 1099 repeal going forward—but then does a study that says if small businesses are going to face higher costs or their employees are going to face a \$10,000 tax bill, then that part of it should not proceed.

If I am wrong, nothing will happen. The study will come. They will say: No, small business is not going to have an increase; no, taxpayers are not going get a surprise tax bill. Then the repeal will have already gone through and there is no foul, no harm. But if I am right, then voting against my amendment is voting for a tax bill for middle-class families, voting to increase insurance on small businesses.

The issue about going quickly to the President, first of all, is a priority. So if we pass this, this is not, as has been suggested, an alternative; it is just a single amendment to the existing bill on a provision that allows for the repeal to go through but makes sure small businesses and individuals do not get higher costs. That can go to the

House. The House can pass it and send it to the President—away we go; we do not have a problem. Helping small businesses by reducing their paperwork while at the same time driving up health care costs and forcing coverage cuts for small businesses is simply not good policy.

In all fairness, I did not hear voices rise up when this bill was being delayed over the last week by some of my Republican colleagues trying to get their amendments considered, and those amendments were extraneous to small business. So we either have a double standard here or a desperate attempt to defeat what I think is a good amendment.

The House could have taken up the amendment, H.R. 4, and passed it into law by now. So I think it is somewhat disingenuous to have an argument that says we can't afford one amendment to proceed on this bill when our colleagues, at the beginning of this Congress, made a big production about a full debate and an open amendment process on all things considered on the Senate floor, but when there is one amendment that is meant to protect taxpayers and small businesses, oh, no, that is going to create an inordinate delay, after we had well over a week of delays by Republican colleagues seeking extraneous amendments to a small business bill. Please.

Now, I love Senator HATCH's jalopy. I remember that movie, took my family to see it. But the worst jalopy would be taking away 1099 and then going ahead and giving small businesses higher costs and a higher tax bill for individuals. That is a real jalopy. That is a lemon.

So we have an opportunity to take away and undo and repeal the 1099. My amendment permits that to go forward but at the same time makes sure small businesses do not get hurt.

How will they get hurt? How may they get hurt? Well, a lot of States, for example, are considering whether to combine their small business and individual pools. For States that combine their pools, small businesses could see an increase in premium costs. The healthiest people with little to no health care costs will have the most flexibility to decide whether to purchase coverage, and they may simply pay the mandate penalty versus the potential for a \$10,000 to \$12,000 tax bill. With more healthy people opting out of buying insurance, the pool of people who ultimately enroll in the exchanges that would consist of, on average, less healthy individuals—that is going to push up the premiums for everybody else buying insurance in the exchanges, including small businesses and employees. That is only one example.

The other problem is, when you are facing your constituents, I hope you are ready to tell them that through no fault of their own—when they had a job, they lost their job, you know, 6 months into the year, and they face the fact that they are still over the

amount, and now they are going to get a \$10,000 tax bill or, on the contrary, they didn't have a job when they got the subsidy, and then they got a job in the middle of the year and they are a dollar over the amount, and they are going to face a \$10,000 tax bill. Is that what we want to do, send that type of bill to families?

Finally, I appreciate hearing Senator HATCH say this is a downpayment on total repeal of the health care law. Well, you know, if we are going to do that, if that is what this is really all about, this is not helping small businesses. Helping small businesses means we repeal 1099 and don't increase their costs and don't send their employees a \$10,000 or higher tax bill.

So this is about, in my mind, making sure there is a win-win for small businesses because if we want to repeal the health care law, then that is about making sure we go back to preexisting conditions where a husband who had a heart attack on the job can no longer get insurance; where a child born at birth with a defect cannot get insurance; where a woman was facing 150-percent higher premiums than a man simply because she was a woman; where, in fact, you couldn't keep your child, up to age 26, on your insurance as they are going through school; where, in fact, we could close the prescription drug coverage for seniors. If that is what we are talking about, that is a different subject, and we can have that debate. But this debate is about making sure we repeal 1099 and making sure small businesses do not get higher costs and their employees do not get a tax penalty. I think everybody should want to be for that. We can send it straight to the House. The House can pass this version and send it to the President. That is ultimately the opportunity here.

I urge my colleagues to support my amendment. That is why the Main Street Alliance, which also supports businesses, says: Our small business owners are very supportive of efforts to remove the imposition of the new 1099 reporting requirements. We cannot, however, accept a pay-for that undermines other important provisions of the law that helps small businesses and contains costs.

My amendment ensures that we do both—repeal 1099 and not put the burden on small businesses in terms of higher health insurance costs, and their employees. I urge passage of my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 20 seconds, and the majority has 3½ minutes remaining.

Mr. HATCH. I ask unanimous consent that I give a minute to the distinguished Senator from Nebraska and then, if there is not enough time remaining, that I be given sufficient

time, up to 2 minutes, with an equivalent amount of time given to the other side, to make my closing remarks.

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

The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, again with all due respect to my colleague from New Jersey, there have been over 200 business groups that have expressed opposition to the Menendez amendment, and that would include the NFIB, the National Association of Manufacturers, the Franchise Association, and the chamber of commerce. You see, requiring people to pay back what they should not have received in the first place is regarded as good government, not bad policy. That is what should be happening.

The second thing I would say about this is that this becomes a roadblock because we end up with a different House bill and a different Senate bill. If this is such a great idea, attach the amendment to some other bill that is coming along, and we can get the study done.

So, again, I appreciate the opportunity to work with Senator MENENDEZ, but I do believe very strongly that we need to defeat this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, if you say you are for fiscal responsibility, you need to oppose the amendment of my friend from New Jersey. Here is why. The nonpartisan scorekeeper for tax legislation, the Joint Committee on Taxation, tells us that the Menendez amendment puts the savings on the House bill in doubt. That means that if the Menendez amendment is adopted, the House bill will add to the deficit by perhaps as much as \$25 billion. The Menendez amendment would maintain the risk of payment of billions in fraudulent, improper, or excessive health insurance exchange subsidies. What is more, the Senate unanimously agreed to a similar offset on the doc fix bill.

My friends, if you were against fraudulent, improper, or excessive health insurance payments before, stick to your guns—oppose the Menendez amendment.

I yield the floor, and I am prepared to yield back any time we have.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am compelled to answer because now I hear about fraud and \$25 billion. You cannot have it both ways. You cannot say this amendment costs money—what the Joint Committee on Taxation said is it could not determine a revenue score. And it is important to point out that this amendment does not spend an additional dime. And the only reason—the only reason—this amendment would have a revenue effect would be if the offset increases health insurance costs or cuts coverage for small businesses. Otherwise, there is no issue. So you can't have it both ways. Either

there is an admission that it is going to cost small businesses more, cost taxpayers more, or it is not. That is No. 1.

No. 2, this is not about fraud. This is not about someone seeking something they did not have the right to receive. Fraud is individuals who are deliberately underreporting their income or fraudulently trying to get extra support. That is not what we do. Those enforcement provisions in the law to combat fraud and abuse are untouched by my amendment. This is simply about someone who honestly got a subsidy. And we have a provision in the law that deals with how they pay back, but it doesn't throw them over the cliff and send them a surprise \$10,000 tax bill. So that is simply not exactly quite the same thing.

Yes, the doc fix—we did use a provision to deal with the SGR with the doc fix, but we did not put small businesses and families at harm, as H.R. 4 does.

So the reality is that this amendment permits repeal to move forward. After the repeal, a study is done. If there is no harm, if it supposedly does not cost small businesses any more money, does not drive up insurance costs, does not cost the taxpayer maybe \$10,000 or \$12,000, fine. But if it does, then we would ultimately not have that harm come upon small businesses, come upon individual taxpayers with a surprise bill. And we could, of course, if that is the end result, which we don't know—that is why the Joint Tax Committee could not come up with a determination. We will not know until the study is done. Instead of having a risky venture, let's have the actual facts. Repeal will have gone through. We can protect small businesses and those taxpayers, and, if necessary, we can find a different offset. If they are wrong and I am right, that this concern about taxpayers getting a surprise bill and small businesses having greater insurance costs is true, then we will protect them and we can look for a different offset at the time. Repeal will have taken place no matter what.

Why would you not want to protect small businesses and taxpayers from getting a surprise bill? That is all my amendment does, and that is why I urge its passage.

Mr. HATCH. Mr. President, I would like to briefly respond to my friend from New Jersey's comments about the Joint Committee on Taxation's analysis of his amendment.

The Joint Committee on Taxation corresponded with Senator MCCONNELL's office on Senator MENENDEZ's amendment. I ask unanimous consent to have printed in the RECORD relevant portions of that e-mail discussion.

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

CORRESPONDENCE TO STAFF OF SENATOR MCCONNELL FROM TOM BARTHOLD, CHIEF OF STAFF, JOINT COMMITTEE ON TAXATION, DATED APRIL 5, 2011

You requested an estimate of the Menendez amendment (FRA11028).

The Johanns amendment (which is essentially H.R. 4) increases maximum repayment caps for overpayment of health insurance exchange subsidies for taxpayers in certain income categories below 400 percent of the federal poverty level ("FPL"), and removes the caps for taxpayers above 400 percent FPL. We estimate that this portion of H.R. 4 raises \$24.9 billion relative to present law. The Menendez amendment (FRA11028) would amend this amendment to require that the Secretary of Health and Human Services conduct a study to determine if the new repayment caps in H.R. 4 will (A) increase health insurance premiums within Exchanges for employees or owners of small business, or (B) result in an increase in the number of individuals who do not have health insurance, a disproportionate share of which are employees or owners of small businesses. If the study determines that one or both of (A) or (B) would occur, the changes to the caps in H.R. 4 would not be implemented.

We do not project an increase in health insurance premiums in the Exchanges for employees or owners of small businesses as a result of H.R. 4. We project that there would be an increase in the number of people who are uninsured as a result of the new caps in H.R. 4, because some people would avoid purchasing insurance through the Exchanges in order to avoid possible future increases in tax liability.

We would expect that about 1/3 of the adults who fail to enroll in the exchanges for this reason would be unemployed. Of those who are employed, we would expect that they would be roughly equally divided between being employees or owners of firms less than 50, and employees or owners of firms greater than 50. Thus, a larger share of small business employees would be affected than of large business employees, although small business employees and owners would comprise less than half of the newly uninsured.

Because it is unclear how the Secretary will interpret the terms "disproportionate share" and "small business," we cannot predict the findings of this study. If the study conducted by the Secretary reaches a similar conclusion to our estimate, and the Secretary deems that this would meet the criteria of a disproportionate share of employees or owners of small businesses among the newly uninsured, this amendment would result in failure to implement the new caps under H.R. 4, thus losing \$24.9 billion relative to the Johanns amendment.

TOM BARTHOLD.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the Menendez amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted: "nay."

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

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—41

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

NAYS—58

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

NOT VOTING—1

Risch

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 58. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The question is on the third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. JOHANNIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted "yea."

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

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—87

Alexander	Burr	Cornyn
Ayotte	Cantwell	Crapo
Barrasso	Cardin	DeMint
Baucus	Carper	Ensign
Begich	Casey	Enzi
Bennet	Chambliss	Feinstein
Bingaman	Coats	Franken
Blumenthal	Coburn	Gillibrand
Blunt	Cochran	Graham
Boozman	Collins	Grassley
Boxer	Conrad	Hagan
Brown (MA)	Coons	Hatch
Brown (OH)	Corker	Hoeven

Hutchison	McCain	Sessions
Inhofe	McCaskill	Shaheen
Isakson	McConnell	Shelby
Johanns	Menendez	Snowe
Johnson (SD)	Merkley	Stabenow
Johnson (WI)	Moran	Tester
Kerry	Murkowski	Thune
Kirk	Nelson (NE)	Toomey
Klobuchar	Nelson (FL)	Udall (CO)
Kohl	Paul	Udall (NM)
Kyl	Portman	Vitter
Landrieu	Pryor	Warner
Lee	Reed	Webb
Lieberman	Roberts	Whitehouse
Lugar	Rockefeller	Wicker
Manchin	Rubio	Wyden

NAYS—12

Akaka	Lautenberg	Murray
Durbin	Leahy	Reid
Harkin	Levin	Sanders
Inouye	Mikulski	Schumer

NOT VOTING—1

Risch

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage, the bill is passed.

The Senator from Colorado is recognized.

ORDER OF PROCEDURE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that at 2:15 p.m. the Senate proceed to a period of morning business with Senator COBURN being recognized for up to 20 minutes; that following Senator COBURN, Senator MIKULSKI be recognized for up to 15 minutes; and that following Senator MIKULSKI's remarks, the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

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

Thereupon, the Senate, at 1 p.m., recessed and reassembled at 2:15 p.m. when called to order by the Presiding Officer (Mr. WEBB).

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I understand that I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

STATUTORY DEBT LIMIT

Mr. COBURN. Mr. President, I want to speak on two or three topics, the first of which is the statutory debt limit.

We heard the Treasury Secretary today say that essentially early, late July would be the last time at which we could manipulate things to not surpass our debt limit. I wanted to ask the rhetorical question: What does the statutory debt limit mean? What it means is we put into law a limitation on ourselves on the amount of money we can borrow.

President Bush—I believe my facts are correct—asked for the debt limit to be extended seven times. This will be the second under President Obama's leadership. It has been extended multitudes of times prior to that. As a physician I am querying myself to ask the question: Why do we put a limit on our debt when every time it comes up, we raise the limit again? The answer to that question is the limit does not mean anything because we continue to disregard the difficulty we are in. If a debt limit meant something, we would make changes and take actions to limit the amount of money we are spending so we would not break the debt limit or have to raise the debt limit.

As a physician, when I think about the debt limit, the debt limit is a symptom of simply another problem. That other problem is that we in Congress—this Congress, the Congress before this, and the 10, 20 Congresses before that—have not taken seriously the idea that this country has to live within its means. In fact, we are not living within our means. We were not living within our means before the housing crisis of 2008. We were not living within our means except one short period of time when we had a true net surplus of about \$36 billion, thanks to the tech bubble and the fact that in 1995, the 104th Congress did a rescission package of a significant amount, under \$30 billion, but the accumulated benefit of that allowed us to run those surpluses.

The question before our country today is: Is the Congress going to pass another debt limit? Are we going to raise the debt limit again and not do what every other family, every other business, and every other organization in this country has to do and, in fact, the rest of the world? And that is, they do not have the liberty of spending money they do not have on things they do not absolutely need.

I believe the question the American people ought to be asking of Congress and this President is: How dare you even consider raising the debt limit until you have done a thorough job of finding out whether the programs—the multitudes, hundreds of thousands of programs—we have actually function efficiently, actually do their intended purpose and, in fact, are a legitimate role for the Federal Government to be doing in the first place?

We are always going to have the partisan debate on whether taxes are not high enough or spending is not low enough. But all of those belie the real problem, which is this country cannot continue to live beyond its means.

In point of fact that this Congress does not want to do that, we have a small business bill on the floor about which we are all tied up in knots because we do not want to make votes that actually will cut \$20 billion worth of spending this year. We do not want to have those votes. We have had all these shenanigans to try to keep from coming to the floor amendments that actually do something.

The American people ought to look at us and say: What is going on? Do you not get it? Do you not understand that the country as a whole is now experiencing what a large number of our families did over the last 2 years, that the amount coming in is less than the amount going out and adjustments in how we spend and what we spend have to be made?

We have an ethanol amendment that I understand is controversial. The fact is, it will be voted on after cloture is filed on this bill. But it is an amendment that will save a true \$4.9 billion this year alone. The money for that tax credit that goes to the international and national oil companies in this country to blend ethanol with fuel—they sent a letter and said they do not want the money. How does one justify voting to send money, \$4.9 billion, to ExxonMobil and Chevron and ConocoPhillips and all the rest of the big ones that are going to show tremendous profits with oil prices where they are today? When they say they do not want it, how does one justify continuing to send money to them? How does one vote against not sending that money back to the Treasury, not borrowing the money from the Chinese to pay the large oil companies to blend ethanol?

It is not a justification. The reason we are not having a vote is because they know it will be adopted. That amendment will be adopted. That is why we are not having a vote.

America ought to look at the Senate and say: You are not having a vote on something that will save America almost \$5 billion this year, before the end of this year that the people who are getting that money do not want and have written to the Congress and said, We do not want the money, and yet we are not going to be allowed to take that amendment up in regular order and not be able to have a vote on it because a small special interest group does not want that to happen?

Talk about dysfunctional. Talk about having our heads in the sand. Talk about not addressing the real problem with the debt limit when we cannot even do something that simple, of saving the American people \$5 billion on one amendment and we will not do it? Some real change has to happen, and not enough change has happened yet.

The Government Accountability Office issued a report a month ago outlining massive duplication throughout our government, the first third of it with massive amounts of duplication. The question on the other side is: Are these legitimate roles for the Federal Government? We are not even going to debate that issue. The fact is, they showed massive amounts of duplication in large areas across the government in which we have multiple programs to do the exact same thing.

We have an amendment that will save \$5 billion this year if we will vote on the amendment and say, Let's cut \$5 billion out of at least \$50 billion to \$100

billion we know is there, and let's do it this year, and let's have the administration mandate they have to do it.

That is another \$5 billion. In two amendments, we would have covered everything we would have cut with the CRs. They are common sense. They match what the American people want us to do. If we had true world bankers, they would be telling us to do it as well. And yet we have not been able to achieve a vote on that amendment.

Then we have the fact that we have unemployed millionaires to the tune of taking, I believe the number is, \$20 million in unemployment checks—people earning \$1 million a year taking \$20 million from the taxpayers of this country for unemployment. We should not let that go on one second longer. Unemployment is for people who desperately need it. It is not for those who do not.

What we have also found is the tremendous cost, as we researched the data on the unemployment for millionaires, that we are spending almost \$5 billion a year to manage the unemployment program in this country at the Federal level, when 85 to 90 percent of the work is done at the State level. We did not even offer that amendment to downsize that activity.

The suggestion I have for my colleagues is let's go back to the debt extension, the statutory debt limit. I am of a mind—and I think the average American, regardless of what the consequences are and all the fear mongering we hear about, oh, you have to do this, you have to do this—I do not think we should do it until we have followed some of the commonsense prescriptions that the average family does in this country before we extend the debt limit. My knowledge of the functioning of this town says it is doubtful we will ever do that.

I call on my colleagues to start thinking about what the real disease is in Washington. The real disease is we do not have the courage to make the very hard choices that are in front of our country today and then live with the results of that in terms of how it is going to impact our political careers.

Everybody has a program they want to protect. The message for America today is every program is going to get hit. The Defense Department is going to get hit. Every program is going to get hit. My taxes are going to go up. Sorry, they are going to go up. This country cannot get out of this mess with the behavior we are exhibiting in this body. And if we fail to do what is necessary for our country at this critical time in our juncture, history will deem us absolutely incompetent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

THE BUDGET

Ms. MIKULSKI. Mr. President, my colleague has talked about the disease in Washington, but I want to talk

about another disease that seems to be running rampant in the House Republican caucus, and that is hypocrisy. Hypocrisy. The reason I say that is they say one thing and they mean another. They say one thing and they deceive the American public.

Ordinarily, I would not comment on the behavior or the tribal mores of the House Republican caucus, but they have had a field day on TV ridiculing the Senate, ridiculing the Democratic Senate, essentially doing a lot of name calling. I am not doing name calling. I am going to do fact describing.

The reason I call it hypocrisy is this: What they say they want to do, which is reduce government spending, they do not. They only do it on particular groups of people.

The other is something called the consequences of the shutdown. Let me say this: They want to cut spending, but they are unwilling to cut their own pay. Sure, I am for a government that is more frugal. I am for cuts. But I am not for their cuts. What they propose is reckless and radical, and when they do not get their own way, they say: Cut it or shut it.

However, I take this position: If there is a government shutdown, I do not think Members of Congress should be paid. If there is a government shutdown and we tell dedicated Federal employees that they are not going to get paid, that they are nonessential, the fact that we could not stop a shutdown shows we are not essential. I believe if there is a shutdown, Members of Congress should not get paid. I not only want to express that as a sentiment, I did that backing Senator BARBARA BOXER's bill which passed the Senate that said if there is a shutdown, Members of Congress do not get paid.

What did the House Republicans do? They passed a bill, I will not go through the details, but on this relevant section they said Members of Congress and the President do not get paid. But guess what. They allow for retroactive payment. The Senate bill does not do that. So they would be the only ones in a shutdown who can come back and pick up that little paycheck they have stuck in a corner. Talk about hypocrisy. That is called bait and switch. It ought to be under some kind of consumer protection law.

Even the title of their bill is wrong. Their bill is called the Government Shutdown Prevention Act. Their bill doesn't stop a shutdown. It doesn't even help with the sitdown. What is a sitdown? We would come to the table as grownup Americans, and we would try to arrive at how to pass a continuing resolution to fund the government that recognizes not only debt but that there are certain aspects of the government programs we need to be able to fund.

My constituents were outraged when Wall Street executives got hundreds of millions of dollars in bonuses. They should be outraged when, as Members of Congress, we are going to get paid when they do not.

Here is what I don't get. My home State is the home of the National Institutes of Health. Right now I have thousands of people working as a team to find the cure for Alzheimer's, for AIDS, for autism, for cancer. We race for the cure, and we should, but we are going to tell those researchers they are nonessential.

Right now there are thousands of Federal employees processing the claims of Social Security, making sure someone who is disabled qualifies for their benefit. They are going to be told they are nonessential.

Let me tell you, on any given day, if somebody, in whatever town they live, goes to their Social Security office and finds it shuttered and they cannot apply for a benefit for which they believe they are eligible, I think they would rather shut us down than that Social Security office be shut down.

Ask anybody in the United States of America who they think is more essential, Members of Congress or the researchers working on a cure for cancer or those people working to defend our borders. I could give example after example; you know where they are.

It is very clear people know they depend, for the functioning of the Federal Government, on a civil service that is honest, that has integrity, counseling us to make sure we keep government doors open while we negotiate the numbers. Numbers do matter. I am ready to come to the table. I believe all Democrats are ready to come to the table. But we will not come to the table to engage in meaningless discussions and pursuing a way that is reckless.

I will discuss about the recklessness more, but I want everybody to understand Democrats in the Senate passed a bill that said if there is a shutdown, we don't get paid, no way, no day, and no backpay. So no way, no backpay. The House, in the meantime, did this sham scam that says: Yes, we will pretend we are not getting paid, but we are going to pick up a backpayment.

I don't get these guys. They want to take away Medicare and turn it into a voucher program, but they are sure happy picking up government health care. They love getting federally subsidized health care. They want to take away other people's pensions, but they sure like getting their Federal employee pensions. I am going to put an end to the hypocrisy, and I am going to put an end to the CR dangling.

I think we need to come to the table and pass a responsible budget that recognizes we are in a frugal era and we need to make sure the American people know we are on their side. At the same time, the American people need to know that many of us are willing to say if a shutdown comes and Federal employees get no pay and contractors get no pay, we get no pay and no backpay.

I will have more to say about this as this week unfolds, but before I sit down, please, let's sit down rather than shut down.

Mr. President, 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. 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.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I have had a number of conversations over the last few days with my new friend, the junior Senator from Kentucky, Mr. PAUL. He feels very strongly about an issue, and he should have the right to talk about that.

I ask unanimous consent that there be 10 minutes for Senator PAUL to speak prior to my being recognized to have the bill called up; that is, the small business jobs bill, and that Senator PAUL be recognized as in morning business.

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

Mr. REID. During that morning business time, it will be for debate only by Senator PAUL.

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

The Senator from Kentucky is recognized.

WAR POWERS ACT

Mr. PAUL. Mr. President, I very much thank the majority leader for allowing this important debate to occur.

During his campaign, Candidate Barack Obama said no President should unilaterally initiate military conflict without Congressional authority. I agree with that statement. It is a very important constitutional principle and something that I think deserves debate.

I think the most important thing we do as representatives is voting on whether to go to war. If Congress does not vote to go to war or does not vote on the notion of going to war, we would have an unlimited Presidency, and this is a very dangerous notion.

I would take this position no matter what the party affiliation were of the President because I believe very strongly in the constitutional checks and balances. We will vote today on the President's own words verbatim. During the election, the President said: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Clearly, the circumstances in Libya do not rise to this, and I think this vote is incredibly important. Madison wrote that:

The Constitution supposes what history demonstrates. That the executive is the branch most interested in war and most

prone to it. Therefore, the Constitution has with studied care given that power to the legislature.

"Don't tread on me" was a motto and a rallying cry for our Founding Fathers. The motto of Congress appears to be: "Tread on me, please tread on me." The Congress has become not just a rubber stamp for an unlimited Presidency, but, worse, Congress has become a doormat to be stepped upon, to be ignored, and basically to be treated as irrelevant.

Some would say: We had no time. We had to go to war. There was no time for debate. When we were attacked in World War II on December 7, Pearl Harbor, within 24 hours this body came together and voted to declare war on Japan. There is no excuse for the Senate not to vote on going to war before we go to war.

The President had time to go to the United Nations, have a discussion, and a vote. The President had time to go to the Arab League, have a discussion, and a vote. The President had the time to go to NATO. But the President had no time to come to the people's house, to the Congress, and ask, as the Constitution dictates, for the approval of the American people and for the approval of Congress.

Why is this important? It is important because when our Nation was founded, we were founded as a constitutional Republic. We placed limitations not only on the President but on the Congress. We are supposed to obey the Constitution. These are important principles and we have gone beyond that. We have gotten to the point where my question is, Are we even obeying the Constitution in this body?

This is a sad day. This is a sad day for America. The thing is, we need to have checks and balances. Do we want an unlimited Presidency, a Presidency that could take us to war anywhere, anytime, without the approval of Congress?

Some have said: We are going to have a vote sometime, sometime in the next couple weeks. When we get around to it, we may have a debate about Libya. Had the President shown true leadership, the President would have, when he called the United Nations, when he called the Arab League, when he called NATO, the President would have called the leadership of the Senate and the leadership of the House, and we would have been here within 24 hours, having what should be the most momentous debate this body ever has on sending our young brave men and women to war.

We are currently engaged in two wars, and we are now going to be engaged in a third war. The interesting point is, when we went into Iraq and Afghanistan, we had votes in this body. President Bush came to Congress and there were votes.

The War Powers Act—some on the other side say: This is no big deal. The President can do whatever he wants as long as he notifies Congress within a certain period of time.

This is not a correct interpretation of the War Powers Act. The War Powers Act does say he needs to notify Congress. But the War Powers Act also says the President must meet three hurdles before taking our troops into harm's way.

No. 1, there should be a declaration of war or there should be an authorization of force from this body or there should be imminent danger to the Nation. None of those were adhered to. The law was not adhered to.

Some will say: The War Powers Act, no President recognizes it. Well, The War Powers Act is the law of the land, and the President needs to respect not only the statutory law of the land but the Constitution. I do not think these are trivial questions. But I am bemused, I am confused, I do not understand why your representatives are not down here debating such a momentous event as going to war.

I can think of no vote and no debate more important than sending our young men and women to war. It should be done reluctantly. We should go to war only when threatened as a nation. When engaged in two wars, we should debate the prudence of being involved in a third war. These are not trivial questions. I am amazed this body does not take the time to debate whether we should be in Libya.

Some have said: We will debate it next week. The problem is, the debate should occur before we go to war. At this point, we will have a vote. We will have a vote on the President's own words.

I will yield for a minute or two for a question, if that is OK. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. LEE. Mr. President, what we have with the situation with Libya presents us with a fundamental question, one we have wrestled with for a couple centuries as a nation. The founding era was a time that was fraught with wars. It was a time when we learned that executives sometimes abuse their power. Sometimes they will take us into wars in faraway nations without the support of the people, knowing full well it is the sons and the daughters of the people on the ground who are asked to make the ultimate sacrifice in those battles.

We channeled the war power in the Constitution so as to make sure these debates would always come to the forefront, that they would always be brought up by the elected representatives of the people in Congress. For that reason, although we give power to the President to be the Commander in Chief in article II of the Constitution, in article I of the Constitution, we reserve that power, the power to declare war, to Congress.

This is how we guarantee that the people's voice will be heard and that people's sons and their daughters will not be sent off to war without some public debate and discussion by those

who have been duly elected by the people and stand accountable to the people.

We have, over time, clarified the intent. We have made clear there are certain steps that have to be taken. We have also made clear that although there is, to be sure, a certain unknown continuum, a continuum that can be hard to define in every circumstance, between the President's plenary authority as Commander in Chief, on the one hand, and Congress's power to declare war on the other, there does come a point at which we can recognize that we are at war and that some authorization is required by Congress.

This very body, Congress, has, through the war powers resolution, attempted to distill some of these principles. In section 1541 of the War Powers Act—it is found at 50 United States Code section 1541—we are told there are circumstances, three circumstances to be precise—

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

Mr. REID. Mr. President, first of all, I wish to express my appreciation to the Senator from Kentucky. He is a gentleman. I know how sincere he feels about this issue. I admire him for feeling sincerely about issues, as he does on a number of them.

It has been good for me to get to know him better during the last 4 or 5 days.

I ask for the clerk to report the pending business.

SBIR/STTR REAUTHORIZATION ACT OF 2011—Resumed

The PRESIDING OFFICER. The clerk will report the pending business. The bill clerk read as follows:

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

Pending:

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

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

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

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

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

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

Hutchison amendment No. 197, to delay the implementation of the health reform law in

the United States until there is final resolution in pending lawsuits.

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

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

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

Paul motion to commit the bill to the Committee on Foreign Relations with instructions to report the same back to the Senate forthwith with Paul amendment No. 276 (to the instructions on Paul motion to commit the bill), of a perfecting nature.

Mr. LEVIN. Mr. President, I rise to oppose the Paul amendment on the President's constitutional authority to order the use of military force. This amendment is flawed because it doesn't allow the President to respond militarily to a completed attack and only allows action to stop an actual or imminent threat to the Nation.

The amendment would in effect make it illegal for the President to unilaterally order the use of military force to protect U.S. interests except only in situations that involve preventing an actual threat to the United States or an imminent threat to the United States.

Numerous Presidential decisions to order the use of military force over the last 30 years would not meet the standard of the Paul amendment.

For example, under the Paul amendment President Ronald Reagan would have acted illegally in 1983 when he unilaterally ordered the invasion of Grenada, which did not involve an "actual" or "imminent" threat against the United States from Grenada.

Similarly President George H.W. Bush would have acted illegally under the Paul amendment when he ordered the 1989 invasion of Panama. President Bush justified the Panama invasion based on protecting the lives of U.S. citizens, defending democracy and human rights in Panama, and countering drug trafficking, not on an "actual or imminent threat to the nation."

Also, President Reagan's ordering airstrikes against Libya in 1986, 11 days after Libyan terrorist agents bombed the LaBelle discotheque and killed or wounded over 100 U.S. soldiers, might have been illegal under the Paul amendment. The President's response to Libya's sponsorship of terrorism arguably would not have met the standard of "stopping an actual or imminent threat to the nation" because the tragic act of terrorism had already happened days earlier.

Finally, according to this amendment, President Obama acted beyond his constitutional authority when he authorized the use of deadly force by Navy SEALs to rescue Captain Richard Phillips from Somali pirates on April 10, 2010.

There are numerous other examples over the past decades when Presidents

have ordered the use of military force to protect U.S. interests, but where such actions would not have met the standards of the Paul amendment.

I urge my colleagues to vote to table this amendment.

Mr. REID. Mr. President, it is my understanding that the Paul amendment is the pending business; is that right?

The PRESIDING OFFICER (Mr. FRANKEN). The motion to commit by Senator PAUL is pending.

Mr. REID. I move to table that and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—90

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

NAYS—10

Collins	Lee	Snowe
DeMint	Moran	Toomey
Ensign	Paul	
Johnson (WI)	Sessions	

The motion was agreed to.

Mr. MCCONNELL. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Louisiana.

MORNING BUSINESS

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

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

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LIBYA

Mr. McCONNELL. Mr. President, just a brief observation about the vote we just had. I would say to our colleague from Kentucky, Senator PAUL, the issue of the American effort in Libya is a legitimate discussion for debate, I think a legitimate issue for debate. That is a debate we need to have, and I will be talking to the majority leader about the appropriate time to do that.

A number of Senators are talking among themselves on a bipartisan basis about what kind of resolution would be appropriate, and certainly the Senate speaking on this issue is something we need to do in the very near future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BUDGET DIFFERENCES

Mr. HARKIN. Mr. President, the responsible leaders in Washington are working hard to find a compromise to fund the government through the end of the year. Regrettably, however, many Republicans in the House—spurred on by tea party radicals—are still threatening to throw a temper tantrum and shut down the government if they don't get all of their demands. This morning, the Washington Post reports that Speaker JOHN BOEHNER received an ovation from the Republican caucus when he told them he had directed the House Administration Committee to prepare for a shutdown, as Congressman MIKE PENCE, former head of the Republican Policy Committee, shouted at a tea party rally last week, "Shut it down!"

So it seems what we are confronting is kind of a monolithic House driven by the tea party vigilantes, as I refer to them, to brook no compromise. They want it all their way or they are going to shut down the government.

Republicans are seizing on the budget crisis as a pretext for ramming through their longstanding ideological wishes. In Iowa, Wisconsin, Ohio, and elsewhere Republicans are using the budget crisis as the pretext for an assault on public sector unions and their hard-working teachers, firefighters, prison guards, and others. On Capitol Hill Republicans are using this crisis to try to defund health care reform, to gut Medicare and Medicaid and Social Security, and, yes, to cut tax rates even more deeply for the wealthiest in our soci-

ety. This tea party budget is an unprecedented assault on the middle-class and working Americans. It would drive down our American standard of living, shred the economic safety net, reduce access to health care and higher education, and do grave damage to our public schools and our ability to prepare the next generation for the jobs of the future.

Let's be clear. This is not about reducing budget deficits. Republican Governors and Republicans in Congress are demanding budget cuts for the middle class. At the same time, they continue to push for tax cuts for large corporations and the wealthy. So call it what it is. Republicans are waging a class warfare in America. Republican Governors have the gall to attack teachers and firefighters, police officers, and other public employees.

In the words of Indiana Governor Daniels, he called them "the privileged elite." Think about that. Our teachers, our firefighters, prison guards, and others who are public union members are the privileged elite in our society according to Governor Daniels.

Why are they the privileged elite? Well, I guess because they actually have pensions. They actually have access to decent health care, and they are making decent wages with decent working conditions. That is the privileged elite. I guess now the middle class are people who are working for minimum wage at McDonald's, with no health care, no pensions, no retirement, and not enough to support their families. I guess that is the new middle class in America, but the privileged elite are those who have pensions, access to health care, and decent wages.

This is the worst kind of demagoguery against loyal and hard-working public servants, our friends, and our neighbors. We shouldn't be dragging people down because they have a middle-class life. We should be working every day to give every American that opportunity.

Meanwhile, as the Republicans at the State and national level go after the health care, retirement, and security of middle-class Americans, they are going all out to pass more tax cuts for the wealthy. The Republican Governor in Michigan called for a \$1.8 billion cut in corporate taxes. Wisconsin Governor Walker has called for \$200 million in cuts. In Congress, just a few months ago, in December, Republicans demanded and got hundreds of billions of dollars in new tax cuts largely, again, for the wealthy.

Now, House Republicans—the tea party-driven House Republicans—are demanding we reduce the top tax rate for high earners. Get this, reduce the top tax rate for high earners from 35 percent down to 25 percent, preserving every penny of the tax breaks given to the wealthy back in 2001. All of these tax cut proposals will make deficits far worse. So, again, this whole battle we are talking about is not about deficits. Indeed, the tax cuts congressional Re-

publicans secured in December will add, according to CBO, \$354 billion to the deficit just this year and even more next year.

Early this year House Republicans voted to repeal the health reform law which would add \$210 billion to the deficit over the next decade and over \$1 trillion in the decade to follow. Now, again, that is the savings CBO said would come about because of the health reform bill we passed. Yet these same Republican politicians in the House and around the country are claiming to be worried about the deficit.

Well, I think this demagoguery is not fooling anyone any longer. It is not about deficit reduction; it is about ideology. Republicans are taking a meat ax to programs for the middle class—everything from cancer research to Pell grants to health care. They are gutting the safety net started and built up over generations, starting with President Franklin Roosevelt. It is the same old Republican game plan: give huge, unaffordable tax cuts to the wealthy and give budget cuts to the middle class and the most vulnerable in our society, including seniors and people with disabilities.

This new tea party Republican budget proposal gives new meaning to the word "extreme."

Look at what they have proposed. The new budget that has just come out on the House side would basically eliminate Medicare as we know it. It would create a new voucher program with seniors in the future paying out of pocket for many lifesaving health care costs. Estimates are that this would raise premiums and cut benefits of over 25 million seniors.

It is a massive giveaway to private insurers, a system that CBO—the Congressional Budget Office—tells us is much more expensive and, we know, less efficient than Medicare. By design these vouchers would not keep up with rising health care costs, so they would lose value every year with seniors paying the difference or ending up uninsured. Again, the assault on Medicare is a transfer of wealth from the middle class to insurance companies and their shareholders, their stockholders.

The House budget would reopen the prescription drug doughnut hole requiring seniors to pay \$3,600 a year more for prescription drugs. They propose to block grant Medicaid and cut \$1 trillion in health care services which would end vital services that seniors and disabled Americans depend on such as coverage for nursing homes or home health agencies by shifting the cost to the States. This would worsen State budget deficits and lead to higher property taxes. Seventeen Governors sent a letter to congressional leaders opposing this, saying it would shift costs and risks to States. States would be forced to bear all costs after hitting the annual cap just as the baby boom generation is entering the retirement years with likely steep increases in their

health care and long-term care costs. The ensuing funding shortfall would leave States with an untenable choice between increasing taxes, cutting other State programs or cutting eligibility, benefits or provider payments.

That is a letter 17 Governors sent to the President.

I remind my colleagues that Republicans complained bitterly in the last Congress when we approved support for the States to maintain health programs for the poor in the recent recession—a level of support the Republicans are now trying to slash in the States. The House budget would put future seniors in the same budget fight, and the Republican budget proposal doesn't stop at dismantling the safety net and programs that the seniors rely on for a secure retirement. It makes profound and destructive cuts to the entire range of programs that underpin the American middle-class standard of living—everything from education, student grants, loans, law enforcement, clean air and clean water, food safety, biomedical research, highways, bridges, and other infrastructure—in short, all the programs and services Americans rely on for a decent way of life.

The Republican assault on the middle class is breathtaking, both in the scope and in its depth. It cannot come at a worse time for working Americans, who are already under enormous strain and fear that the American dream is slipping away.

It is no secret people are working longer and harder than ever before, but they still can't meet the cost of basic, everyday needs such as education, transportation, housing, and health care, let alone put away enough money to support themselves in old age.

Even before the great recession, during boom times, working people weren't sharing in our Nation's prosperity. Real wages peaked in the 1970s, and they have not moved since. Think about this. Real wages, accounting for inflation, are about where they were in 1979. Think about that. The middle class in America has not made any headway since 1979. We wonder why people are upset. They see the middle class way of life slipping away from them and their children.

I don't think we can say the wealthiest 400 or 500 people in America are at the same place they were in 1979—not at all. In fact, in the mid-1970s, the top 1 percent of Americans, in terms of wealth, had about \$8 trillion in assets. Today, that same 1 percent has over \$40 trillion in assets. It is not the same as where they were in 1979.

The top 1 percent has seen their income soar. Last Friday, our colleague from Rhode Island, Senator WHITEHOUSE, was on the floor, and he had some very startling statistics. He pointed out that the 400 highest income earners in America earn an average of \$344 million a year. Got that? They earn an average of \$344 million a year, and they paid an effective tax of 16.7

percent. The average person working around here—the police we see here, the janitors, the food service workers, and others in the Capitol—do you know what they pay? They are probably paying 29, 30 percent of their income in taxes. But the 400 highest income earners only paid 16.7 percent. We wonder why people think things aren't quite on the up and up or quite fair.

Do you detect people who are just kind of feeling uneasy about where this country is headed? People are profoundly anxious about the future, but look at what the House Republicans are doing. They are going to make it worse on the middle class. People are worried they will not be able to have a decent house or enough food for their families or pay for their kids' college education. People are working harder, and they don't even take vacations any longer because they can't afford it.

If we learned anything from the great recession, it is that most families, even though solidly in the middle class, are one pink slip away from economic catastrophe. Everybody keeps talking about a recovery. Many of our friends and neighbors aren't seeing that. Corporate America is sitting on over \$1 trillion in cash, while 14 million Americans are out of work. That is just the official number. That is not counting another 15 million who are underemployed or who have quit looking for jobs because they have been shut out of the job market.

This doesn't look like a real recovery to me. It is a repeat of the last recession, when the recovery went to the wealthiest and the working people were left behind. Republicans have proposed a budget that will destroy the middle class in this country. That is what the Republican budget is about.

Many Republicans apparently believe that as public sector workers and others lose their jobs, it will be somehow good for the economy. Two weeks ago, the Republican staff on the Joint Economic Committee released a report arguing that widespread layoffs would actually increase jobs. How about that for funny reasoning?

As Nobel Prize-winning economist Paul Krugman pointed out, this is a throwback to the thinking of Depression-era Treasury Secretary Andrew Mellon, the idea that by driving down wages and benefits, we will increase employment. This is now "the official doctrine of the GOP," he points out. If we drive down wages and benefits, we will somehow increase employment. I suppose we could. I suppose if we got everybody down to working for \$1 an hour, there might be a lot of jobs out there.

The idea is not a job. It is not just having someone work. The idea is to have a good job. I have pointed out in speeches in the past that, when we think about it, in our sordid history of America, every slave had a job. Think about that. Every slave had a job. Were they free? Were they happy? Did they keep their families together? Were

they able to build up a middle-class nest egg? Did they have decent retirement and health care? No. But they had a job. Is that all we are after is just a job? It seems to me that we are after jobs that pay decent wages, with decent working conditions, and allow people to have time with their kids and their families.

What is wrong with having a job that has a decent wage and decent working conditions and you get to take a decent vacation and you have health care coverage and you have a pension for your old age? What is wrong with that kind of a job? These are the kinds of jobs we want for Americans—not just a job. But the Republican philosophy seems to be just a job. Forget about the pension and your standard of living, just be thankful that you have a minimum-wage job. That is where this Republican budget is driving us.

I could not help but think about this in terms of what is happening in the world—in Libya and what happened in Egypt and in Syria and in Yemen and what is happening in other places around the globe. When stripped away from all of it, it seems to me that in all these countries, people are saying we have had enough of a system where a few at the top get everything and nobody else gets anything and we are all at the bottom. In so many of these countries, these revolutions are going on so people can have a more decent life, a better share, if you will, of the products of their own society. So they are going in the direction of trying to establish a better middle class, a stronger middle class.

What are we doing in America, the bastion of middle-class virtues. We are going in the other direction. We are destroying the middle class, taking away the kinds of livelihoods that built the middle class. That is what this is about. The future of our Nation depends on our ability to ensure that the benefits from economic growth are widely shared. That means putting policies into place that build a strong and vibrant middle class, with good jobs, fair wages, and good benefits. That is the America I want to see, one where people who work hard and play by the rules can have a decent life.

Tragically, the tea party budget plan would take us in exactly the opposite direction. It would gut the whole range of programs that support the middle class in our country. It would dismantle the safety net that has been built for seniors, those with disabilities and the low income—a safety net created under President Roosevelt and has been strengthened since.

The Republican tea party budget is built on bad priorities, bad policies, and just plain bad values.

As columnist E.J. Dionne points out, Americans can now see "how radical the new conservatives in Washington are, and the extent to which some politicians would transfer even more resources from the have-nots and the have-a-littles to the have-a-lots."

I don't believe the American people will stand for this unwise, unbalanced, unfair assault on their economic security and their way of life. We must stand strong and oppose these grossly misguided proposals in every way we possibly can. This is a battle that is joined and we cannot be faint of heart or weak in spirit. We must stand strong for middle-class values and what allowed America to become a strong middle-class nation. I believe the American people are definitely on our side in this battle.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. 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.

Mrs. BOXER. Madam President, what is the order?

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

Mrs. BOXER. Is there any time limit on Senators?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mrs. BOXER. I ask unanimous consent that I be given an additional 10 minutes.

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

Mrs. BOXER. Madam President, I come to the floor to talk about the possibility of a government shutdown and to say that such an alternative will be very hurtful for the people of this country. I was here when the government was shut down before by another Republican Speaker, and I can tell you that my small businesspeople around Yosemite National Park, for example, who count on tourism still remember the sting of losing over \$200 million because people had to cancel their trips. That is one example.

I know Superfund site cleanups were halted in their tracks. We had issues at the borders. We had a whole series of problems. It seems to me it is a reckless way to go, but it also seems to me the House Republicans want us to have a government shutdown.

Why do I say that? I say that because Republicans gave the Speaker of the House an ovation when he informed them "to begin preparing for a possible shutdown." An ovation. I would hope we would reserve our ovations for our leaders when they tell us that because of our work in funding the National Institutes of Health, we now have a cure for cancer. I would like to have an ovation about that.

I would like to have an ovation for our firefighters and our first responders who are brave every single day. I would like to have an ovation for them.

I do not think having an ovation because we might have a government

shutdown is appropriate, but it was an honest response. That is what they want. One has to ask why. Why do they want this? Because they want to cut \$100 billion from the President's budget, when Democrats have already agreed to meet them with \$73 billion in cuts?

There are three parties to these negotiations: the President, who is a Democrat; the Senate, which is Democratic; and the House, which is Republican. Since when does one-third represent a majority? Since when is one-third allowed to say: My way or the highway? Apparently, that is what they are doing.

They put H.R. 1 before the House that has all these cuts—but not just cuts, political vendettas attached, such as zeroing out funds for Planned Parenthood. Nothing to do with abortion funding because we cannot use Federal funds for that, but the other work of Planned Parenthood in preventing unwanted pregnancies, the work they do to ensure people can have contraception, the work they do to make sure there is not a spread of communicable diseases sexually transmitted. The work they do—and, yes, no matter what the rightwing says, to do breast cancer screenings.

There was a big article in the paper: Senator BOXER is spreading a big lie that Planned Parenthood does breast cancer screenings. They do breast cancer screenings. Although, I understand, one of their clinics does mammograms, they definitely say to someone, if they find a suspicious lump in that breast cancer screening, they will help people get the help they need.

They do Pap smears. They make sure they talk about the dangerous spread of HIV/AIDS. Five million people go to those clinics. They want to shut them down.

They want to shut down title X—the whole program—which is family planning. On the one side, they do not want abortions. Nobody does. On the other side, they turn their backs on family planning. This does not make sense. That is what was in H.R. 1.

Also, in my State, \$700 million would have been cut in Pell grants, which meant 1 million California students who rely on these grants could no longer rely on them and, therefore, would have to drop out of college. That is what was in H.R. 1. That is what they want us to accept.

Head Start—everybody knows Head Start. It is a success story. The fact is, H.R. 1 would slash it by \$1.1 billion and would lay off 55,000 teachers and staff and more than 218,000 low-income children would be cut from the program. In my State, 24,000 low-income kids would lose access to Head Start. They are doing all this while they are giving huge tax breaks to the billionaires. It is wrong.

They would cut community health care centers—457,000 Californians. That is a big number. There are some States that have fewer than that. But 457,000

Californians would lose their health care if they went to community health care centers. Twelve centers would close. Why on Earth would anyone want to do it? They want to do it. We can figure out other ways to get to those cuts. There are other ways to do it.

What amazes me is that Democrats are the ones who balanced the budget with Bill Clinton. We took deficits as far as the eye could see and turned them around, balanced the budget, and created surpluses. Now we are being lectured that if we do not do it the exact way our friends want, which is to hurt children and education and environmental protection and, by the way, safety issues, such as making sure our airplanes do not develop holes in them, an important point, they go after all of this.

There are cuts to afterschool programs. That breaks my heart because I know 11,000 kids in California would be shut out. We all know kids need help after school. If they are alone, they get in trouble. If they get in trouble, it costs us money. These cuts are ridiculous.

We can sit together and work together and do it in a much more fair way, if people pay their fair share. If everybody takes a little bit of a nick, we can get there. We have shown them how to get to \$73 billion worth of cuts. That is just for the next 6 months. They are demanding \$100 billion, their way or the highway. This is a ridiculous situation to be in.

I am going to say again, if you control one-third of the power in this trio where you have the President is a third, the Senate is a third, and the House is a third, and you are in the House and you are the only one run by the Republicans, by what measure do you have the right to say my way or the highway? I don't think the American people would think that is right. They want us to work together and that is the message of the President.

I have to tell you, this budget by the Republicans, H.R. 1, that we voted down here, would lead to nearly 900 fewer Border Patrol agents nationwide. Everyone wants to make sure our border is safe. Nine hundred would be gone. How about a \$1.3 billion cut in the National Institutes of Health, working as they are to develop new treatments and cures for cancer and Alzheimer's? If you ask the average family what they fear, they will mention we fear that somebody in our family is going to suffer from one of these diseases.

It is outrageous. They are going to kill an Energy Department loan program when we know we cannot be dependent on foreign oil. We need to find those alternatives. Energy research and development is slashed by almost \$2 billion. Transportation infrastructure is slashed. There are Draconian cuts at the Environmental Protection Agency.

And then all these riders. There are a whole bunch of them, as I know you

are aware, on the Environmental Protection site. Here is the irony. The Republicans want to destroy the EPA, which was created by Richard Nixon, a Republican President. Former Administrators of the EPA Ruckelshaus and Whitman wrote a beautiful op-ed in the Washington Post—I believe it was the Washington Post, or the Times, I am not sure which—in which they clearly say this is a bipartisan matter. Yet the Republicans, in H.R. 1, want to stop the EPA from enforcing the clean air law, which will make our skies dirtier. Our kids will get asthma, premature deaths, and all the rest. Big surprise, we voted it down here. It only got 44 votes. It is radical. We can meet them way more than halfway—we already have—without hurting our people and still getting the budget cuts we need.

I am here to say it has now been 35 days, 35 days since the Senate passed S. 388. What is S. 388? S. 388 says, if there is a shutdown, Members of Congress and the President will not receive their pay. Why do I think this is important? Because most people do not know that, although our staffs will not get paid, although many Federal employees will not get paid, Members of Congress have a special protection built in because we are paid under a statute and so is the President. So 35 days ago we sent over to the House a very simple bill. It said if there is a shutdown, basically that means failure on our part to keep the Government going—what could be more basic than that—we should not get paid and we should not get paid retroactively. Our colleagues over there have taken no action.

If you ask them, they will say: Yes, we did, we put that in another bill and passed it. You know what the other bill is? The other bill is an illegal bill. The other bill would make our Founders roll over in their graves. This is what the bill they embedded “no budget, no pay” in says. Follow me—and I especially hope the young people listening to this debate will follow me because you have learned how a bill becomes a law.

It goes through a committee usually. It doesn't have to. It goes to one House, they pass it; the other House passes it; so you get the House and the Senate, and then it goes to the President. He either signs it or vetoes it. If he signs it, it is law. If it is vetoed, two-thirds can override it.

Guess what, they put “no budget, no pay” into a bill that says the following: If the Senate has not acted by a date certain on H.R. 1, this horrible bill that I talked to you about, that bill will have been deemed to be the law. It is a new deal: “we deem.” In other words: I have 20 bills that I have introduced, today I deem them law. I have some great bills. One is a Violence Against Children Act, very important. Another would help many of my transportation folks. I deem them all law.

How is that legal? It is illegal. They are saying if we do not act on H.R. 1, again, it is deemed the law. It doesn't

even pass the smell test, the laugh test, and they have embedded in it “no budget, no pay.” So, big surprise, we are not going to pass it over here in that form.

I am saying this is a maneuver, and a little dance by Speaker BOEHNER and ERIC CANTOR, who is the leader over there, to make it look as though they are not for them getting their pay but to do nothing about it.

Let me tell you what I have done. I have written a letter. It has many colleagues on it. I will read the letter. We are sending it by the end of business tonight.

Dear Speaker BOEHNER:

We write to discuss a meeting with you to discuss House passage of S. 388, legislation to prohibit Members of Congress and the President to prevent any Members of Congress from receiving pay. Over 1 month has passed since the Senate unanimously passed our bill. Despite written requests for immediate House consideration, you have failed to schedule a vote on stand-alone legislation that would treat Members of Congress and the President no differently from other Federal employees during a shutdown. Our bill is simple. If we cannot do our work and keep the Government functioning, we should not receive a paycheck. If we can't compromise and meet each other halfway, then we should not get paid.

As we noted in a previous letter, while appearing on the CNN program “Crossfire” in 1995, Mr. BOEHNER offered his support for a bill identical to S. 388, so it is unclear why he has not scheduled a vote on stand-alone legislation. Embedding “no budget, no pay” in a bill that has no chance of passage isn't fooling anybody. We request a meeting with Speaker BOEHNER as soon as possible, whether in person or via conference call, to discuss how we can work together to immediately send this legislation to the President.

Here is a bill that passed here without a dissenting vote. It is basically 100 to nothing. In a time when we cannot agree on the color of that wall, we agreed to pass this “no budget, no pay” legislation. But Speaker BOEHNER, who got a standing ovation—maybe it was a sitting ovation; it didn't say standing ovation—but he got an ovation for talking about preparing for a shutdown, has not done one thing to make sure his Members and he do not get paid in case of a shutdown.

I think it is appalling. It is embarrassing. I am stunned. The reason I am pressing this is I believe that people should be treated equally. I believe that if they are cavalierly applauding and giving an ovation to Speaker BOEHNER when he talks about planning for a shutdown, I believe they want a shutdown and they have no skin in the game. They pay no price. They get paid.

We had one of them over there complaining he didn't get paid enough money. He gets paid over \$170,000. It wasn't enough money. Sorry, boo-hoo. There are people in this government who get paid \$60,000, \$40,000, \$30,000, and they are not going to get paid. Sorry.

I am going to keep coming to this floor, 36 days, 37, 38, 39, 40—this is just plain wrong.

I want to say who has signed our letter. You can see it is a good selection of the caucus, from liberal to conservative: JOE MANCHIN, CLAIRE MCCASKILL, MICHAEL BENNET, BEN NELSON, BOB MENENDEZ, DEBBIE STABENOW, JAY ROCKEFELLER, KAY HAGAN, JEFF MERKLEY, RON WYDEN, MARK WARNER, SHERROD BROWN, TOM HARKIN, CHRIS COONS, JON TESTER, SHELDON WHITEHOUSE, and Senator MIKULSKI and Senator BEGICH. Myself and Senator CASEY are the first two names because it happens to be our bill. It is the Boxer-Casey bill.

In closing, I want to spread the word from here over to the House side that we are serious, those of us who signed this letter. We are keeping this issue in front of the American people because I assure you, if you walked out and asked anyone who happened to be walking down the street who was not involved here, who didn't work for the Federal Government, and you said this: In case of a shutdown because the two sides fail to negotiate an agreement, the only people who are assured of their pay would be Members of Congress and the President, what do you think? I think the average person would say that is wrong; they should pay a price. This is a basic function of theirs, to keep this government running, to keep this country going.

I could tell, because I remember the last one, the pain and the hurt from people who wanted to get on Social Security, to veterans who trying to figure out their disability payments, frankly to everyone who calls your office or my office in deep trouble because they are having problems with a Federal agency, they need the help of a Federal agency, they want to make sure to get their Medicare taken care of, their Social Security taken care of, or they are contractors who have private employees and they are fixing the road or fixing a bridge. This is wrong.

We are trying to find out exactly who would be affected, but I can tell you right now is not the time to lose, for example, inspectors who are inspecting the safety of our aircraft. I hope they would stay on, but we do not know.

What about those who are inspecting our nuclear powerplants? You know, we have 23 reactors that are the same exact reactor as the ones that have these problems in Japan. We don't want to stop those inspections; they have to move forward. We don't want to have the USGS; that is, the U.S. Geological Survey, close down in the middle of making new earthquake maps. I care about this a lot. I have two nuclear powerplants that are on or near earthquake faults.

I say to my friends on the other side, I know my message is not pretty to you. It is not pretty to say you don't deserve to get paid in case of a shutdown, but that is my message. Once the American people wake up to this,

that we are getting paid but our staffs are not getting paid, I think there is going to be an outcry. So I ask the Speaker on behalf of all those colleagues whose names I read to take up S. 388 without delay. It is sitting at the desk. What does it say? Members of Congress and the President should not be paid in case of a shutdown.

That is pretty simple.

I know my colleagues are on the Senate floor. Let me guess, Senator BLUMENTHAL and Senator LIEBERMAN, might you be here to discuss what happened last night? And I am going to—since my remarks were not happy, I am happy to give up the floor at this time and listen to their remarks. I congratulate both of them on a great victory.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT BASKETBALL TEAMS

Mr. LIEBERMAN. Madam President, I thank the Chair, and I thank my friend from California. One might say, in the context of the debates going on in Congress now, that Senator BLUMENTHAL and I have come to the floor of the Senate to talk about a governmental program that really works, that has inspired an entire State, perhaps a nation. I speak, of course, of the University of Connecticut baseball program.

It is with great joy that I come to the floor of the Senate today to congratulate the University of Connecticut men's basketball team and their great coach, Jim Calhoun, on winning the NCAA championship last night. This has been a remarkable season. A team that started unranked, a young team in a year that was supposed to be a rebuilding year came together in a magical way. They had their ups early in the season, they had their downs as time went on, but the run that began with the Big East tournament a few weeks ago has, for our State and I think anybody who follows and loves college basketball, really been inspirational.

I do want to say, in terms of inspiration and I suppose I might say in the spirit of bipartisanship or at least good sportsmanship, that I offer congratulations to the Butler Bulldogs on their great run in the tournament, which also was inspirational. I thank my Indiana colleagues for their good sportsmanship and for what they described as the best popcorn in America, made in Indiana—that is part of a friendly wager they made, Senators LUGAR and COATS, with Senator BLUMENTHAL and me—which we will be pleased to accept and devour.

This has been quite a year. Led by their floor leader, Kemba Walker, and assisted by an extraordinary group of young athletes, this group of student athletes demonstrated to all of us what a combination of hard work, dedica-

tion, commitment, and teamwork can achieve. Honestly, I tip my hat to these “top dogs” today of college basketball.

Of course, in my opinion, no matter how good and how much potential the players on this UConn men's basketball team had, they simply could not have done it without their great coach and a great man, Jim Calhoun. This is not the first time I have had the honor to come to the Senate floor to commend the performance of Coach Calhoun and the UConn Huskies. In fact, with last night's victory, Jim has etched his name in basketball glory by winning his third national title. He becomes only the fifth coach in history to win three national championships, and he joins the ranks of other greats such as John Wooden and Coach K, Mike Krzyzewski. He is only one of 8 coaches to run up over 800 career wins.

Over the years, I have watched Jim build upon the athletic program at UConn, transforming it from an occasionally regional contender to a regular national powerhouse. His three national championships and seven Big East championships have put our team, the State team of a relatively small State, on the college basketball map and set a high standard of excellence. I think none of this would have happened without Coach Calhoun's vision, his drive, his caring for players, and his extraordinary basketball brains.

There is a larger lesson, as there often is in sports. But this was a team that came into the Big East tournament with most people thinking the season would end quickly for them. They had will, which is a word Coach Calhoun uses a lot. They always had the potential and the ability, but they had the will. I am looking at the Senate pages now, young people.

There are a lot of people who read these UConn Huskies out at different times of the season, but they didn't read themselves out of the competition, and their coach never did. He kept telling them they had what it took to be champions. They pulled together. They worked together. They developed their potential to the fullest. They played and lived like a family. And you might say Coach Calhoun is the loving father who employs a lot of tough love but draws greatness out of these players and gives all of us in Connecticut a tremendous sense of pride.

I do not want to finish my statement without also telling Coach Geno Auriemma and the great players on the UConn women's basketball team how proud we are of them and how much we thank them for another remarkable season that was also filled with historic accomplishments, including an impressive run to the Final Four and a recordbreaking 90-consecutive-wins streak. The Lady Huskies were led by the all-impressive Maya Moore, who achieved AP All American honors in each of her 4 seasons at UConn and scored over 3,000 career points. So I give my congratulations to Coach Geno

Auriemma and to the players on the UConn Lady Huskies, who also made us proud.

I am going to yield the floor in a minute to my colleague, Senator BLUMENTHAL. It strikes me that this is the first time I have had the chance to celebrate here when my former colleague, Senator Chris Dodd, is not here. The first time we celebrated together on the floor, I ended my remarks with the UConn cheer. Afterward, Senator Dodd, then the senior Senator, gave me a hard time as to whether I would make a good cheerleader and whether it was a decorous thing to do on the floor of the Senate. I told him at the time that it could have been worse—I could have just done the UConn Huskies' “woof.”

But now I am the senior Senator, and may I conclude by simply saying U-C-O-N-N, UConn, UConn. National champs. I know my ending needs a little work, and I will be working on that from now until next year when we hopefully secure another championship.

I yield the floor to Senator BLUMENTHAL.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. I thank the senior Senator from Connecticut for that very eloquent tribute to our team. I am not going to try to match the cheer this year but perhaps next. And I thank him for providing such a model of support for the University of Connecticut, truly a government program that works but also, obviously, one that is completely nonpolitical, bipartisan—perhaps providing another lesson for us here.

I am very honored to rise in celebrating this remarkable accomplishment. This majestic and momentous victory culminates a kind of magical journey for this team. They defied the odds. They disproved the doubt and the doubters, and they stared down adversity with real grit and grace. Remember that they rallied after losing 4 out of 5 of their last regular season games and then had an extraordinary streak of 11 straight wins to win the Big East and then the NCAA championship. They were relentless and courageous in believing in themselves throughout that very tough battle. At some point, as someone said, this team forgot how to lose—again, a life lesson for many of us.

As in every remarkable triumph, this one had a team effort and it had stars. Kemba Walker was perhaps the most notable among them, and he won awards that recognized his remarkable individual effort, but there were also freshmen who were important—I say that as a freshman Senator—Jeremy Lamb and Roscoe Smith.

As important as any player, as my colleague has recognized, was Coach Calhoun, who really demonstrated again the reason he is a champion and a hero to Huskies fans throughout the State of Connecticut and the Nation.

He gave his team strength at the critical time, and he drew that strength from his own life experiences. Just last Sunday, he recalled his day, shortly after his father's death, when he was pumping gas and cutting stone and collecting metal in a shipyard in Massachusetts. He is a fighter, he is a leader, and the UConn basketball program has come a long way under his leadership.

Many recall the days when they had no championships and certainly no winning teams. The program began in 1901, with a season that consisted of a single game against Windham High School, and it was 98 years until Coach Calhoun won them their first championship and now their third. He won that championship because of the great playing of those teams and the players who have gone on to performances that are remarkable in other leagues.

I also wish to join in paying tribute to Geno Auriemma and the Lady Huskies. They came very close, heartbreakingly close, to another championship. Maya Moore and every member of that team deserves our gratitude and admiration.

There is no doubt that both teams—both of them—have a bright future. I look forward to being here again next year and celebrating another Huskies victory, hopefully by both the women's and the men's teams.

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

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

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. 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. Madam President, PAUL RYAN is a Congressman from Janesville, WI. I know it because it is right across the border from Illinois. I have relatives and friends who live in the area. I like PAUL. I served with him on the Bowles-Simpson deficit commission. We spent a lot of time together. He is a very bright person, and he has been given a big assignment in the House of Representatives as chairman of the Budget Committee. He and I have different views of the world and of politics, but I respect him very much for his intelligence.

He has laid out a budget plan for House Republicans that is very specific in the goals he has set for America. There are some aspects on which PAUL and I agree. We agree on the fact that we are facing a deficit crisis. We cannot continue to borrow 40 cents for every dollar we spend. It is unsustainable. We borrow the money from countries such as China. China is a nation that is hard charging and competing with the United States, and they are one of our major creditors. That is a delicate position to be in, when a country that one is competing with for jobs and economic growth also

happens to be its banker, its creditor. That is the case. We can't sustain that. As we watch our national debt increase, we understand we have to take serious measures to deal with it.

This morning, in a bipartisan meeting of Senators with the President, we had the chairman of the Senate Budget Committee, KENT CONRAD, describe our current situation. At this point in time, about 14 percent of our gross domestic product is coming into the government in revenue, which is the lowest percentage in 60 years, and expenditures represent about 24 percent of our gross domestic product. That 10 percent difference between revenue and expenditure equals deficit. We have to reach a point where we are prepared to cut spending and make changes that will lead to a more stable economy and deal with our deficit honestly.

There were two State legislators who wrote a letter to the New York Times several weeks ago that caught my attention, a Democrat and Republican. They were talking about their State challenge, and they said: We have come to the conclusion that we can't cut our way out of it, and we can't tax our way out of it. We have to think our way out of it. We have to focus on changes in State government policy that reduce waste and inefficiency and move us toward a more solid position.

I think the same lesson applies in Washington. We have to be thinking about what we need to do to move forward so our children and grandchildren don't inherit the deficit we now face, a deficit which, of course, is growing by the day.

I always like to give a little historical perspective so people understand where we are and how we arrived. I ask people to think back to the year 2000, if they can. In the year 2000, President William Jefferson Clinton was leaving office, and President George W. Bush was coming into office. Snapshot: What was the state of America then? The snapshot would tell us that we had a national debt in the year 2000 of \$5 trillion. The accumulated net national debt of America when President Clinton left office was \$5 trillion. We were in our third year of generating a surplus; that is, more money coming into the government than being spent. The surplus was being put into the Social Security trust fund and buying more years of solvency for the trust fund.

President Clinton, as he left office, handed the keys to the White House to President Bush and said: This coming fiscal year, 2001, you will have a \$120 billion surplus. Welcome to Washington.

Now, fast-forward 8 years later. The year is 2008. President George W. Bush is leaving office, handing the keys to the White House to President Barack Obama. What was the national debt? It was \$5 trillion when President Bush came into office, and as he left the projected debt for the next year was \$11 trillion. In 8 years President Bush had more than doubled the national debt,

and we were witnessing record deficits. He said to President Obama: Here is next year's budget. Incidentally, it is \$1.2 trillion in deficit.

How did this reversal occur in only 8 years? It occurred because the policies of the Bush administration called for waging two wars and not paying for them and doing something that had never been done in U.S. history by any President: tax cuts in the middle of a war. A war is over and above the ordinary expenses of government. If we cut revenues at the same time, it makes it impossible to balance the budget. In fact, it drove us to record-high deficits. That is what President Obama inherited, an \$11 trillion national debt and a deficit for the first year in office of \$1.2 trillion and losing hundreds of thousands of jobs to unemployment as he was being sworn in.

Fortunately, the recession we face has slowed down and started to stabilize. As of last Friday, we are seeing the lowest unemployment rate in 2 years. We are coming out of this slowly, but we are coming out of it. We are making a recovery.

The point we made in the deficit commission—and it needs to be repeated—is, as we chart a glidepath to bring us out of deficit, let's get the recession behind us. Let's get the 14 million unemployed Americans back to work. We will not balance the budget with 14 million Americans unemployed. These are people who need the basic necessities of life and are not working and paying taxes. That creates a drain on the Treasury. We need to move toward restoring jobs, creating good-paying jobs as part of our overall agenda.

That is the lead-in to Congressman PAUL RYAN proposing a budget resolution on his side of the rotunda. He released it today. As we take a look at this resolution, where it leads, we see that Congressman RYAN claims that he will reduce the deficit by \$4 trillion over the next 10 years compared to the President's budget, but he achieves this solely through spending cuts. His cuts are focused. Instead of looking at all of the spending of government, he takes a small amount out of the Pentagon spending, some \$78 billion. In light of the Pentagon budget, that is a nick, a fractional amount. I want America to be safe. I want our security to never be in question, but we waste a lot of money at the Pentagon with contracting out and with things we should not buy. We could save a lot of money there.

Congressman RYAN's budget does not address that. He leaves, unfortunately, that aspect of the budget untouched, largely; \$78 billion over 5 years is hardly an effort to try to reduce waste and efficiency in the Department of Defense.

Then he turns to the domestic discretionary budget. That represents 12 percent of the overall budget. That has health care, education, medical research, things of that nature, in it. That is where he makes the biggest cuts in the coming 5 and 10 years.

When it comes to the revenue side of the equation, should, for example, those who are well off, millionaires, pay higher taxes? No. The budget proposed by Congressman RYAN reduces the top marginal rate for individuals and corporations to 25 percent, from 39.6 percent, producing an enormous windfall with that reduction to the wealthiest individuals and corporations, even as spending for programs that benefit low-income families, such as Pell grants for students and low-income families to go to college, are being slashed under his budget. Because the tax plan is revenue neutral, the plan must by definition include tax increases for lower income Americans to pay for the tax cuts which Congressman RYAN's budget gives to the wealthiest 2 percent.

Is that the key to our future? Cutting taxes for the wealthiest people, raising taxes for lower and middle-income families? I don't think that is fair. Those of us who love this country and feel blessed that we were given a chance to live here and do well should accept the reality that we pay back something to this great country and keep it safe and growing in the right direction. Congressman RYAN's budget resolution goes in the opposite direction, cutting taxes for those who have been well off, those who are well-to-do.

What troubles me the most about the Ryan budget resolution is what it does to health care. We cannot seriously address the deficit and debt without addressing the cost of health care. As the Presiding Officer knows, we spent a lot of time debating that over the previous 2 years. We came up with a plan to try to at least reduce the rate of growth in health care costs. I think we achieved some good things. We tried to bring more people into coverage when it came to health care and fewer people showing up at hospitals with no insurance, no payment, actually having their medical bills transferred to everyone else.

Chairman RYAN released a budget proposal for fiscal year 2012 that would repeal the health reform law which we passed and was signed by the President. It would end the Medicare and Medicaid Programs as we know them today. His proposal balances the budget, unfortunately, at the expense of those who can least afford it: low-income families, seniors, and people with disabilities.

First, Chairman RYAN proposes repealing the entire Affordable Care Act. That means all the consumer protections and benefits put in place by that law would disappear. What does it mean to the average family? Right now we changed the law so young Americans can stay on their parents' health insurance policies until age 27. Having lived through this experience of putting kids through college, it is a real worry. One's son or daughter graduates from college, they no longer have health insurance through the ordinary means, either through college or

through the family, and now they are on their own looking for a job. If you are like most parents, you worry. They are one diagnosis, one accident away from serious medical bills. You want them to have the best care.

I can't tell my colleagues how many times I asked my son and daughter: Do you have health insurance now that you are finished with college?

Dad, I feel great. I am healthy.

I wish we could all be so confident. We changed the law so that young people could stay under their parents' health insurance plans until age 27. That is reasonable.

The Ryan Republican budget resolution would repeal that. I don't think that is helpful.

We also have what is called the doughnut hole in Medicare where seniors receive payments for prescription drugs. There is a gap in coverage called the doughnut hole. We start filling that in so seniors have seamless coverage so they can have the prescriptions they need to stay healthy, independent, and strong, out of the hospital, out of the nursing home, in the life they want to lead. Unfortunately, that effort would be repealed by the Ryan Republican budget resolution.

In addition, we put in the law a provision that people with preexisting conditions wouldn't be denied health insurance. Initially, we protect children. If you have a child who is diabetic, has a history of cancer or some other disease, it might be next to impossible to buy health insurance. We protect that family and say children under the age of 18 cannot be discriminated against because of a preexisting condition. The Ryan proposal would eliminate that protection as well.

It also means that health care delivery system reforms put in place by the law, things such as bundling payments to medical providers and reducing reimbursements to hospitals with high rates of infection would go away.

These changes are designed to lower health care costs, but the Ryan proposal would eliminate them. His plan is simply cost-shifting, not cost saving, because we had scored by the Congressional Budget Office—a bipartisan agency—a savings of \$120 billion in the first 10 years from our health care reform. So instead of reducing the deficit, Chairman RYAN's proposal will increase the deficit by at least \$210 billion by repealing health care reform.

Next, Chairman RYAN proposes converting Medicaid into a block grant program. He says this will help the States rein in costs with more flexibility. In fact, it just shifts the costs to States, low-income beneficiaries, and medical providers. When we look at the dollar amounts, he would be reducing Medicaid reimbursement back to the States by 28 percent.

Who are some of the beneficiaries of Medicaid in Illinois, in Pennsylvania, and New Hampshire? Well, the beneficiaries include a lot of elderly people living in nursing homes. These are

folks who no longer have a savings account to turn to. They have a Medicare payment and a Medicaid payment, and that is it. If we reduce the reimbursement under Medicaid, unfortunately, many of them cannot stay in the nursing homes and convalescent centers in which they now live. So we have to think carefully about the way we deal with Medicaid.

By my estimation, my staff's estimation, the \$770 billion cut in Medicaid with the Ryan budget proposal is about a 28-percent cut in reimbursement for Medicaid in the years to come.

That is not the worst part. The worst part, I am afraid, is Chairman RYAN proposes ending Medicare as we know it. Back in the 1960s, the creation of Medicare was the answer to the prayers of many senior citizens. They had Social Security, which provided them with a basic monthly payment that might help them maintain their independence and continue on if their pension or savings did not cover life's expenses, but then came medical expenses. With Medicare we said: If you will pay in through payroll taxes through a lifetime, when you retire you will be covered with Medicare insurance.

Story after story has been told in my family and others of people who found themselves not Medicare eligible but without health insurance. I had a brother—a late brother—who had heart issues. He retired as a member of management from Boeing aircraft and then had a massive heart attack and surgery, and then his health insurance was canceled before he reached age 65. He was worried, worried he would have to dip into savings if he ever had to go back to the hospital. Fortunately for him, he did not have another problem until he reached Medicare eligibility.

So Medicare ends up being a lifeline for many seniors; otherwise, they would see their savings exhausted which they planned to use for the rest of their lives and their security.

Chairman RYAN proposes ending Medicare as we know it and, instead, giving seniors subsidies to enroll in private health insurance plans. This might save some Federal funds, but that is because the Federal subsidy would not cover the full cost of private plans that are as good as Medicare.

I am glad to see Senator BILL NELSON of Florida on the Senate floor. My guess is, Medicare is a pretty important issue in Florida, and I think he probably has some strong feelings about this issue.

But what Chairman RYAN has proposed in the House budget resolution would mean seniors would lose the guaranteed benefits they have today. How much of a cut in benefits? Well, he is very explicit: 60 percent, a 60-percent cut in Medicare benefits for senior citizens. How is that going to work? How are we going to find ourselves in a situation where private health insurance companies are somehow going to provide 60 percent more in services for the

current cost? It is not likely to happen. This will not bring down overall health spending, incidentally. It just pushes the costs on to seniors and makes them sicker when they finally show up at the hospital.

In fact, Medicare provides health care for seniors at a price less than the same benefits cost in the private market. It is a popular program because it works.

The point I would like to make—and I see my colleague here; and I will yield the floor to him—is, I share Chairman RYAN's concern about the deficit and concern about health costs. But if we are going to be honest and deal with this, as I said at the outset, we cannot cut our way out of this problem. We cannot tax our way out of this problem. We have to think our way out of this problem. We have to find approaches that more effectively use the wonderful medical resources in this country at a savings.

We have to reward value when it comes to health care as opposed to volume. We have to make certain those who are ripping off current programs see that activity come to an end. If we work together on a bipartisan basis, we can achieve that. I hope we can do it on a bipartisan basis because it is the only way that will work. Trying to impose this by one party, whether it is in the continuing resolution or in the long-term budget resolution, is not likely to achieve the goals most Americans hope we achieve as Members of the Senate and Congress.

Mr. NELSON of Florida. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. NELSON of Florida. The Senator has pointed out very accurately the analysis of this most recent proposal by the chairman in the House of Representatives. If I recall, did we not address cutting some \$400 billion out of Medicare over the next decade in the health care reform bill that was passed last year?

Mr. DURBIN. That is exactly right, I say to the Senator from Florida, and there were people who were critical of us and said we were, unfortunately, cutting Medicare benefits, which we were not. The Senator may recall that one of the first amendments on the floor—it may have been from Senator BENNET of Colorado, if I am not mistaken—said we are going to protect Medicare benefits, but we are going to try to cut the waste out of the current Medicare Program—the duplication and the overcharging that is going on—so seniors will not pay in terms of health care, but the taxpayers will not be held responsible for something that is not serving them well.

Mr. NELSON of Florida. Will the Senator respond to another question?

Mr. DURBIN. I would be happy to.

Mr. NELSON of Florida. Is it true that in the proposal from the chairman in the House of Representatives, he would take the Medicaid Program—which, generally, is a split, something

like 55 percent Federal money, with 45 percent State money, for the health care for the poor and the disabled—that his proposal is he would give this as a block grant to the States for the Governors and the State legislatures to decide how they were going to distribute it?

Mr. DURBIN. Yes, I say to the Senator from Florida, that is my understanding. But it also includes a 28-percent reduction in the amount of money the Federal Government is going to pay into this. So in your State, and mine, too, a lot of elderly people live in nursing homes and depend on Medicaid. Without Medicare and Medicaid, they could not stay there. If you cut by 28 percent the reimbursement under Medicaid, I wonder what is going to happen to those people.

Mr. NELSON of Florida. Would the Senator believe the experience of the State of Florida: When they tried to put all Medicaid into insurance companies—otherwise known as HMOs, health maintenance organizations—those organizations pulled out of serving the poor in rural counties, and yet that is a proposal in front of the State legislature of Florida at this very moment?

Mr. DURBIN. I would say to the Senator from Florida, representing a State as diverse as his, with rural areas and major urban centers, there are some areas where private health insurance companies are not going to do business because it is not profitable. So when Chairman RYAN says we will just try to shift all of this responsibility to the private health insurance market, I am afraid many Americans—those in rural areas, maybe some with preexisting conditions because he is repealing the Affordable Health Care Act too—are going to find themselves without health insurance coverage.

Mr. NELSON of Florida. And a further question to the Senator from Illinois: Would he characterize the proposal by the chairman in the House of Representatives on Medicare as not only cutting the payments to Medicare but the way Medicare is being delivered by altering that into the private sector?

Mr. DURBIN. I say in response—and this will be my last response because I have to run to a meeting—but the interesting point about Chairman RYAN's proposal is the money does not go to the senior citizens under Medicare; the money goes to the insurance company. Think about that: a voucher to an insurance company, and the hope is they would provide the coverage you need.

Medicare, I want to tell you, is like Social Security, one of those programs that people have confidence in. They know the coverage and they know what has happened. Since the 1960s, under President Johnson, when we initiated Medicare, seniors live longer, they are healthier, they are strong, and they are independent. That is what you get with good quality health care. When you start making 60 percent cuts in Medi-

care benefits, such as Chairman RYAN's House Republican budget proposal, you run the risk that a lot of people will not get the good coverage they have today in Medicaid and Medicare.

Mr. NELSON of Florida. I say in conclusion—and I thank the Senator for yielding—all you have to do is ask a senior citizen do they like their Medicare or would they prefer to have it done by an insurance company, and I think you will get a resounding answer.

Mr. DURBIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alaska.

USE IT OR LOSE IT

Ms. MURKOWSKI. Mr. President, I would like to take a few minutes this afternoon to perhaps switch the discussion from what my colleagues were referring to earlier in terms of the budget and speak a little bit about the issue of energy—obviously, a topic of great concern.

The President has addressed it as recently as last week in a major address at Georgetown. There have been a lot of discussions about what it is we need to do to respond to the higher prices families are paying at the pump and just how we deal with the issue of energy in general. There has been much discussion about this concept of “use it or lose it.” I want to speak to that proposal a little bit this afternoon.

It is a rather strange proposal that claims to address the rising cost of oil and gas for America's working families. The premise of this is, even with oil at more than \$100 a barrel, and even though lease terms are already limited by law to 5 to 10 years, energy companies somehow are hoarding Federal lands and refusing to produce the resources that are beneath them.

“Use it or lose it” has been presented by this administration and others as a way to increase our Nation's energy production. But even a cursory review will show this is fundamentally flawed in its premise. This proposal will not increase American production. It will not increase jobs or create jobs. It will not raise government revenues or bolster our security. Instead, I believe it is a diversion from our more critical need to produce more of our own resources and to streamline our burdensome regulatory processes.

Now, the idea behind “use it or lose it” is to simply punish companies for not drilling on lands they have leased, so they either drill or they give back the acreage to the government which can then resell it to someone else. But, interestingly, this proposal has drawn some support from a number of Senators and from the President himself who, until recently, have claimed: Well, we can't drill our way out of this. We can't drill our way to lower gas prices. America's oil—and we have been repeatedly told this—has minimal impact on global prices and takes too long to bring online.

So I do not know, maybe this is a change of heart. If that is so, I am glad to see it. I do hope—I do hope—their proposal is a signal that, indeed, they would like to see drilling on every leased Federal acre onshore, offshore. That is certainly the premise of the proposal, even though it is perhaps a pretty major departure from the previous positions.

Now, the advocates of “use it or lose it” have pointed out correctly that there are millions of acres leased in this country that are not currently producing oil and gas, but they have misidentified the reason why. Chances are maybe there is just no oil present on that land. Perhaps exploration is ongoing or, in many cases, the Federal Government has simply blocked the drilling. To add a new penalty to this process and to add a new layer to existing bureaucracy will only backfire.

From the outset, I think it is important to understand what is involved in oil and gas production. This is an incredibly capital-intensive, labor-intensive business, and from a technological perspective, the process is extraordinarily complex. I think we saw, after the Deepwater Horizon, cameras trained a mile below the surface of the ocean, and it was described by many as, this is akin to how we deal with putting a man on the Moon. This is complicated stuff, and there is no “X marks the spot” as to where that oil is actually going to be found.

It can take years, not to mention tremendous amounts of money, to finally locate these commercial deposits. When there is resource present, it takes some teams of some pretty highly skilled and trained engineers to figure out how we are going to bring it to market. There are the entire legal departments that have to wade through the multitude of permits, the analysis, the plans that are required by our Federal Government. This process takes a considerable amount of patience and for lots of good reasons, but the government is certainly not in a hurry to provide leaseholders the approval they need to move forward.

Last week, the Interior Department had an opportunity to explain what goes on within the exploration process and show why not all Federal leases immediately produce oil and gas. Instead, the Interior Department issued a report that attempts to portray many Federal leases as idle or unused. What could have been a very helpful and instructive process was instead hopelessly politicized, and that is unfortunate.

The findings of the Interior Department’s report I believe defy common sense, general business principles, and what we know to be true about the Federal regulatory process. The definition of “inactive” purposely excludes many important development activities, and there is no acknowledgment that oftentimes it is the government itself that is causing the delays in drilling.

I guess one of the more telling examples of what is wrong with the Interior Department’s new report is its depiction of what is happening in Alaska right now. Companies have been trying for years—trying for years—to bring their Federal leases in this State of Alaska into production. These efforts have been blocked. They have been delayed by the Federal Government, especially this administration, and they have been blocked at every turn. Despite this, the Interior Department’s report claims that just 1 percent—1 percent—of Alaska’s leases are producing and puts the blame on industry. But when I talk to folks back home, when I talk to those who are trying every single day, getting up and trying their hardest to advance so we can get to levels of production, they only find that there is yet one more hurdle, one more roadblock that is thrown up and thrown up by the government. It causes incredible frustration. It is hard to pick what would be described as the best example of companies trying to produce from their leases—which, I might add, they purchased at the invitation of the Federal Government—yet they are being forbidden by the administration from pursuing their exploratory operations. It is happening in the National Petroleum Reserve Alaska. Think about the name. This is the National Petroleum Reserve Alaska. That is pretty ironic. We can’t get started there, and one of the biggest reasons we can’t is we are being blocked—the producers are being blocked—from getting a permit to build a bridge over a river to get started.

As regrettable and as ironic as that example is, there is an even higher profile example that we see up North, and that is what Shell is attempting to do. They have set a record—and a record that is certainly not enviable but a record nonetheless—for both dollars invested and frustration experienced in return. This is a situation where a company has spent a little over \$4 billion—this is billion with a B—they spent \$4 billion to buy Federal acreage in Alaska’s Outer Continental Shelf nearly 7 years ago. Since that time, Shell has done nothing but slog through an incredibly long and incredibly arduous permitting process. Air permits that take 6 weeks to acquire in the Gulf of Mexico have now been delayed for over 5 years.

I ask my colleagues to put that in context. A company, at the invitation of the Federal Government, purchased leases over 7 years ago, has put more than \$4 billion into trying to get to exploration, has spent 5 years waiting on permits, where in other parts of the country permits can be turned around in 6 weeks, and they have yet the opportunity to even start. So can anyone honestly suggest we ought to punish Shell or any company that is going through this for the Federal Government’s failure to allow even exploratory drilling to proceed? Is it fair that we demand Shell pay the price because

the government has failed to issue a permit that even the EPA and even the Administrator of the EPA has acknowledged poses no human health risk? This is where we are sitting right now.

I was incredulous. I had an opportunity to ask the Secretary of the Interior, who is a friend of mine—most certainly a friend who I acknowledge has a very difficult job, a very challenging job—but he could not assure me that the so-called “use it or lose it” fee would not apply to the millions of acres of leased land in Alaska, both onshore and offshore, where the Federal Government has sold the leases but is not allowing drilling activity. It is similar to a commercial real estate company offering to rent some office space to you. We go ahead. You pay the rent. I never give you the key, so you can’t access your commercial office space. Then I am going to go ahead and assess a fine. We are going to penalize you when you failed to open your doors for business. That is kind of what is happening up North. It is not a “use it or lose it” policy, it is “heads we win, tails you lose.” My colleagues have to imagine: What would such a policy say about the way our government conducts its businesses and manages its resources?

“Use it or lose it” is drawn from a desire to do the right thing, which is to increase our domestic production, but I also believe it reveals a fundamental lack of understanding about how energy resources are developed and how they are brought to market. It risks very real consequences for our energy production here in America. Because instead of encouraging producers to find energy faster, it would actually discourage them from discovering it in the first place. Instead of creating jobs, it would likely end jobs. Instead of raising new revenues for the Federal Government, it would likely diminish taxpayers’ returns from leasing and production.

It seems as though every time oil prices are on the rise, we come together and we debate how we are going to respond to them and every time someone points out we should be producing far more of our own—frankly, very tremendous resource base—some steps forward with the potential scapegoat, perhaps to distract attention from our need to be leasing more new lands. It is like clockwork around here. Instead of making the hard choices about what we can do to better insulate ourselves from higher crude prices and geopolitical instability, we see proposals to impose windfall profit taxes, to pour unprecedented sums of money in unproven alternative technologies, to rein in speculators, to sue OPEC, to raise taxes and fees on production, and now to force companies to act faster or to face greater penalties.

Until we see some evidence that companies are refusing to develop their leases, I have to call it like I see it. “Use it or lose it” is a ploy to claim

that we support increased domestic production, without doing anything to ensure that domestic production is the actual result of our Federal energy policies.

There has been a lot of discussion, when we are talking about energy, about Brazil and their potential—how that nation is set to significantly ramp up its oil production, and we commend the Brazilians. They have been able to make a number of very important discoveries, estimated at about 50 billion barrels of oil equivalent. According to the Wall Street Journal, Brazil's oil production rose by 876 percent over the past 20 years—876 percent over the past 20 years. They are now planning to double their current production in less than 10 years. So there are pretty remarkable things going on there. Even while Brazil is developing their current resource base, they are actively looking for more. They are working aggressively. They are pursuing that objective while expanding their production and their use of alternative energy sources. They are kind of pursuing the “all of the above” we talk about so often.

In the United States, we have technically recoverable oil resources estimated at 157 billion barrels, more than three times—more than three times—what Brazil has recently found. I don't understand. I don't understand why we refuse to set the same ambitious goals for increasing our production that Brazil has, even as we continue to pursue alternative energies that will diversify our supplies equally. When it comes to energy, we should strive to be our own best customer, not Brazil's.

As Federal policymakers, we need to think carefully about what we demand of any industry, including oil and gas. When we tax something, the fact is, we get less of it. I don't think we want to make ourselves even more dependent on foreign oil right now. We don't want to discourage domestic production, especially under the guise of promoting it, and we have no reason to add yet another layer to an already daunting regulatory system.

I strongly urge us in the Senate, in the Congress, to recognize “use it or lose it” for what it is. It is an attempt to extract more money from the companies, not to extract more energy from the ground. It is not the right approach for America, and it will not move our energy policy in the right direction.

I do take comfort in one fact, and that is this: At least the debate is now about how to produce more oil and not whether to produce more oil. My work on the Energy Committee and certainly what goes on in the State of Alaska has taught me much about how and how not to achieve greater oil production if we want more domestic production—and I think we all recognize the President's verbal commitment to this and the change of heart amongst some of my colleagues—it is time to eliminate the needless redtape and

allow access to America's huge resources that are still off-limits.

I thank the Presiding Officer for the time and the opportunity to speak this afternoon on yet another aspect of our country's much needed energy policy and how we can continue to find ways that will move us toward a future where we do engage in energy sources that are clean and renewable while also harvesting our bountiful supply in this country as we find ways to produce more domestically.

Mr. NELSON of Florida. Mr. President, will the Senator yield for a question?

Ms. MURKOWSKI. Yes.

Mr. NELSON of Florida. Mr. President, first of all, I wish to say to the Senator from Alaska that she knows of my respect for her and my personal friendship with her and my personal opinion that she is one of the finest Senators we have.

I do want to ask the Senator a question, and it is a circumstance that I happen to be here next in line to speak about a different subject than the Senator spoke about. This Senator is one of those sponsors of the “use it or lose it” legislation. I certainly will defer to the Senator from Alaska with regard to Alaska and the drilling offshore there.

My question is about the drilling of the Gulf of Mexico, which this Senator has some familiarity with, and that there are 37 million acres in the Gulf of Mexico under lease, where the oil is. But of the 37 million acres, there are only 7 million that are drilled. Thirty million acres are not drilled, and it has been that way for years and years. The Senator makes a compelling argument with regard to Alaska, but how can that argument apply to the 30 million acres in the Gulf of Mexico that are not drilled but, as the Senator has said, ought to be drilled?

Ms. MURKOWSKI. Mr. President, I appreciate the question of my colleague from Florida, as we recognize that coming from different parts of the country, where we have access in close proximity to the oil and gas resource, but we recognize that there are differences between where we are in our geography and perhaps the approach.

In the Gulf of Mexico, I think your climate allows for exploration and production probably 365 days out of the year, which is a little bit different than in our arctic environment. We respect that. To the Senator's question, which is a very legitimate and fair question—this is why we had hoped so much that with this report from the Department of the Interior, it would have allowed for a breakdown so we could understand what is happening with these many thousands of leases that are out there and existing. What is the true status? To put it in idle or unused is not very clear, quite honestly. What does that mean? Are we in the exploratory phase and so we are not in production? And what category is that? Is this an older lease about which perhaps they

have determined there simply is not the—for instance, if you are drilling in some deep waters, it is extraordinarily costly. As I mentioned, these are complex, and the technologies are quite considerable. If you have done some exploration but you find very limited or perhaps nothing—as I mentioned, we don't have that magic X that leads us right down to what we call in the north the “elephant find.”

So I think it is important to understand what it is that we have and the status of these leases. This information is critical to us, because if they are in the exploratory phase, and it is taking longer because, quite honestly, we have higher standards with the environmental permits, which are taking more time, and I think we realize after the Deepwater Horizon situation and a great deal of scrutiny on MMS, quite honestly, we didn't have sufficient numbers issuing permits within that agency to keep up. So we need to understand where the issue is, where the problem is. There may, in fact—and I will concede on the floor that there may be some leases that are in existence where the producers have said: You know what, we only have so much ability to move forward with the financing of all of this, so we are going to explore and produce in wells 1, 2, and 3, but on 4 and 5 we are not prepared to advance on them as quickly. We think they may have potential, but we don't know that. How can we help to facilitate that? Do we need more people within MMS to help expedite the permits? What does it mean to be an idle lease?

I will digress for a moment, if I may, because I think it is important for people to recognize that when we are talking about exploration in the Arctic, a 5-year or 10-year time period is simply not sufficient, because we cannot explore 365 days a year. Most times, the season is limited to about 60 days during the coldest, darkest, most difficult time of the year. But that is when the ground is frozen, when the permits are issued for exploration. So it takes multiple seasons to even get through the exploration phase.

I think it is important to recognize that not all leases are equal. Not every lease that a producer purchases from the government actually has anything worth developing. We need to know and understand a little bit more. We hoped to have learned that from the Department of the Interior report. Unfortunately, it didn't give the detail we had hoped for. I appreciate my colleague's question.

Mr. NELSON of Florida. Mr. President, as the Senator from Alaska is leaving the floor, I will say to her that I appreciate her point of view and what she has expressed. There is certainly an opportunity for working something out.

As I stated in my question to her at the outset, this Senator doesn't know a lot about the leases in Alaska, but I certainly do know a lot about the

leases in the Gulf of Mexico. For 30 million acres in the Gulf of Mexico to go undrilled for years and years, where out of a total of 37 million acres are leased but only 7 million acres are actually drilled and produced, it seems to me there is a wonderful opportunity for a lot more production, not just in 7 million acres but 30 million acres additionally. And if the company that holds that lease, and has held the lease for years, is not going to drill it and produce, then let somebody else do it. That was the theory behind this Senator's sponsorship of that legislation.

As the Senator from Alaska has pointed out some differences in her State, it seems to me that this is, as the Good Book says, a place where people of good intentions can come and reason together.

Mr. President, I want to speak on another subject. I will tell my colleague that I am not going to be speaking very long. This will be short. I want to bring this to the attention of the Senate.

This is the Wall Street Journal from last weekend. Here is an article with the headline "Transocean Cites Safety in Bonuses."

This is worth this Senator reading for the RECORD and calling to the attention of the Senate:

Transocean Ltd. had its "best year in safety performance" despite the explosion of its Deepwater Horizon rig that left 11 dead and oil gushing into the Gulf of Mexico, the world's largest offshore-rig company said in a securities filing on Friday.

Accordingly, Transocean's executives received two-thirds of their target safety bonus. Safety accounts for 25 percent of the equation that determines the yearly cash bonuses, along with financial factors including new rig contracts.

It is hard for me to believe that. Even if it were to meet some mathematical formula of awarding bonuses to executives at oil companies, why in the world that company would not have been sensitive enough to the families of 11 people who lost their lives as a result of what the President's task force investigating the Deepwater Horizon oil explosion and spill—the task force cochaired by our former colleague from Florida, Bob Graham—which said that the main responsibility for that explosion was the fact that the blowout preventer did not work as it was designed to. Who was the owner and operator of that? Transocean. We know there are lawsuits that are going on between BP, which had the lease, and Transocean, its subcontractor, which had the equipment that was supposed to work to prevent the spill that malfunctioned. Those lawsuits are going to be going on for some period of time, sorting it out. But the investigation, done by a highly respected investigative task force, came to that conclusion. And here that very same company, whose blowout preventer deep on the floor of the ocean malfunctioned, causing the explosion—11 lives were lost, and untold billions of dollars of damage was done to the economies of

the Gulf States, and who knows how many billions of dollars of damage to the marine life and the ecology of the Gulf of Mexico, and safety is cited by this company as a reason for giving bonuses to its executives.

That defies common sense. It defies reason. I am sufficiently agitated about this—even with the company coming out and issuing some kind of retraction—that this Senator intends to ask the Secretary of the Interior, Secretary Salazar, what authority he has to regulate not only the leases of oil and gas tracts, such as BP, which held the lease, but also what authority he has to regulate the rig owners, such as Transocean and other subcontractors, which actually had the responsibility for the safety of the drilling operation, and that safety did not work.

I am going to ask our Committee on the Environment, chaired by Senator BOXER—I have already talked to her and her staff director—to hold hearings on the questionable response, the cleanup, the environmental and financial practices not only of Transocean but its contractor, BP. What in the world is going on?

Why do I bring BP into this? Well, it is not only that they held the lease. It was interesting. Last week, the head of the Washington office of BP came in to give me an update. We had a very good, amiable chat, and I asked a simple series of questions. One of the questions I asked was: With all of our people down there, many of them losing their businesses, losing their homes to foreclosure, because they don't have income as a result of the tourism trade that was affected by the BP bill, what was all this about?

The first full payment was a \$10 million payment paid in full from the Gulf Coast Claims Facility to a BP partner. The head of BP in Washington said he did not know. It has been in the newspaper over and over. I have asked the question over and over. I have written to the Department of the Interior, as well as to BP, and I have written to the Gulf Coast Claims Facility and have received no answer to the question, why was the first payment paid in full in damages done to a business partner of BP? The representative of BP could not answer the question.

I think the Senate Committee on Environment and Public Works ought to get into that issue. I am going to also ask the Finance Committee in the Senate to hold hearings on the financial practices of BP and Transocean and other corporations such as those—a corporation such as Transocean that I think is domiciled in Switzerland and that holds a lot of its assets and earnings abroad, earnings that come as a result of doing business in the United States but of which those earnings are held abroad and taxes are not paid for the privilege of doing that business and earning profits in its business that is conducted in the United States.

We owe this to our taxpayers. This Senator certainly owes it to his con-

stituents who have suffered mightily as a result of this BP oilspill, along with the malfunctions that went along in the procedures and in the equipment of that tremendous disaster that so many have suffered so long.

Mr. President, I yield the floor.
The PRESIDING OFFICER. The Senator from South Dakota.

THE BUDGET

Mr. THUNE. Mr. President, this Friday we run out of the current—which is now the sixth continuing resolution—short-term continuing resolution which we have been operating under since the end of the fiscal year, which was September 30 of last year. We started a new fiscal year October 1. Judging by some of the rhetoric we have been hearing around here, one would think somehow it is these big, bad, evil Republicans who are trying to shut the government down by trying to get a bill passed that actually would reduce spending for the remainder of this fiscal year, which ends on September 30.

I remind my colleagues—and I know sometimes it gets a bit redundant—it is a fact that the reason we are here is because last year the Democrats in the Congress failed to pass a budget and did not pass a single appropriations bill. There was no budget passed last year for this fiscal year and not a single appropriations bill passed before the fiscal year ended September 30. Beyond that, we had a lameduck session where we were here, we were here after November's election until the Christmas holiday, and never did we have a budget considered on the floor, nor did we consider a single appropriations bill. The reason we are here is to finish the unfinished business of last year. This is last year's mess we are now cleaning up.

We think the voters in the election spoke pretty clearly and sent an imperative to the Congress: We want you to reduce spending.

We have been trying, as we have attempted to fund the government through the end of this fiscal year—September 30—to achieve some level of spending reductions. It started in the House of Representatives. They passed a bill that reduced spending by \$61 billion over the previous year. It came over to the Senate. We had a vote on that bill to reduce and trim \$61 billion, and it failed. The Democrats put a bill on the floor which would trim \$4.7 billion from last year's spending level and which seemed to be completely divorced from reality as to how to seriously and meaningfully address the issue of spending and the debt and how to address the concern the American people have voiced this year over the \$1.5 trillion deficits we are seeing and now we are going to see even longer since the President submitted his 2012 budget.

The reason we are here is to do last year's unfinished business; that is, getting runaway spending in Washington

under control, starting to live within our means—something every family in America has to do, something every small business in America has to do.

Here we are again coming up against this Friday deadline because there is resistance to reducing by \$61 billion the amount Congress spent the previous year. The \$61 billion, if one looks at the total budget, represents a little under 10 percent. Even if one looks at it in terms of discretionary spending, that amount we are actually appropriating annually that is the smaller part of the budget in Washington, it is a small percentage. We are not talking about, relatively speaking, a lot of money. I think it is reasonable. I think the American people believe it is reasonable. Yet we are having this huge meltdown around here because we do not have the political courage to do what the American people have asked us to do.

Frankly, if we were to reduce spending by the amount the Democrats propose and we had a vote in the Senate, it would be about the equivalent of 1 day of the debt. In other words, in this year, the amount of debt we are going to rack up—the amount they were talking about trimming from the budget was the equivalent of 1 single day of the Federal debt—a little over \$4 billion. It was not serious. Nobody can take it seriously by any objective measurement.

To put it in perspective, in the last 2 years, spending has increased by about 24 percent. This is non-national security discretionary spending. It increased 24 percent at a time when inflation was only 2 percent in this country. Discretionary spending was growing at more than 10 times the rate of inflation. It seems reasonable that we could go back to those 2008 levels, indexed for inflation, which is what the proposal passed by the House that was defeated in the Senate would do.

We have had lots of testimony from the former Chairman of the Federal Reserve, Alan Greenspan, who said he expected we could face a debt crisis in the next 2 to 3 years. He said there is a 50-percent probability of that, in his opinion. We had the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, say that the biggest threat to America's national security is our national debt, which I think is a stunning statement coming from the highest ranking military official in this country. We have people saying there is the potential for a debt crisis, a 50-percent probability. We have this national security issue that is impacted by the level of spending and the level of debt. Then we have what I think, too, is an even more compelling argument because everybody talks about the need to grow the economy and create jobs, and yet this amount of spending and debt, according to most of the research that has been done, suggests we are costing ourselves as an economy about 1 percentage point of economic growth every year, which translates into about

1 million lost jobs. That is a significant, as I said, body of research that has been done that studied economies over the past half century or so and concluded there is a correlation between debt and economic growth when your debt-to-GDP ratio reaches 90 percent. We are there in the United States. We are well past 90 percent, and it is going to grow significantly more under the President's budget.

We cannot wait until tomorrow to do this. We have to attack this problem at every opportunity. Getting a vote on a continuing resolution that funds the government through the end of the year but does it at a reduced level of spending makes a lot of sense.

I do not know anybody who wants to see a government shutdown. We are here because there is unfinished business from last year. We have to get this budget passed, and we ought to do it in a way that is meaningful and serious and, I might add, reduces spending.

The President's budget, which he came out with a couple months ago and which starts the 2012 budget discussion, failed on every level to address the major challenges facing the country. Not only does he not deal with this issue of discretionary spending—and, frankly, he has been missing in action in that debate entirely—we have not heard from the administration about this issue. More important, his budget does nothing to address the big part of the budget—Social Security, Medicare, and Medicaid—which constitutes today 55 percent of the Federal budget and will grow dramatically over time as the 80,000 baby boomers begin to retire. What he proposed in his budget is increased spending, increases in taxes, and about a \$12 trillion increase in the Federal debt over the next 10 years. Nothing serious is done in terms of addressing spending, debt, or taxes.

It is a colossal failure of leadership not to take on what is the most compelling and profound issue that faces this country right now; that is, this huge cloud of debt that hangs over our economy and over our children's future. The President said recently he did not want to take a machete to this; he thought we needed to use a scalpel. What he is talking about doing I suggest does not even constitute using a toothpick. There is not anything in here that does anything to reduce spending or get serious about trimming the size of the Federal Government.

What happened today? The House Republicans came out with a budget. Lo and behold, it is a budget that actually reduces spending by \$6.2 trillion over what the President's budget proposed or \$5.8 trillion over what the Congressional Budget Office baseline suggests we spend over the next decade. It reduces debt by \$4.4 trillion below the President's number, and it does it without raising taxes.

The first argument we heard from people coming to the floor of the Senate—and I heard some of my colleagues earlier talking about, oh, this is going

to be so awful; just think of the senior citizens. I say to my colleagues, according to the House budget proposal, senior citizens are not impacted. Senior citizens are protected from any changes in Social Security or Medicare, as are people age 55 and older. If you are a senior citizen today or you are someone nearing retirement age, you are not impacted by this budget. What it does is it makes reforms in these programs so that future generations of Americans will have those programs available to them when it comes time for them to retire. The fact is—we all know this—if we do not deal with these parts of the Federal budget, we are not serious about dealing with the future.

This is a serious issue, it requires a serious solution, and it requires serious leadership. We have seen none of the above from the President or his administration or the Democratic leadership in Congress. So far, the only effort that has been made to address the issue of spending and debt and jobs and the economy is being done by the Republicans in the Congress.

Considering the fact there is only one body of the Congress that is controlled by the Republicans—the House of Representatives; the Democrats control the Senate and set the agenda, and we have a Democratic administration, a Democratic White House—one would think that to do something of this consequence and magnitude, it would take a bipartisan effort. One would assume this would be a bilateral discussion that would be occurring between the White House and the Congress and not just the Democrats in Congress but the Republicans. But none of that seems to be occurring, and there does not seem to be any interest on the part of the President in stepping forward and putting a plan forward that actually does reduce spending, that actually does deal with this massive debt, and that actually gets serious about putting people back to work, growing the economy, and creating jobs. His budget, as I said, increases spending by \$400 billion, increases taxes by \$1.5 trillion, and adds somewhere on the order of over \$12 trillion to the Federal debt. That is the President's budget.

The Republican budget that was put forward today—and I am sure we are not going to agree with every aspect of it, but at least it is a serious, meaningful effort—reduces spending by \$6.2 trillion over the President's number and \$5.8 trillion below what the Congressional Budget Office says it will spend over the next decade. It reduces debt \$4.4 trillion more than what the President has put forward, and it actually gets government spending as a percentage of our gross domestic product under 20 percent, which is where our historical average has been for the last 40 years. That is what we have been looking at. It takes on these issues.

Whether one likes the approach or not, please at least let's have a discussion about it. Let's have a debate and

let's have a proposal put forward so that we have something we can actually have a discussion about because so far all we have is a one-sided discussion. The Republicans have led the debate about how to deal with the discretionary part of the budget we are dealing with in this continuing resolution, and the Republicans have the only proposal that has been put forward that deals with the long-term issues of Social Security, Medicare, Medicaid, and tax reform, which, by the way, is an important issue to our competitiveness and our ability to grow the economy and create jobs. All those issues are addressed in the budget put forward by the House.

What has been put forth by the administration is not serious. These are serious times that require serious leadership and serious solutions by the President of this country, and we are not getting that out of the White House, nor are we getting it out of the Democratic leadership in the Senate. I hope that will change. I hope my colleagues here in the Senate will recognize and the President will recognize we can't afford to wait any longer.

We have added over \$3 trillion to the Federal debt in the first 2 years of this President's administration, and that number, as I said, will grow by about \$12 trillion over the next decade. The interest alone that we will pay by the year 2015 will exceed what we spend on national security. We will spend more on interest on the debt than we actually spend on the defense of this country. That is the trajectory we are on. We cannot afford for the future of our children and grandchildren to stay on that trajectory. We have to change the direction we are headed in this country and it starts now.

So I give great credit to our House colleagues. I hope we will be able to get to a meaningful discussion here in the Senate about how to get spending and debt under control, how to grow the economy and create jobs, and how to rein in the size of the Federal Government. It seems that, here at least, a lot of my colleagues must be very comfortable with spending over 25 percent of our GDP on the Federal Government because that is where we are today. As I said before, the 40-year average is down in the 20- to 21-percent range, which is where the House Republican budget would take us. I think it is a good starting point. It should trigger, I hope, a discussion in this country.

But I certainly hope as well that the other side, the Democrats here in the Congress and White House, would engage the debate, would enter this discussion. Please, put forward an alternative, instead of coming out here and attacking, and particularly attacking in a way that is misleading and misinforming. Senior citizens are not impacted by this proposal that was put forward today. If you are 55 years or older, you are not affected by this. You keep the programs you have today. What this does, in a meaningful way, is

to reform those programs so that they are available to future generations of Americans. We have a moral obligation to them to take the steps necessary to provide a future that doesn't saddle them with a mountain of debt.

By the way, that debt has grown from about \$1,900 per person in 1970 to \$44,000 per person today. Under the President's budget, 10 years from now, it will be \$88,000 per person. That is what we are doing to the future of our children and grandchildren unless we take steps to change our direction.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Senator COATS pertaining to the introduction of S. 727 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. HAGAN. Mr. President, I rise today to urge my colleagues on both sides of the aisle to join together to prevent an irresponsible government shutdown.

The American people did not elect us to shut down the government.

Democrats and Republicans in both the House and the Senate must tighten the Federal Government's belt, just like Americans are doing every day at their kitchen tables.

As we all know, our escalating national debt is our country's most pressing problem. Our country's current fiscal course is simply unsustainable.

In just the last 10 years, our Federal debt has risen from roughly a third of our gross domestic product to nearly two-thirds of GDP in 2010.

Based on the nonpartisan Congressional Budget Office estimates, without proactive action by Congress, that percentage will continue to increase over the next 10 years, with public debt expected to reach 90 percent of GDP in 2020.

Meanwhile, nearly half of our current debt is owned by China and other foreign creditors.

It is time for Congress to work together to chart a new bipartisan course that puts our fiscal house in order.

Before coming to the United States Senate I served for 10 years as a State senator in the North Carolina General Assembly.

I served as the cochair of the Budget Committee, and I can tell you that crafting a budget is never easy. There are always difficult choices, and both sides have to make sacrifices.

As a Budget cochair, I worked for 5 consecutive years to ensure that North

Carolina's budget was balanced, that we still made critical investments in our communities while eliminating unnecessary spending.

It takes cooperation across party lines to meet fiscal challenges and to ensure government is both leaner and more effective.

We need bipartisan cooperation this week to prevent a Federal Government shutdown, which is an irresponsible outcome.

Keeping the government functioning for the American people is Congress's core responsibility.

We must come together to cut spending and support critical priorities, such as education, that strengthen our economy and support economic development in North Carolina communities and in communities across America.

And while I believe we all share the common goal of reducing our Nation's deficit, we should remember that our most troubling economic challenges cannot be solved in 1 year alone.

That is why I am concerned by some of the cuts passed by the House.

The House proposal would result in the loss of some 21,000 North Carolina jobs and decimate important education priorities, like Headstart and investments in historically Black colleges and universities.

Nearly one in five African Americans who earn an undergraduate degree has a diploma from a historically Black college or university. North Carolina has 10 4-year HBCUs, more than any other state in the country.

Funding through the Department of Education allows these institutions to strengthen programs and provide critical services for students who are often among the first in their families to attend college.

The House would cut funding for HBCUs by nearly a quarter below last year's level, a cut that would have a disastrous impact on these institutions and their students, while not even scratching the surface of our current deficit.

In addition, by insisting on dozens of divisive policy riders, House Republicans are disrupting our ability to chart a pragmatic and responsible fiscal course for the country. We cannot take our eyes off the ball.

The President's bipartisan fiscal commission, cochaired by North Carolina's own Erskine Bowles and former Senator Alan Simpson, made important progress in beginning to diagnose and attack the root causes of our Nation's fiscal crisis.

The bipartisan work of the fiscal commission is evidence that common ground is possible.

Reducing spending will absolutely be a part of any comprehensive solution, but we must begin to have a broader discussion to create meaningful deficit reduction.

For that reason, I am supporting S. 211, the Biennial Budgeting and Appropriations Act, which was introduced by my colleagues Senator ISAKSON and Senator SHAHEEN.

This bill would take the Washington-as-usual politics out of the budgeting process.

The bill changes the budget process from the current, annual spending debate to a 2-year, deliberative process that allows us to work together on commonsense cuts coupled with sensible investments, similar to what North Carolina, which balances its budget every year, already does.

Right now, Congress rarely passes the 12 government funding bills by the end of the fiscal year, and this year we have been operating on short-term fix after short-term fix. A biennial budgeting process is part of the long-term solution we need to remove partisanship from the budget. The status quo is unacceptable.

I hope we can continue to work across party lines, this week and moving forward, on a bipartisan, comprehensive plan for the Nation's budget that tackles, head on, our mounting debt.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BENNET. Mr. President, I had the chance to sit in the chair this evening, before you came, and listened to people on both sides of the aisle talk a little bit about our debt and our deficit situation, the pending shutdown of the Federal Government. I shudder to think we might actually do that. But it may happen. I thought I might keep my senior Senator a little bit of company—the hour is late and the floor is empty—to have the chance to talk a little bit about how we see this from Colorado.

Like the Presiding Officer, I have had the chance to travel in one of the most beautiful States in the country over the last 2 years, 40,000 miles across the State of Colorado, having townhall meetings in red parts of the State and blue parts of the State and, believe it or not—and I know the Presiding Officer would believe it because he is talking to the same people I am talking to and, maybe more important than that, listening to the same people I am listening to—I think a fairly substantial consensus emerged out of those meetings.

By the way, in not a single one of those townhall meetings—not one in 2 years—no matter what part of the State I was in, would any self-respecting cable television producer want to put on cable TV at night. Because we do not scream at each other in Colorado. We have our differences. We have our disagreements. We have a lot of shared values, though, whether we are Democrats or Republicans, tea party members, Independents. We are about a

third Republican, a third Democratic, a third Independent. That consensus that emerged from these meetings on our debt and our deficit is straightforward.

It is a three-part test for people in Colorado. The first is, they want us to come up with a comprehensive solution that materially addresses the fiscal challenges this country faces. They do not want a bunch of gimmicks. They do not want a bunch of talking points. And they do not want people in this Chamber or the Chamber on the other side of the Capitol spending their time scoring political points at the expense of the American people.

So the question they are going to ask, first, when the Presiding Officer and I go back there, I think, is, did you get to a comprehensive solution—not, by the way, did you fix it overnight? Because they know it cannot be fixed overnight. But can we be secure in the idea that we are not going to leave our kids and our grandkids what is today \$15 trillion in debt and a \$1.5 trillion budget deficit. Because all things being equal, we wish to allow our kids and our grandkids to not have their choices constrained by our inability to get anything done here in Washington. So that is the first test for people in Colorado.

The second test is, they want to know that any solution we come up with is one where we are all in it together, that everybody in America has the chance to make a contribution to solving this fiscal nightmare we face. They are not interested in pitting one group of people against another group of people. In fact, that makes them feel suspicious about what we are doing. They want to know we are all in it together, which brings me to the third commonsense Colorado point of view on this issue, which is they would like this—in fact, they will insist—the solution be a bipartisan solution. Because they do not have confidence in one party's ideas on this question. That is a lucky thing because we have a Republican-controlled House and we have a Democratic-controlled Senate, and the President is a Democrat. We cannot solve this problem in these times without it being a bipartisan solution. That is it.

If I can go home and say, we materially addressed the problem, we are all in it together, and it was a bipartisan solution, I think people would say: You guys have finally done something. We feel patriotic, as if we have done something useful for our kids.

As the Presiding Officer knows, there are people all over our State—local government officials—who are Republicans and Democrats who are making tough decisions about their budgets. I have an incredible amount of sympathy for what they are dealing with.

I had the great fortune, earlier in my career, to serve as the Chief of Staff for our now Governor, John Hickenlooper, when he was mayor of Denver. When John went into that office, and I went in as his Chief of Staff, we faced a huge

budget deficit by Denver standards and we had to cut 11 percent of our expenditures. We met with people living all throughout the city and county of Denver. We sought their advice. We established a set of priorities. We passed it through a city council. And do you know what. Denver lived to fight another day. Our economy grew, and things were pretty good there for a while, until this current recession.

When I became superintendent of the Denver Public Schools—as the Presiding Officer knows, a district that year after year after year, for almost a decade, maybe even longer than that, was the poster child for cutting every single year; every year, people at other school districts would say: Thank God we are not the Denver Public Schools—every year, the Denver Public Schools would lose teachers to other districts that could afford to pay them more, and every year we cut and we cut and we cut as a district. When I became superintendent, one of the cases I made to the school board was: We have profound structural problems in our budget, and instead of approaching the budget in a way that diminishes the academic environment for kids, what we ought to be figuring out how to do is establish a set of priorities and build a public case to deal with the structural problems that exist in our budget.

Because of the good work of the school board—I should say, the courageous work of the school board—we were able to get that done. We were able to close schools for the first time in a long time. That is hard work. Those meetings were harder than health care townhall meetings, I can tell you that. We were able to deal with the pension liability that our district had. And we were able, year after year, to invest more money, not less, in our schools and in our classrooms. And now, under the current leadership there—which I think is doing an exceptional job—the district no longer is the poster child for anything except fighting hard on behalf of the children in the Denver Public Schools.

Here is the thing that drives me crazy about what is going on in the conversation we are having now about this shutdown. There is no way any superintendent of schools in Colorado or any school board in Colorado or any city council or any mayor—from the biggest city to the smallest town—would show up to work and say: We might close the government 2 weeks from now. It is an option for us that we will not pick up your trash 2 weeks from now or plow the streets—we still get snow in Colorado at this time of year—or plow the streets 2 weeks from now. We are going to close down.

It would not occur to anybody working in a local government in our State to say they were going to do that. Do you know why? Because people would become unglued, unhinged. They would say: We hired you to do a job. Work it out. We are doing our jobs—or we are

looking for jobs—we don't have time to solve these problems. You were hired to do this job. Work it out. Come to an agreement. Don't come home and tell us you are shutting the government down, you are not going to pick up the trash, you are not going to plow the snow, you are not going to educate our kids.

The idea that as a superintendent—I got in trouble when I closed school for snow once—once. It turned out to be a great decision because it was one of the worst blizzards we ever had, but it could have gone the other way, because people rely on us to do the work we are supposed to do. They have plans. The idea that at a time when we are fighting wars all across this globe, at a time when there are governments and countries that are trying to seek an economic advantage over the United States of America in a global economy that has shrunk the way ours has shrunk, that we would say to ourselves: We are going to pause, we can't even keep the government open in this democracy, I think would reflect terribly not on the American people and not on our democracy, but on this institution of government.

There is a reason why we are in the basement as an institution in terms of polling. Why should people have confidence in an institution that cannot actually even keep running in the short term? I think it is important, based on the conversation I heard tonight here on both sides of the aisle, for the American people to understand this debate about this government shutdown is not a debate about our deficit and our debt, not really. It has been about scoring political points.

What I want to say is I hope and I would encourage the leadership on both sides of the aisle here, the leadership in the House, and our President to find a way to work it out and to make sure we keep this government open. I think closing it sends entirely the wrong message. I know there are people on both sides of the aisle here who believe that. I hope people do absolutely everything they can do between now and the end of this week to make sure we send a message that we are not as dysfunctional as we appear to be. Because I think this place ought to meet the standard that people at the local level of government are held to in our State.

No business would say: I don't know, maybe we will close for 2 weeks or close for a month. They are figuring out how to invest and grow even in this challenging economy. We should be doing the same.

Mr. President, you and I were in a meeting this morning. We started today at 8 o'clock in the morning, with 33 Senators, Republicans and Democrats, who came together to hear some very thoughtful observations about how important it is we come to a comprehensive solution to deal with our deficit and to deal with our debt. We heard an important presentation about how there is no silver bullet here.

There is no easy way to solve any of this. But perhaps the least painful way to think about it is with the most comprehensive plan—which, by the way, is the intuition of people in Colorado, as I said earlier today. It gave me great confidence that there were a bunch of Republicans and a bunch of Democrats in a room listening to this message and willing to work together in a bipartisan way.

I was very fortunate to draft a letter that MIKE JOHANNIS from Nebraska, a Republican, cosigned with me that called on the President to engage—after this period we are having a discussion about right now with closing the government or keeping it open or whatever it is we are going to do—asking the President to engage in a conversation that is comprehensive that says: You know what. We know this is going to involve cuts to discretionary spending, both domestic and military. We know this is going to involve reform of our entitlements. We know it is going to involve reform of our Tax Code as well.

Senator COATS from Indiana was out here today with a lot of commonsense ideas around how our Tax Code doesn't drive innovation, competition and growth and he is right about that. There is a lot of work to be done, and I have every confidence it can happen. That letter we wrote turned out to have 64 signatures on it. Sixty-four people signed that letter. That is more than the 60 required to pass a piece of legislation. That is a majority of the Democrats in the Senate. It is a majority of the Republicans in the Senate. I know it is just a letter, but it reflects what I believe to be true about what people in this body believe, which is that we can solve this issue. We can solve this problem, but we are only going to be able to do it if we do it together. We are only going to be able to do it if we get to a place where we are no longer as concerned about winning political points as we are about actually addressing the problem. I have confidence we can do it.

Someone said to me today: You seem to be a guy who feels as though the Senate is dysfunctional. You have a reputation for believing the Senate is dysfunctional. I will confess there are days when I wonder, and there are days when I feel as though it is dysfunctional. But on this set of issues, I think the Senate can shine. On this set of issues, I think this is the place where leadership can take hold and where we can create a bipartisan solution. The people of Colorado, and I think the American people, expect us to do everything we can to get this done.

There are two conversations going on simultaneously, and I thought it was important to point out that one is about the very short-term issue—what we are going to do with this continuing budget. By the way, no one in Colorado would stand for the idea that you don't pass a budget in the year you are in, but that is another Washington cul-

tural artifact we ought to get rid of. But that is distinct from the comprehensive discussion we need to have around here on our deficit and our debt. At the end of the 2-year discussion I was having, and the beginning of a new discussion now with Colorado, it became pretty straightforward what people want, not just on the debt and deficit but other things they are concerned about, that we ought to be turning our attention to, instead of having this back and forth about whether we are going to keep the government open. It ought to be assumed we are going to keep the government open.

We just came off the first decade in the country's history when median family income fell. It was lower at the end of the decade than it was at the beginning of the decade. It has never been true before in the United States. For families in Colorado, that means they are actually earning less at the end of the decade than they were at the beginning. But their cost of higher education has gone up by more than 40 percent. Their cost of health care has gone up by more than 100 percent over that period of time. We have created no net new jobs in the United States or in Colorado since 1998. People would like to see that turned around.

People would like to see us working together on a Tax Code that drives innovation to make sure we don't have regulations that unnecessarily stifle economic growth. They would like to see that.

They would like us to break our reliance on foreign oil from the Persian Gulf. Even before what has happened in the Middle East and in Libya occurred in the last month or so—even before that—people were saying to me: Michael, we don't think it makes much sense for us to be buying oil from the Persian Gulf. We don't understand why we have an energy policy that requires us to ship billions of dollars a week to the Persian Gulf to buy oil when we could be investing that money developing our energy resources here in the United States. That is work we could be doing together in a bipartisan way.

As the President knows, I have a passion for public education, as do the people who are living in Colorado, and they know we are not getting the job done there either. We have before us the reauthorization of No Child Left Behind, but somehow we can't move that forward. Teachers and kids and principals and moms and dads all over our State are expecting us to get that work done. We have to find a way to educate our kids for the 21st century economy that hopefully we will build for them, and we are not getting the job done.

As I said on the floor the other day, if we look at this question from the perspective of poor children living in our home State of Colorado or all across the United States of America, and if we think about this room we are in right now and the fact that there are

100 desks that don't belong to 100 Senators because they belong to the American people but where 100 Senators sit and work, if these desks reflected the odds of poor children living in our country succeeding educationally, things would look pretty grim in here. Forty-two out of the one hundred chairs in this place would be occupied by a child living in poverty—42. By the time our children in poverty got to the eighth grade, only 16 kids would be reading at grade level. That is four and four, four—that is about 16 desks. The rest of this Senate Chamber would be full of children who couldn't read at grade level in the eighth grade today in the 21st century in the United States of America. By the time our poor children would be graduating from college, only nine would be graduating from college—these two rows and that chair right there. The rest of this Chamber would have no college degree. In a global economy requiring that as a pathway to the middle class, to meaningful participation in the democracy, to meaningful participation in this global economy, 91 people in this place would be shut out because they were born into a ZIP Code that is poor. Those odds look pretty wrong to the kids who are living in those neighborhoods.

I have spent a lot of time with our kids in those neighborhoods, not just in Colorado but all across the United States of America. They think we have already made a promise to them, that they live in a land of opportunity that is going to reward their hard work, and if they stick with it, they are going to end up with a college degree. That is what they believe. We may have made that promise, but we certainly haven't followed through on that commitment.

Why should that matter to us? Some people look at that and say: Well, it is someone else's problem. I don't need to worry about it. McKinsey has done a study that shows us that the effect of those outcomes is to create a permanent recession in the United States. The effect of that dropout rate creates a permanent recession in the United States. That actually is about the same as the recession we just went through, which means if we are concerned with economic growth in the United States, we need to concern ourselves with the educational outcomes our kids in poverty are facing. If we are concerned with income inequality in the United States, we need to be concerned with the outcomes I just described.

Last year, the top 1 percent of income earners in this country earned 23 percent of the income—almost one-quarter of the income. The last time that was true was 1928. That doesn't lead me to conclude that somehow we should redistribute it, but it does lead me to conclude that we ought to fix our education system so more people have the chance to put themselves and their families into the middle class.

We can't afford in this country to repeat the decade we just went through.

We can't afford to have an economy where median income is falling. We can't afford to have an economy that is not creating jobs. We can't afford to carry a debt and deficit burden that at some point the capital markets are going to look at and say: We are not financing you anymore. We can't afford to fail to educate children in this country just because they are poor. I also think we can't afford to have an energy policy that commits us to a dependence on oil in the Persian Gulf. I think the people of Colorado and across this country are expecting us to do our jobs, just as they are doing their jobs.

I say again, I hope the leadership of both parties, working in good faith, can keep this government open, and I hope we can move on to a broader and more comprehensive conversation around debt, around deficit, around our economy, and around the education of our kids.

NOTICE OF INTENT TO OBJECT

Mr. WYDEN. Mr. President, I would like to briefly address the intelligence authorization bill for fiscal year 2011, which has now been reported by the Intelligence Committee. I filed additional views to the committee report accompanying the bill, and my remarks today will include a brief summary of those views.

I have now been a member of the Senate Intelligence Committee for over a decade—Senator FEINSTEIN, Senator ROCKEFELLER and I all began serving on the committee at the beginning of 2001, which I believe makes us the committee's longest-serving current members. In my time on the committee, I have become quite familiar with the intelligence authorization process.

It has now been almost 7 years since an intelligence authorization bill was signed into law during the fiscal year it was intended to cover, and although the 2011 fiscal year is now over halfway over, Congress still has an opportunity to provide useful guidance and direction regarding intelligence spending for this fiscal year. The fiscal year 2011 intelligence authorization bill is the product of substantial labor by both Chairman FEINSTEIN and Vice Chairman CHAMBLISS, as well as their respective staff, and I commend them both for their efforts and for the bipartisan manner in which they have worked to put it together.

Unfortunately, I have very serious concerns about one provision of this bill, and that is why I voted against it during the committee markup last month.

Section 403 of this bill would authorize the Director of National Intelligence, DNI, to establish an administrative process under which the DNI and the heads of the various intelligence agencies would have the authority to take away the pension benefits of an intelligence agency employee, or a former employee, if they "determine" that the employee has

knowingly violated his or her nondisclosure agreement and disclosed classified information.

I share my colleagues' frustration regarding unauthorized disclosures, or "leaks," of classified information. Leaks are a problem that has plagued intelligence agencies throughout modern history—they can undermine intelligence operations, jeopardize intelligence sources and methods, and have a terrible impact on the lives of covert agents who are publicly exposed. Every Member of Congress, myself included, wants to find new ways to identify and appropriately punish individuals who illegally disclose classified information. I personally spent 4 years working on legislation to increase the criminal penalty for people who are convicted of deliberately exposing covert agents. And I am proud to say that with help from a number of my Republican and Democratic colleagues, this legislation was finally signed into law last year. So I don't take a backseat to anybody when it comes to getting tough on leaks.

I agree that increasing penalties for particular offenses can sometimes have a deterrent effect on those who might otherwise be tempted to leak, so I support the creation of new consequences for individuals who have been convicted of illegally divulging classified information. But when it comes to leakers, the biggest challenge is not determining how to punish them as much as it is identifying who they are.

Given these challenges, my concern is that giving intelligence agency heads the authority to take away the pensions of individuals who haven't been formally convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, and particularly the rights of whistleblowers who report waste, fraud and abuse to Congress or inspectors general.

Section 403—as approved by the Select Committee on Intelligence—gives intelligence agency heads the power to take pension benefits away from any employee that an agency head "determines" has knowingly violated their nondisclosure agreement. But as I pointed out to my colleagues during the committee markup of this bill, neither the DNI nor any of the intelligence agency heads have asked Congress for this authority. Moreover, as of today none of the intelligence agencies have officially told Congress how they would interpret this language.

It is entirely unclear to me what standard agency heads would use to "determine" that a particular employee was guilty of disclosing information. It seems clear that section 403 gives agency heads the power to make this determination themselves, without going to a court of law, but the language of the provision provides virtually no guidance about what standard should be used, or even whether this standard could vary from one agency to the next. And no agency

heads have yet told Congress what standard they believe they would be inclined or required to use. This means that if an agency head “determines” that a particular individual is responsible for a particular anonymous publication, he or she could conceivably take action to revoke that individual’s pension benefits even if the agency does not have enough proof to convict the employee in court.

Section 403 states that agency heads must act “in a manner consistent with the due process and appeal rights otherwise available to an individual who is subject to the same or similar disciplinary action under other law.” But federal agencies do not normally take away the pension benefits of former employees unless they are convicted of a crime or begin openly working for a foreign government. I do not believe that this “otherwise available” language is intended to require the government to get a criminal conviction, but beyond that I am not at all sure what impact this language is supposed to have and I am not sure that the various intelligence agency heads will know what it means either. This only increases my concern that this provision could be used to undermine or violate the due process rights of intelligence agency employees, with a corresponding impact on their family members and dependents.

I am also especially troubled that section 403 is silent regarding disclosures to Congress and inspectors general. Everyone hopes that intelligence agency managers and supervisors will act honorably and protect whistleblowers who come forward and go through proper channels to report waste, fraud and abuse in national security agencies, but this is unfortunately not always the reality. There are existing laws in place that are intended to protect whistleblowers who provide information to Congress and inspectors general—and I believe that these laws should be strengthened—but section 403 does not specify whether it would supersede these existing statutes or not. I know that none of my colleagues would deliberately do anything to undermine protections for legitimate whistleblowers, but I think it was a mistake for the Intelligence Committee to report this bill without hearing the intelligence agencies’ views on whether or not they believe that section 403 would impact existing whistleblower protections.

It is unfortunately entirely plausible to me that a given intelligence agency could conclude that a written submission to the congressional intelligence committees or an agency inspector general is an “unauthorized publication,” and that the whistleblower who submitted it is thereby subject to punishment under section 403, especially since there is no explicit language in the bill that contradicts this conclusion. Withholding pension benefits from a legitimate whistleblower would be highly inappropriate, but over-

zealous and even unscrupulous individuals have served in senior government positions in the past, and will undoubtedly do so again in the future. This is why it is essential to have strong protections for whistleblowers enshrined in law, and this is particularly true for intelligence whistleblowers, since, given the covert nature of intelligence operations and activities, there are limited opportunities for public oversight. But reporting fraud and abuse by one’s own colleagues takes courage, and no whistleblowers will come forward if they do not believe that they will be protected from retaliation.

Finally, I am somewhat perplexed by the fact that section 403 creates a special avenue of punishment that only applies to accused leakers who have worked directly for an intelligence agency at some point in their careers. There are literally thousands of employees at the Departments of Defense, State and Justice, as well as the White House, who have access to sensitive information. Some of the most serious leaks of the past few decades have undoubtedly been made by individuals working for these organizations. I do not see an obvious justification for singling out intelligence community employees, particularly in the absence of evidence that these employees are responsible for a disproportionate number of leaks. And I am concerned that it will be harder to attract qualified individuals to work for intelligence agencies if Congress creates the perception that intelligence officers have fewer due process rights than other government employees.

Withholding pension benefits from individuals who are convicted of disclosing classified information will often be an appropriate punishment. This punishment is already established in existing laws, and I would be inclined to support efforts to clarify or strengthen these laws. But I am not inclined to give agency heads broad authority to take away the pensions of individuals who have not been convicted of wrongdoing, particularly when the agency heads themselves have not even told Congress how they would interpret and implement this authority. This is why I voted against this authorization bill. All of my colleagues and I agree that illegal leaks are a serious problem, but this does not mean that anything at all that is done in the name of stopping leaks is necessarily wise policy.

I look forward to working with my colleagues to amend this bill, and I am hopeful that they will be willing to modify or remove section 403 to address the concerns I have raised. In the meantime, I should be clear that it is my intention to object to any request to pass the current version of the bill by unanimous consent.

RECOLLECTIONS OF PRESIDENT RICHARD W. LARIVIERE, UNIVERSITY OF OREGON

Mr. WYDEN. Mr. President, recently, the president of the University of Oregon, Richard Lariviere, came to meet with me in my office. The University of Oregon is my law school alma mater, and I was commiserating with President Lariviere about the Ducks’ narrow loss in the BCS national championship football game. President Lariviere told me about a wonderful speech that Coach Chip Kelly gave to his players after the game. I asked President Lariviere to share the story with me in writing; and with his permission and that of Coach Kelly, I would like now to share that story with my colleagues:

Recollections of President Lariviere:

On January 10, 2011 when the final whistle ended the BCS national championship football championship game, the University of Oregon was behind by three points—three points scored by our friends from Auburn in the final two seconds of the game.

The UO players made their way to the locker room, disappointed needless-to-say. Coach Chip Kelly talked to his players, and his remarks were just what any university president would want to hear from a head coach, made more remarkable and emotional because of the magnitude and unprecedented nature of the moment.

With the team gathered around him, Coach Kelly told these student athletes that they had played a great game, that he was proud of them, and that he could not have asked for more. Then he said this:

“In ten minutes the media will come in here and they’re going to ask you how you feel. They’re going to tell you that this is a defining moment in your lives. I want you to know that this is not a defining moment in your lives. You are young men who play football, but football does not define you. A defining moment will be when you graduate, when you marry, when you have children. Those are the moments that define your lives.”

Then Coach Kelly turned to each of the seniors and reminded them of the promise they made to him that they would graduate.

In that locker room with a team that accomplished what no other Oregon football team had ever done, Coach Chip Kelly represented the very best values that have come to be associated with the University of Oregon: bold and audacious, hard working and high achieving, and a focus on what really matters.

March 2011

VOTE EXPLANATIONS

Mr. REED. Mr. President, due to my flight from Rhode Island being delayed, I was unavoidably absent for vote No. 47, the confirmation of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit. Had I been present, I would have voted to confirm this nomination.

Ms. STABENOW. Mr. President, yesterday, because I had the flu, I was not able to attend rollcall vote No. 47, to confirm Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Mr. Reyna’s nomination was given the highest possible rating by the American Bar Association, and his

nomination was reported out of the Judiciary Committee unanimously. With over 30 years of private practice experience, I believe he will be an excellent addition to the Federal circuit. If I had been present, I would have voted aye on this nomination.

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1246. An act to reduce the amounts otherwise to be appropriated to the Department of Defense for printing and reproduction.

MEASURES REFERRED

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

H.R. 1246. An act to reduce the amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction; to the Committee on Armed Services.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1255. An act to prevent a shutdown of the government of the United States, and for other purposes.

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-1207. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Removal of the List of Ports of Embarkation and Export Inspection Facilities From the Regulations" ((RIN0579-AD25)(Docket No. APHIS-2009-0078)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1208. 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 "Ethiprole; Pesticide Tolerances" (FRL No. 8863-1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1209. 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 "Hexythiazox; Pesticide Tolerances" (FRL No. 8868-6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1210. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airworthiness Directives; Various Transport Category Airplanes Equipped with Chemical Oxygen Generators Installed in a Lavatory" ((RIN2120-AA64)(Docket No. FAA-2011-0157)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1211. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace and Revocation of Class E Airspace; Easton, MD" ((RIN2120-AA66)(Docket No. FAA-2010-0936)) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1212. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XA264) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1213. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Decision and Order Granting 180-Day Extension of Compliance Date for Residential Furnaces and Boilers Test Procedure Amendments" (RIN1904-AB89) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Energy and Natural Resources.

EC-1214. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of the Processing and Use of Stainless Steel" (Regulatory Guide 1.44, Revision 1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1215. 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: Alabama: Final Disapproval of Revisions to the Visible Emissions Rule" (FRL No. 9290-3) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1216. 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 Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators" (FRL No. 9289-6) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1217. 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 "LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, NV and Withdrawal of Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Issued to Chemical Waste Management in Kettleman Hills, CA" (FRL No. 9290-6) received in the Office of the

President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1218. 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 "Clean Alternative Fuel Vehicle and Engine Conversions" (FRL No. 9289-7) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1219. 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 Pollutant Emissions: Group I Polymers and Resins; Marine Tank Vessel Loading Operations; Pharmaceuticals Production; and The Printing and Publishing Industry" (FRL No. 9291-3) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1220. 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; Ohio; Volatile Organic Compound Emission Control Measures for Lithographic and Letterpress Printing in Cleveland" (FRL No. 9285-4) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1221. 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 "Oklahoma: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9291-1) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Environment and Public Works.

EC-1222. 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 "Withdrawal of Regulations Related to Validity and Priority of Federal Tax Lien" (RIN1545-BG13) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1223. 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 "Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price" (Notice 2011-30) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1224. 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 "Taxpayer Assistance Orders" (RIN1545-BF33) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1225. 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 "Puerto Rican Excise Tax" (Notice 2011-29) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1226. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to

law, the report of a rule entitled "Revised Medical Criteria for Evaluating Endocrine Disorders" (RIN0960-AD78) received in the Office of the President of the Senate on April 4, 2011; to the Committee on Finance.

EC-1227. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. support for Taiwan's participation as an observer at the 64th World Health Assembly and in the work of the World Health Organization; to the Committee on Foreign Relations.

EC-1228. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the LITENING Advanced Targeting Pod and Rafael RecceLite/RecceM Pods for the Commonwealth of Australia in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1229. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1230. A communication from the Director, Office of Equal Employment Opportunity and Diversity, U.S. Patent and Trademark Office, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1231. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from April 1, 2010, through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 193, a bill to extend the sunset of certain provisions of the USA PATRIOT Act, and for other purposes (Rept. No. 112-13).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Daniel M. Ashe, of Maryland, to be Director of the United States Fish and Wildlife Service.

By Mr. CONRAD for the Committee on the Budget.

*Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN):

S. 723. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Ms. SNOWE, Mr. INHOFE, Ms. MURKOWSKI, Mr. HOEVEN, and Mr. CASEY):

S. 724. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, and supporting civilian and contractor personnel continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Appropriations.

By Mr. ISAKSON:

S. 725. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharp container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Finance.

By Mr. RUBIO:

S. 726. A bill to rescind \$45 billion of unobligated discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. WYDEN (for himself, Mr. COATS, and Mr. BEGICH):

S. 727. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

S. 728. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. REID):

S. 729. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BEGICH (for himself, Mr. TESTER, Mrs. MURRAY, Mr. WYDEN, and Mr. LEAHY):

S. 731. A bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training; to the Committee on Armed Services.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales

price for drugs and biologicals under Medicare; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURR (for himself and Mrs. MURRAY):

S. Res. 130. A resolution designating April 5, 2011, as "Gold Star Wives Day"; considered and agreed to.

By Mr. AKAKA (for himself and Mr. INOUE):

S. Res. 131. A resolution designating April 2011 as "Tsunami Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 73

At the request of Mr. SANDERS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 73, a bill to provide for an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 210

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 211

At the request of Mr. ISAKSON, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 217

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 217, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) 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. 375

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 375, a bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

S. 382

At the request of Mr. UDALL of Colorado, the names of the Senator from Idaho (Mr. RISCH) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 474

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 481

At the request of Mr. HARKIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 520

At the request of Mr. COBURN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 552

At the request of Mr. SANDERS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 552, a bill to reduce the Federal budget deficit by creating a surtax on high income individuals and eliminating big oil and gas company tax loopholes.

S. 567

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cospon-

sor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 605

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 605, a bill to amend the Controlled Substances Act to place synthetic drugs in Schedule I.

S. 647

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 647, a bill to authorize the conveyance of mineral rights by the Secretary of the Interior in the State of Montana, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. BEGICH) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 690

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 690, a bill to establish the Office of the Homeowner Advocate.

S. 712

At the request of Mr. DEMINT, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. MORAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 720

At the request of Mr. THUNE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. JOHANNES), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Maine (Ms. COLLINS), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Utah (Mr. LEE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from Florida (Mr. RUBIO), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 720, a bill to repeal the CLASS program.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) 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.

AMENDMENT NO. 206

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 206 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 264

At the request of Ms. KLOBUCHAR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 264 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VITTER (for himself, Mr. PAUL, Mr. LEE, and Mr. MORAN):

S. 723. A bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United

States at birth; to the Committee on the Judiciary.

Mr. VITTEK. Mr. President, America's illegal immigration problem is clearly way out of control. We can all agree that we desperately need to better protect our borders, ensure that only citizens and legal residents can be hired for jobs in this country, and reverse misguided policies that serve as a magnet for further illegal immigration.

Today, I am introducing a bill that falls into that third category, to get rid of these magnets that encourage further illegal activity. The bill would amend the Immigration and Nationalization Act in order to change our current practice of granting automatic citizenship to the children of illegal aliens born on American soil. When it comes to U.S. citizenship, it is not just where an individual is born that matters, at least it should not be. The circumstances of the person's birth and the nationality of his or her parents are of at least equal importance. I simply do not believe our Constitution confers citizenship on children who happen to be born on U.S. soil when both of their parents are foreign tourists or illegal aliens. The Constitution does not mandate or require that. Yet that is our policy.

Each year, 300,000 to 400,000 children are born in the United States to at least one parent who is an illegal alien or a foreign tourist. A significant subset of that number includes children born to two parents who are not U.S. citizens—the category my bill attacks. Despite the illegal status and foreign citizenship of the parent, the executive branch of our government now automatically recognizes these children as U.S. citizens upon birth. This practice is not mandated by Federal law or the Constitution. It is based on what I believe is a fundamental misunderstanding of the 14th amendment of the Constitution. As such, this policy is incompatible with both the text and legislative history of the citizenship clause. I don't think the 14th amendment grants this birthright citizenship to children of illegal aliens. In fact, all we have to do is look at history and the actual text of the Constitution as our guide.

The 14th amendment does not say all persons born in the United States are citizens, period, end of story. It states that citizenship extends to "all persons born or naturalized in the United States and subject to the jurisdiction thereof."

This latter phrase is important. It is conveniently ignored or misconstrued by advocates of birthright citizenship. But, of course, a fundamental rule in terms of constitutional interpretation is that words are assumed to be there for a purpose. If those words had no meaning, had no impact, then the Founders would not have written them into that part of the Constitution.

Its original meaning refers to the political allegiance of an individual and

the jurisdiction a foreign government has over that person. That is why American Indians and their children did not become citizens until Congress actually passed the Indian Citizenship Act of 1924.

I am introducing today's legislation because it is apparent that Congress must reassert its plenary authority over naturalization and make clear that "subject to the jurisdiction thereof" does not include children born in this country to illegal aliens or foreign tourists. Those parents are clearly subject to the jurisdiction of foreign governments.

My bill limits birthright citizenship to individuals born in the United States to at least one parent who is a legal citizen, a green card holder, or an active member of the U.S. Armed Forces. Congress clearly has the power to determine that children born in the United States to illegal aliens are not subject to American jurisdiction.

As Judge Richard Posner, of the Seventh Circuit Court of Appeals, held in a 2003 case: "Congress would not be flouting the Constitution if it amended the Immigration and Nationality Act to put an end to this nonsense." That is exactly what my bill would do, put an end to this nonsense.

Closing this loophole will not prevent anyone from becoming a naturalized citizen. Instead, it will ensure that he or she has to go through the same process as anyone else born of foreign national parents who wants to become a U.S. citizen.

Our practice of birthright citizenship is clearly an incentive to illegal immigration. It does a disservice to every would-be citizen who is actually following the rules, applying to be naturalized, standing in line, often for a very long time.

This misguided policy of birthright citizenship not only undermines the stability of our immigration system, but it has severe fiscal consequences as well as serious national security implications. Recent news reports have highlighted the growing popularity of what is known as birth tourism.

Web sites actually advertise birth packages for foreign visitors so pregnant women can give birth in the United States and ensure automatic citizenship, under current practice, for their newborn children. Of course, with that automatic citizenship comes the full benefits thereof, including unlimited travel to the United States, educational benefits, and the ability to settle here as an adult and eventually, down the line, the ability to grab back the parents and get them into U.S. citizenship.

One such agency that appeals to foreign mothers to be by describing the benefits of American-born children, pointing out that a one-time investment in a birth package will result in a lifetime of benefits for their family was in the news recently. Specifically, it says: Your children will be able to attend U.S. public elementary schools

and they may apply for scholarships designated for U.S. citizens and they are entitled to welfare benefits—all of this explicitly spelled out in the advertising for this agency.

Just last month, authorities in California shut down a makeshift maternity clinic after discovering 10 newborns and one dozen Chinese women who paid as much as \$35,000 to travel to this country to give birth to children who would automatically be recognized as U.S. citizens.

Birth tourism, as amazing as this is, is not a new phenomenon, as women from other countries have long traveled to the United States legally, on tourist or student visas, and given birth while here. However, recent reports indicate that the practice is escalating. A new report by the Center for Immigration Studies finds that every year 200,000 children are born to women who were lawfully admitted to the United States on a temporary basis.

Each of these children receive U.S. citizenship, despite their mother's allegiance to a different country and even if the father is not a U.S. citizen. Birth tourism is certainly a reprehensible practice, but it is not an illegal one. It is astounding that the U.S. Government allows individuals to exploit the loopholes of our immigration system in this manner. It is obvious that Congress has the authority and the obligation to put an end to it.

In addition to this birth tourism—and by that I refer to focusing on tourists here legally under a tourist visa. Of course, there are tens or hundreds of thousands of children born in this country to two illegal immigrant parents, and those children, under the same practice, automatically become U.S. citizens.

This, too, is a very dangerous practice, a magnet to attract more and more illegal activity across the border, when we say we want to do everything to stop that. Certainly, if we truly want to do everything we can to stop that, we need to unplug those magnets, stop that policy from attracting more and more illegal crossings across the border.

So I introduce this important legislation today, and I thank Senators PAUL and LEE and MORAN for joining me in addressing this critical issue. I invite all the Members of the Senate to join me in doing this.

By Mr. WYDEN (for himself, Mr. COATS, and Mr. BEGICH):

S. 727. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. COATS. Mr. President, today, along with Senator WYDEN, we introduce bipartisan tax reform legislation, a piece of legislation that we believe, and hopefully we can gather a consensus in this body to believe, is necessary to be a component of addressing the current fiscal situation.

The Senator from South Dakota just articulated very well the plight we currently are facing with our current Federal deficit and accumulating debt. I don't think I could have said it better than he did. He laid out what I think most Americans are now realizing, and that is we have to get a grip on our current fiscal situation in this country if we are going to provide any kind of opportunity for the future—for prosperity, for opportunity for our young people to get good jobs, buy homes, raise a family, and send their kids to college. And even in a more current sense, we need to get our economy moving again to the point where we can get people back to work and become a prosperous leading nation in the world. We are gradually, and accelerating all the time, losing that position because of our fiscal situation.

This morning, a number of us met—both Republicans and Democrats—in one of a series of meetings we have been having with outside experts. Dr. Carmen Reinhart and Ken Rogoff spoke to us this morning, both distinguished and respected economists, and others who have studied the situation, and they laid out the current status of our fiscal situation and the economic plight it is putting our country into. One of the things they said—and I think the reason I am on the floor this evening—is that unless we address all the aspects in dealing with our fiscal crisis, both in terms of excessive spending that is taking place, and has taken place over the last several years, as well as components for growth, we are not going to successfully address this.

We not only have to look at the spending which has accelerated dramatically in the last few years, and the amount of deficit we are accumulating every year, and the amount of debt we are rolling up, but we also have to look at ways of addressing that by cutting spending and also spurring the economy to growth. The component for growth pretty much falls along the lines of tax reform.

Senator WYDEN had worked for 2 years with former Senator Gregg. They spent a great deal of time putting together a very comprehensive plan. Senator Gregg, as everyone here knows, retired after many years of distinguished service. He was recognized as one of the, if not the, leading proponent of budget stability, of economic growth, and of all the aspects that go into dealing with economic situations. He is greatly missed. I had the privilege of being his friend, serving with him, and then having him encourage me to take his place in moving this legislation forward.

I have spent the last 3 months working with Senator WYDEN, who is co-author of that legislation, along with Senator Gregg. We have made some refinements to this and we are introducing it today. We will be doing a formal introduction of it together in the coming days, but the agreement and the growing consensus we hear from

everyone is that comprehensive tax reform has to be a component of addressing our fiscal plight and getting us back into a period of sustained growth.

S. 727 is the bill that will be available for people to look at—the Bipartisan Tax Fairness and Simplification Act of 2011. It simplifies our current tax system, it holds down rates for individuals and families, it provides tax relief to the middle class, and creates incentives for businesses to grow and invest in the United States.

As we know, with any structure that is built, the first thing you do is build a solid foundation. What we are trying to do in our tax reform package is to build that foundation based on several basic principles. We believe that to bring forward legislation on a bipartisan basis we have to have a tax package that is revenue neutral, that is not stereotyped or characterized as a backdoor means of raising taxes or of cutting spending. Revenue neutrality means we can go forward knowing it is not used for that purpose but for the purpose of putting in place a tax system that will stimulate growth, provide for better competitiveness for our industries and businesses, and make us a more prosperous nation.

Simplification is a key foundational principle, as well as protection for the middle class and families—fairness across the board. And as I said earlier, economic growth. I want to address each of those.

First of all, achieving a revenue-neutral bill. This has been analyzed by the Joint Tax Committee, and basically we have information back that it is revenue neutral. This analysis is based on a static basis. As we all know, if you put in place policies that will encourage growth and stimulate growth, it becomes a dynamic scoring. But CBO doesn't do dynamic scoring, nor does the JTC—the Joint Tax Committee. But nevertheless, even at the static analysis of this bill, it achieves revenue neutrality. It is our goal to maintain that throughout, as adjustments might be made.

Simplifying the Tax Code has to be one of the very first things we do. Today, the U.S. Tax Code is 71,684 pages in length, and it includes a tangled web of over 10,000 exemptions, deductions, credits, and other preferences. I took three tax courses in law school, and I don't begin to understand the 10,000-plus exemptions and deductions and preferences that are in there. I turn it over to an accountant, who spends every working hour of his week, every day of the year trying to stay up with the complexity of this Tax Code.

It is no secret that Americans spend 6.1 billion hours each year filling out tax forms, and roughly \$163 billion a year is spent on tax compliance. It is a great benefit for accountants and tax lawyers, but the average person simply cannot begin to comprehend the complexity of this code, and we pay a significant price for that.

Along that line, people feel a real sense of unfairness in this. They are al-

ways wondering if their neighbor has a better accountant or a better tax attorney or has figured out a way to take advantage of a deduction or exclusion or a tax preference that they may not be aware of. You know: You are having coffee on April 16 and talking about filing your taxes yesterday and saying: Well, you did take the deduction for X, Y or Z, didn't you? Or how about that extra room in your house you use for business? Or did you know you can deduct the cost of pencils, but also driving down to pick up a latte, or whatever, if you are meeting somebody for business? This stuff goes on and on forever. And you think: Gosh, I didn't know that. He got a better deal than I did.

We lose our sense of confidence in terms of the fairness of the tax system. So simplification is absolutely essential. And for a 71,000-plus page Tax Code, I think it is an absolute necessity.

We reduced the number of tax brackets for individuals, first of all, from six to three. We also eliminate the alternative minimum tax, which means you have to calculate your taxes twice, in many instances, to see which one is the higher and which one you pay. That doubles the amount of time, or it adds a lot to the amount of time.

I want to point to this chart here on my right, the Wyden-Coats Tax Reform Act of 2010. This is what a simplified U.S. individual tax return form will look like if this bill is passed. It is one page. It incorporates, obviously, the information about who you are and whether you are married, your spouse's Social Security number and yours, et cetera, et cetera; whether you are head of household, these very simple provisions here that are on the tax form now. We can all figure out how to work through to here.

Right here, you list your dependents and their relationship to you, and you get their Social Security numbers and then to see whether you qualify for a dependent's deduction, and then you check those off.

You list your capital gains and your dividends here. Your total income is added together, and then you adjust that by some very simple retained exemptions that we have not taken out, and deductions, and tax credits, all still on one page. You come down to the payment, and you either get a refund or you owe the government a little more money. And that is it. Then you send it in.

We also have a provision in there if you don't want to do this yourself or you have some confusion. It is basic enough. You can do it electronically or by telephone or whatever, and ask the IRS to do it for you. They will calculate it for you, send it to you, so you can review it and then certify that it is correct or that you have questions that can be answered.

Point No. 1: Simplification is absolutely necessary. It can be done, and we have structured it so with three

brackets that allow us and allow individuals to fill out their taxes on the basis of this simple form.

Thirdly, after revenue neutrality and simplification, we are talking about how do we use this to grow the economy. Clearly, with the fiscal situation we are in today, we are not going to solve our problem just by cutting or by raising taxes. We need to have a growth component so we can achieve more revenue through the prosperity and growth of corporations and income levels of individuals and so forth. So we are reforming our code in a way to help us get out of this fiscal situation by improving the prosperity and growth of the country.

Our current tax system places the employers and businesses at a disadvantage in the global marketplace. If you look at this chart on my left, the United States, out of the 36 most competitive countries competing for global business around the world, is 35th. We are 35th out of 36 in the highest rate of taxes paid by our corporations, and they are competing against countries such as Germany, France, Austria, Turkey, Chile, and all these that are listed here—Asian nations and so forth—that have much lower combined tax rates than the United States.

We want to lower this level of payment of taxes in the United States by U.S. businesses to 24 percent from the current rate of 35 percent. If we go by a combined rate, it ends up with numbers a little different than that, but we want to move the United States down here into the competitive area where we are competitive with all those countries that we compete with to sell products overseas in this global economy. We do that and pay for it by eliminating a lot of the credits, special preferences, exemptions, and deductions that are available in those 71,000 pages, resulting in 10,000 or more special exemptions. We eliminate a lot of those in return for a lower corporate rate.

I talked with a number of businesses—small, large, and medium—that were saying if we can just get the rate down where we are competitive, we do not need to dig into the Tax Code to try to find all these special exemptions. It has been called corporate welfare. It doesn't always fall into that category. Some of this is legitimate, but it is not across the board. While it addresses problems of a specific industry or a specific company, it does not address it across-the-board in a way for their competitors to be treated in the same way.

Under Wyden-Coats, we try to level the playing field and make investing in the United States more attractive to businesses of all sizes. We have a repatriation provision in there which at another time we will explain in more detail. But a number of organizations, including Heritage and the Manufacturers Alliance, have done studies and produced information that shows that a lowering of this rate is a job creator. It is a growth component. The Heritage

Foundation found that the legislation could create up to 2.3 million new jobs a year, while cutting the Federal deficit by an average of \$61 billion, just through the changes we have made in the corporate structure of taxation. The Manufacturers Alliance published a paper that concluded such an approach would “create nearly 2 million jobs on a net basis and add an extra \$500 billion to GDP by 2015.” The alliance also estimated that the increase of economic activity from this legislation could reduce the debt by \$1.2 trillion over the coming decade.

I wish to repeat that. While CBO or the Joint Tax might score this on a static basis—meaning that from lowering tax rates they do not calculate in what the potential growth from that might be in a fluid way, a dynamic way—history shows us that every time taxes are lowered, there is an uptick in economic activity and more important an uptick in the hiring and a drop in the unemployment rate. Getting us more competitive with our competitors around the world will clearly bring a yet undetermined number of more revenue coming into the Government based on higher profits by our companies and resulting in more employment. That is a key component of this tax reform.

Protecting the middle class and families is also another key component of our tax reform and of the Wyden-Coats plan. Today a family of four in Indiana making \$90,000 and filing jointly would owe nearly \$13,000 in personal income taxes. Under Wyden-Coats that family would keep more of their hard-earned money and save approximately \$5,000 in personal income taxes.

We protect and extend important tax deductions for families. We do not eliminate all deductions to reach our simplified Tax Code with only three levels of taxation. Without increases, we retain the rates. We don't raise any of the rates that are currently in place. We keep the dependent tax credit, which is set to drop to \$2,400 in 2 years. Under the Wyden-Coats plan, we permanently set that credit at \$3,000, a benefit to families. The child tax credit is scheduled to revert to \$500 in 2013. Wyden-Coats eases the tax burden on families by permanently setting the child tax credit at \$1,000.

We promote personal saving and investment. We think it is important that we encourage saving and investment. Today we have three separate IRA or Individual Retirement Account plans for savings and investments available to individuals in the United States. Wyden-Coats promotes this by expanding tax-free saving opportunities and consolidating these three new accounts into one account that would allow a married couple to contribute up to \$14,000 a year to tax-favored retirement and savings accounts.

We take the three current plans in existence, we consolidate them into one. We increase the amount per year that can be, tax-free, donated to those

savings and retirement accounts as another way of looking out for families and their need to save for the future.

We are making the Tax Code fairer. Today our current tax system picks winners and losers, with hundreds of specialized tax rates that benefit some but not all. These credits, specialized earmarks within this Tax Code that we are working with today, total \$1.1 trillion. We want to eliminate, under Wyden-Coats, a number of those exemptions and end a number of specialized tax breaks that favor one sector of the economy or special interest group over another. We want to level this out.

I recognize and Senator WYDEN also recognizes that there will be issues with this bill, especially from groups that benefit from these special exemptions, but those special exemptions and tax earmarks often put other companies at a disadvantage, and it is time, as I said, to make our system fairer and more simple. Ronald Reagan once said: To put it simply, our tax system is unfair, it is inequitable, it is counterproductive and all but incomprehensible. Reagan went on to say that were he living at this time, even Albert Einstein would have to write to the IRS to help him fill out his 1040 form each year.

It is 25 years since we had any meaningful tax reform; 1986 was the last time. During that time, our Government has vastly expanded Tax Code reform into a complicated, tangled web of deductions and loopholes for tax lawyers to decipher. But if we can reform this Tax Code and encourage job investment here at home and, through doing this, create more American jobs and make our country more competitive in a global market, we will have taken a major step to moving forward in terms of addressing the fiscal plight we are currently in.

Senator WYDEN and I are open to suggestion. This is not set in concrete. This is not a be-all, end-all plan. We don't have all the answers to this complex problem. But we think this is an essential start to a debate that is necessary to be accompanied by other solutions that we have to bring to our current fiscal situation. We want to put this in as a starter, as a way of saying 2 years-plus of hard work by two people who are knowledgeable about this topic—and I do not begin to bring myself up to the speed Senator WYDEN and Senator Gregg achieved in the 2-plus years of very hard effort, but I am trying to learn as fast as I can. We want to bring forward a bipartisan, Democratic-Republican plan which we think is based on principles that are necessary to stimulate our growth and provide fairness and simplification of our Tax Code. We want to provide it. We are asking everybody to look at it, examine it, come to us with your questions. There will be a lot of things to like. There will be some constituents who will find some things they do not like because it takes away a special exemption that they perhaps depended

on. But we want to explain the basis on which we have made these decisions. We are open to suggestions, as long as those suggestions allow us to retain those basic principles and maintain us at revenue neutrality level and a fairness across-the-board to families and businesses and individuals throughout this country.

I urge my colleagues to take a look, to work with us. The door is open for us to sit down and talk, whether to colleagues in the Senate or families or businesses across the country who want to bring their special input to this particular effort. We look forward to working with them and, over time, incorporating this in the plan to make us a fiscally healthier country and a country that is growing and dynamic and can retain its place as a place of prosperity and opportunity for not only those of us today but for our future generations.

Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 730. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Tlingit and Haida people, the first people of Southeast Alaska, were perhaps the first group of Alaska Natives to organize for the purpose of asserting their aboriginal land claims. The Native land claims movement in the rest of Alaska did not gain momentum until the 1960s when aboriginal land titles were threatened by the impending construction of the Trans Alaska Pipeline. In Southeast Alaska, the taking of Native lands for the Tongass National Forest and Glacier Bay National Monument spurred the Tlingit and Haida people to fight to recover their lands in the early part of the 20th century.

One of the first steps in this battle came with the formation of the Alaska Native Brotherhood in 1912. In 1935, the Jurisdictional Act, which allowed the Tlingit and Haida Indians to pursue their land claims in the U.S. Court of Claims, was enacted by Congress. After decades of litigation, the Native people of Southeast Alaska received a cash settlement in 1968 from the Court of Claims for the land previously taken to create the Tongass National Forest and the Glacier Bay National Monument. Yes there was a cash settlement of \$7.5 million, but the Native people of Southeast Alaska have long believed that it did not adequately compensate them for the loss of their lands and resources.

When the Native people of Southeast Alaska chose to pursue their land claims in court they could not have foreseen that Congress would ultimately settle the land claims of all of Alaska's Native people through the Alaska Native Claims Settlement Act, ANCSA, of 1971. Nor could they have foreseen that they would be disadvan-

taged in obtaining the return of their aboriginal lands because of their early, and ultimately successful, effort to litigate their land claims.

The Claims Settlement Act imposed a series of highly prescriptive limitations on the lands that Sealaska Corporation, the regional Alaska Native Corporation formed for Southeast Alaska, could select in satisfaction of the Tlingit and Haida land claims. None of the other 11 Alaska-based regional Native corporations were subject to these limitations. Today, I join with my Alaska colleague, Sen. MARK BEGICH, to reintroduce legislation to right this wrong.

For the most part, Sealaska Corporation has agreed to live within the constraints imposed by the 1971 legislation. It has taken conveyance of roughly 290,000 acres from the pool of lands it was allowed to select under the 1971 act. As Sealaska moves to finalize its land selections, it has asked the Congress for flexibility to receive title to slightly different lands that it was not permitted to select under the 1971 legislation.

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It

The legislation we are introducing today will allow Sealaska to select its remaining entitlement from outside of the withdrawal areas permitted in the 1971 legislation. It allows the Native Corporation to select up to 3,600 acres of its remaining land entitlement from lands with sacred, cultural, traditional or historical significance throughout the Alaska Panhandle. Substantial restrictions will be placed on the use of these lands.

Up to 5,000 acres of land could be selected for non-timber or mineral related economic development. These lands are called "Futures" sites in the bill. Other lands referred to as "economic development lands" in the bill could be used for timber related and non-timber related economic development. These lands are on Prince of Wales Island, on nearby Kosciusko Island.

Sealaska observes that if it were required to take title to lands within the constraints prescribed by the 1971 legislation it would take title to large swaths of roadless acres in pristine portions of the Tongass National Forest, the original selection areas containing 112,000 acres of old-growth timber. The lands it proposes to take for economic uses under this legislation are predominantly in roaded and less sensitive areas of the Tongass National Forest, meaning that under this bill Sealaska likely will select roughly 39,000 fewer acres of old-growth than otherwise might be the case. In the process it will at most select 9 percent of the second-growth, leaving the U.S. Forest Service hundreds of thousands of the 428,972 acres of second-growth in the forest. It will be selecting about 28,570 acres of

second-growth, leaving the Forest Service more than 88 percent of the second-growth in the forest for it to use to promote a "young"-growth strategy in our Nation's largest national forest.

The pools of lands that would be available to Sealaska under this legislation are depicted on a series of maps referred to in the bill. It must be emphasized that not all of the lands depicted on these maps will necessarily end up in Sealaska's ownership. Sealaska by this legislation will not receive title to lands in excess of its remaining acreage entitlement under the 1971 legislation and this legislation does not change that entitlement total, still to be finalized by the Bureau of Land Management.

Now this legislation has traveled a long path, one that has seen it change substantially to meet a variety of concerns. Early in the 110th Congress, Alaska Congressman DON YOUNG in 2007 introduced H.R. 3560 to address these issues. Later in September 2008 I introduced legislation similar to, but somewhat different from that bill to give all parties time to thoroughly review the measure. In 2009, I reintroduced the bill after Sealaska and the communities of Southeast Alaska worked collaboratively in good faith to identify issues that may arise from the transfer of lands on which those communities have relied on for subsistence and recreation out of the Tongass National Forest and into Native corporation ownership. Throughout 2009 and into 2010, I and my staff held 12 town meetings in Alaska to collect comments on the bill, and made modifications to it in response to the comments we received. When the bill did not advance in 2010, my staff again held two town meetings and other briefings this winter to gain additional comments and suggested changes in the bill. It is after these comments, and following email and letter suggestions from a variety of sources, that I and Senator BEGICH now move to reintroduce a new version of this bill. It will be somewhat different than a new bill also being introduced today by Congressman YOUNG in the House, a bill more similar to his original bill from 2007.

The legislation we are introducing today in the 112th Congress is different from the original bill in numerous respects. In some cases, the lands open to Sealaska selection have changed from those that were available in the first House bill to accommodate community concerns. For example, this bill reduces the selection pool to about 79,000 acres. It allows for timber land selections in North Election Creek, Polk Inlet-McKenzie Inlet, near Keete, at 12 Mile Arm, at Calder, all on Prince of Wales Island, at several sites on Kosciusko Island and on northern Kuiu Island. These sites are far different than in 2009 since following comments, all of the areas on northern Prince of Wales involving Red Bay, Buster Creek and Labouchere Bay have been deleted

from the bill to meet the concerns of Port Protection and Point Baker residents. Also a large 12,462-acre parcel in the Keete area also was removed to accommodate environmentalist concerns. This bill also makes a series of map changes in these parcels, removing 745 acres at Karheen Lakes on Tuxekan Island to protect fisheries, and removes timber lands around Halibut Harbor and Cape Pole on Koscuisko Islands to also protect fishermen and boaters.

Concerning Future sites, this bill keeps 30 sites, specifically dropping the 30-acre Dog Cove site, near Naha, north of Ketchikan, as a result of State and community concerns and imposing a restriction against development for 15 years of a proposed geothermal site at Pegmatite Mountain, 25 miles north of Tenakee on Chichagof Island. That restriction allows the possibility of a renewable energy site to serve Hoonah and Pelican and perhaps Tenakee, if other projects can't first be completed to provide lower-cost power to those communities. The bill already has removed several dozen Future sites that had been proposed since 2007.

The bill in a change from the 2009 version includes a number of conservation areas, totaling 151,650 acres, to help protect fisheries and karst formations on Prince of Wales, Kupreanof, Kuiu and Sukkwan and Goat Islands. The conservation areas, first proposed after public comment in spring 2010, remove no timber lands from the current timber base, but do provide added protections to key fishery habitats such as those around Sarkar Lakes, Eek Lake, Bay of Pillars and Lovelace Creeks. Further to protect fisheries, this bill, as sought by many fishermen, imposes an 100-foot setback requirement for any timber lands conveyed to Sealaska from timber operations around class 1-A fish streams for 5 years—plenty of time for the State of Alaska to consider whether it needs to make any changes in its current State Forest Practices Act setback requirements.

The bill retains a series of changes made in the bill in the past to solve concerns over any unintended consequences that the bill might cause concerning the definition of Indian country in Alaska. It removes all sites from possible conveyance in Glacier Bay National Park and Preserve. It removes any presumption that any site qualifies as a sacred, cultural, traditional or educational site in Southeast, returning the nomination process for all such selections to the regulations that covered such selections immediately following the 1971 act's passage. And the bill incorporates a host of changes sought by governments, the state and a wide variety of groups and individuals to clarify language and solve concerns over everything from public access guarantees to access rights by bear guides. The bill maintains public access rights to all 17(b) easements and guarantees public access to all timber lands.

Sealaska also has offered a series of commitments to ensure that the bene-

fits of this legislation flow to the broader Southeast Alaska economy and not just to the Corporation and its Native shareholders. The biggest is that all revenues will need to be shared under Section 7(i) of ANCSA with all other Native shareholders statewide.

We all hope that after 40 years that this measure can advance to passage this Congress and resolve the last land entitlement that Southeast Alaska's more than 20,000 Native shareholders have long had a right to receive. It is impossible to expect Alaska's Native corporations to provide meaningful assistance to Alaska's Native community if they continue to be denied the lands that Congress intended them to receive to utilize to provide economic benefits for the Native peoples of the State. I hope this measure can pass and become law before the 40th anniversary of the claims settlement act in December of this year. Justice delayed truly is justice denied.

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. 730

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 "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION SYSTEM UNIT.—The term "conservation system unit" has the meaning given the term in section 102 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102).

(2) LAND USE DESIGNATION II.—The term "Land Use Designation II" has the meaning described in title V of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539 et seq.), as further amended by section 201 of the Tongass Timber Reform Act of 1990 (Public Law 101-626).

(3) SEALASKA.—The term "Sealaska" means the Sealaska Corporation, a Regional Native Corporation created under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. SELECTIONS IN SOUTHEAST ALASKA.

(a) SELECTION BY SEALASKA.—

(1) IN GENERAL.—Notwithstanding section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), Sealaska is authorized to select and receive conveyance of the remaining land entitlement of Sealaska under that Act (43 U.S.C. 1601 et seq.) from Federal land located in southeast Alaska from each category described in subsections (b) and (c).

(2) TREATMENT OF LAND CONVEYED.—Land conveyed pursuant to this Act is to be treated as land conveyed pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) subject to, but not limited to—

(A) reservation of public easements across land pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b));

(B) valid existing rights pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); and

(C) the land bank protections of section 907(d) of the Alaska National Interest Lands Conservation Act (43 U.S.C. 1636(d)).

(b) WITHDRAWAL OF LAND.—The following public land is withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508), and shall be available for selection by, and conveyance to, Sealaska to complete the remaining land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)):

(1) Land identified on the maps dated February 1, 2011, and labeled "Attachment A (Maps 1 through 8)".

(2) Sites with traditional, recreational, and renewable energy use value, as identified on the map entitled "Sites with Traditional, Recreational, and Renewable Energy Use Value", dated February 1, 2011, and labeled "Attachment D", subject to the condition that not more than 5,000 acres shall be selected for those purposes.

(3) Sites identified on the map entitled "Traditional and Customary Trade and Migration Routes", dated February 1, 2011, and labeled "Attachment C", which includes an identification of—

(A) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus and at 8 locations along the route, with the route, location, and boundaries of the conveyance described on the map inset entitled "Yakutat to Dry Bay Trade and Migration Route" on the map entitled "Traditional and Customary Trade and Migration Routes", dated February 1, 2011, and labeled "Attachment C";

(B) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled "Bay of Pillars to Port Camden Trade and Migration Route" on the map entitled "Traditional and Customary Trade and Migration Routes", dated February 1, 2011, and labeled "Attachment C"; and

(C) a conveyance of land 25 feet in width, together with 1-acre sites at each terminus, with the route, location, and boundaries of the conveyance described on the map inset entitled "Portage Bay to Duncan Canal Trade and Migration Route" on the map entitled "Traditional and Customary Trade and Migration Routes", dated February 1, 2011, and labeled "Attachment C".

(c) SITES WITH SACRED, CULTURAL, TRADITIONAL, OR HISTORIC SIGNIFICANCE.—Subject to the criteria and procedures applicable to land selected pursuant to section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) and set forth in the regulations promulgated at section 2653.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), except as otherwise provided in this Act—

(1) Sealaska shall have a right to identify up to 3,600 acres of sites with sacred, cultural, traditional, or historic significance, including archeological sites, cultural landscapes, and natural features having cultural significance; and

(2) on identification of the land by Sealaska under paragraph (1), the identified land shall be—

(A) withdrawn, subject to valid existing rights, from all forms of appropriation under public land laws, including the mining and mineral leasing laws, and from selection under the Act of July 7, 1958 (commonly known as the "Alaska Statehood Act") (48 U.S.C. note prec. 21; Public Law 85-508); and

(B) available for selection by, and conveyance to, Sealaska to complete the remaining

land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8)), subject to the conditions that—

(i) no sites with sacred, cultural, traditional, or historic significance may be selected from within a unit of the National Park System; and

(ii) beginning on the date that is 15 years after the date of enactment of this Act, Sealaska shall be limited to identifying not more than 360 acres of sites with sacred, cultural, traditional, or historic significance under this subsection.

(d) **FOREST DEVELOPMENT ROADS.**—Sealaska shall receive from the United States, subject to such reasonable terms and conditions as the Forest Service may impose, nonexclusive easements to Sealaska to allow—

(1) access on the forest development road and use of the log transfer site identified in paragraphs (3)(b), (3)(c), and (3)(d) of the patent numbered 50–85–0112 and dated January 4, 1985;

(2) access on the forest development road identified in paragraphs (2)(a) and (2)(b) of the patent numbered 50–92–0203 and dated February 24, 1992;

(3) access on the forest development road identified in paragraph (2)(a) of the patent numbered 50–94–0046 and dated December 17, 1993;

(4) access on the forest development roads and use of the log transfer facilities identified on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”;

(5) a reservation of a right to construct a new road to connect to existing forest development roads, as generally identified on the maps described in paragraph (4); and

(6) access to, and reservation of a right to, construct a new log transfer facility and log storage area at the location identified on the maps described in paragraph (4).

SEC. 4. CONVEYANCES TO SEALASKA.

(a) TIMELINE FOR CONVEYANCE.—

(1) **IN GENERAL.**—Subject to paragraphs (2), (3), and (4), the Secretary shall work with Sealaska to develop a mutually agreeable schedule to complete the conveyance of land to Sealaska under this Act.

(2) **FINAL PRIORITIES.**—Consistent with the provisions of section 403 of the Alaska Land Transfer Acceleration Act (43 U.S.C. 1611 note; Public Law 108–452), not later than 18 months after the date of enactment of this Act, Sealaska shall submit to the Secretary the final, irrevocable priorities for selection of land withdrawn under section 3(b)(1).

(3) **SUBSTANTIAL COMPLETION REQUIRED.**—Not later than 2 years after the date of selection by Sealaska of land withdrawn under section 3(b)(1), the Secretary shall substantially complete the conveyance of the land to Sealaska under this Act.

(4) **EFFECT.**—Nothing in this Act shall interfere with, or cause any delay in, the duty of the Secretary to convey land to the State of Alaska under section 6 of the Act of July 7, 1958 (commonly known as the “Alaska Statehood Act”) (48 U.S.C. note prec. 21; Public Law 85–508).

(b) **EXPIRATION OF WITHDRAWALS.**—On completion of the selection by Sealaska and the conveyances to Sealaska of land under subsection (a) in a manner that is sufficient to fulfill the land entitlement of Sealaska under section 14(h)(8) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(8))—

(1) the right of Sealaska to receive any land under section 14(h)(8) of that Act from within a withdrawal area established under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be terminated;

(2) the withdrawal areas set aside for selection by Native Corporations in southeast

Alaska under subsections (a) and (d) of section 16 of that Act (43 U.S.C. 1615(a) and 1615(d)) shall be rescinded; and

(3) land located within a withdrawal area that is not conveyed to Sealaska or to a southeast Alaska Village Corporation or Urban Corporation shall be returned to the unencumbered management of the Forest Service as part of the Tongass National Forest.

(c) **LIMITATION.**—Sealaska shall not select or receive under this Act any conveyance of land pursuant to paragraph (1) or (2) of section 3(b) located within any conservation system unit.

(d) APPLICABLE EASEMENTS AND PUBLIC ACCESS.—

(1) **IN GENERAL.**—The conveyance to Sealaska of land withdrawn pursuant to paragraphs (1) and (3) of section 3(b) that is located outside a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) a reservation for easements for public access on the public roads depicted on the maps dated February 1, 2011, and labeled “Attachment A (Maps 1 through 8)”; and

(B) a reservation for easements along the temporary roads designated by the Forest Service as of the date of enactment of this Act for the public access trails depicted on the maps described in subparagraph (A);

(C) the right of noncommercial public access for subsistence uses, consistent with title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), and recreational access, without liability to Sealaska, subject to—

(i) the right of Sealaska to regulate access granted under this subparagraph to ensure public safety, to protect cultural or scientific resources, and to provide environmental protection; and

(ii) the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use; and

(D) the requirement that, with respect to the land conveyed to the corporation pursuant to section 3(b)(1), Sealaska shall continue to manage the land in accordance with the State of Alaska Forest Resources and Practices Act, Alaska Stat. 41.17, except that, for a period of 5 years beginning on the date of enactment of this Act, Alaska Stat. 41.17.116(1) shall apply to the harvest of timber within 100 feet of a water body defined in Alaska Stat. 41.17.950(31).

(2) **SACRED, CULTURAL, TRADITIONAL AND HISTORIC SITES.**—The conveyance to Sealaska of land withdrawn pursuant to section 3(c) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the conveyances where no reasonable alternative access around the land is available without liability to Sealaska; and

(B) the right of Sealaska to regulate access granted under this paragraph across the conveyances to ensure public safety, to protect cultural or scientific resources, to provide environmental protection, or to prohibit activities incompatible with the use and enjoyment of the land by Sealaska, subject to the condition that Sealaska shall post on any applicable property, in accordance with State law, notices of the conditions on use.

(3) **TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.**—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(3) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to a requirement that Sealaska provide public access

across the conveyances if an adjacent landowner or the public has a legal right to use the adjacent private or public land.

(4) **SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.**—The conveyance to Sealaska of land withdrawn pursuant to section 3(b)(2) that is located outside of a withdrawal area designated under section 16(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1615(a)) shall be subject to—

(A) the right of public access across the land without liability to Sealaska; and

(B) the condition that public access across the land would not be unreasonably restricted or impaired.

(5) **EFFECT.**—No right of access provided to any individual or entity (other than Sealaska) by this subsection—

(A) creates any interest, other than an interest retained by the United States, of such an individual or entity in the land conveyed to Sealaska in excess of that right of access; or

(B) provides standing in any review of, or challenge to, any determination by Sealaska with respect to the management or development of the applicable land.

(e) **CONDITIONS ON SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.**—The conveyance to Sealaska of land withdrawn pursuant to sections 3(b)(3) and 3(c)—

(1) shall be subject to a covenant prohibiting any commercial timber harvest or mineral development on the land;

(2) shall be subject to a covenant allowing use of the land only as described in subsection (f); and

(3) shall not be subject to any additional restrictive covenant based on cultural or historic values, or any other restriction, encumbrance, or easement, except as provided in sections 14(g) and 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g), 1616(b)).

(f) **USES OF SACRED, CULTURAL, TRADITIONAL, AND HISTORIC SITES AND TRADITIONAL AND CUSTOMARY TRADE AND MIGRATION ROUTES.**—Any land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(3) and 3(c) may be used for—

(1) preservation of cultural knowledge and traditions associated with the site;

(2) historical, cultural, and scientific research and education;

(3) public interpretation and education regarding the cultural significance of the site to Alaska Natives;

(4) protection and management of the site to preserve the natural and cultural features of the site, including cultural traditions, values, songs, stories, names, crests, and clan usage, for the benefit of future generations; and

(5) site improvement activities for any purpose described in paragraphs (1) through (4), subject to the condition that the activities—

(A) are consistent with the sacred, cultural, traditional, or historic nature of the site; and

(B) are not inconsistent with the management plans for adjacent public land.

(g) TERMINATION OF RESTRICTIVE COVENANTS.—

(1) **IN GENERAL.**—Each restrictive covenant regarding cultural or historical values with respect to any interim conveyance or patent for a historic or cemetery site issued to Sealaska pursuant to the Federal regulations contained in sections 2653.5(a) and 2653.11 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), in accordance with section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)), terminates as

a matter of law on the date of enactment of this Act.

(2) REMAINING CONDITIONS.—Land subject to a covenant described in paragraph (1) on the day before the date of enactment of this Act shall be subject to the conditions described in subsection (e).

(3) RECORDS.—Sealaska shall be responsible for recording with the land title recorders office of the State of Alaska any modification to an existing conveyance of land under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) as a result of this Act.

(h) CONDITIONS ON SITES WITH TRADITIONAL, RECREATIONAL, AND RENEWABLE ENERGY USE VALUE.—Each conveyance of land to Sealaska from land withdrawn pursuant to section 3(b)(2) shall be subject to—

(1) a covenant prohibiting any commercial timber harvest or mineral development; and

(2) the conveyance of the site identified as Pegmatite Mountain Geothermal #53 on the map labeled “Attachment D” and dated February 1, 2011, shall be subject to a covenant prohibiting commercial development of the site for a period of 15 years beginning on the date of enactment of this Act, provided that Sealaska shall have a right to engage in site evaluation and analysis during the period.

(i) ESCROW FUNDS FOR WITHDRAWN LAND.—On the withdrawal by this Act of land identified for selection by Sealaska, the escrow requirements of section 2 of Public Law 94–204 (43 U.S.C. 1613 note), shall thereafter apply to the withdrawn land.

(j) GUIDING AND OUTFITTING SPECIAL USE PERMITS OR AUTHORIZATIONS.—

(1) IN GENERAL.—Consistent with the provisions of section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), on land conveyed to Sealaska from land withdrawn pursuant to sections 3(b)(1) and 3(b)(2), an existing holder of a guiding or outfitting special use permit or authorization issued by the Forest Service shall be entitled to its rights and privileges on the land for the remaining term of the permit, as of the date of conveyance to Sealaska, and for 1 subsequent 10-year renewal of the permit, subject to the condition that the rights shall be considered a valid existing right reserved pursuant to section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)), and shall be managed accordingly.

(2) NOTICE OF COMMERCIAL ACTIVITIES.—Sealaska, with respect to the holder of a guiding or outfitting special use permit or authorization under this subsection, and a permit holder referenced in this subsection, with respect to Sealaska, shall have an obligation to inform the other party of their respective commercial activities before engaging in the activities on land, which has been conveyed to Sealaska under this Act, subject to the permit or authorization.

(3) NEGOTIATION OF NEW TERMS.—Nothing in this subsection precludes Sealaska and a permit holder under this subsection from negotiating new mutually agreeable permit terms that supersede the requirements of—

(A) this subsection;

(B) section 14(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(g)); or

(C) any deed covenant.

(4) LIABILITY.—Sealaska shall bear no liability regarding use and occupancy pursuant to special use permits or authorizations on land selected or conveyed pursuant to this Act.

SEC. 5. MISCELLANEOUS.

(a) STATUS OF CONVEYED LAND.—Each conveyance of Federal land to Sealaska pursuant to this Act, and each Federal action carried out to achieve the purpose of this Act, shall be considered to be conveyed or acted on, as applicable, pursuant to the Alaska Na-

tive Claims Settlement Act (43 U.S.C. 1601 et seq.).

(b) ENVIRONMENTAL MITIGATION AND INCENTIVES.—Notwithstanding subsection (e) and (h) of section 4, all land conveyed to Sealaska pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) and this Act shall be considered to be qualified to receive or participate in, as applicable—

(1) any federally authorized carbon sequestration program, ecological services program, or environmental mitigation credit; and

(2) any other federally authorized environmental incentive credit or program.

(c) NO MATERIAL EFFECT ON FOREST PLAN.—

(1) IN GENERAL.—Except as required by paragraph (2) and the amendment made by section 6, implementation of this Act, including the conveyance of land to Sealaska, alone or in combination with any other factor, shall not require an amendment of, or revision to, the Tongass National Forest Land and Resources Management Plan before the first revision of that Plan scheduled to occur after the date of enactment of this Act.

(2) BOUNDARY ADJUSTMENTS.—The Secretary of Agriculture shall implement any land ownership boundary adjustments to the Tongass National Forest Land and Resources Management Plan resulting from the implementation of this Act through a technical amendment to that Plan.

(d) EFFECT ON ENTITLEMENT.—Nothing in this Act shall have any effect upon the entitlement due to any Native Corporation, other than Sealaska, under—

(1) the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); or

(2) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).

SEC. 6. CONSERVATION AREAS.

(a) IN GENERAL.—Section 508 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 94 Stat. 2381, 104 Stat. 4428) is amended—

(1) in the matter preceding paragraph (1), by striking “The following lands are hereby” and inserting the following:

“(a) IN GENERAL.—The following land is”;

and

(2) by adding at the end the following:

“(13) CONSERVATION AREAS.—Subject to valid existing rights, certain land for conservation purposes, comprising approximately 151,565 acres, as depicted on the map entitled “Conservation Areas”, dated February 1, 2011, and labeled “Attachment E”, which is more particularly described as follows:

“(A) BAY OF PILLARS.—Certain land, comprising approximately 21,146.5 acres, located on the southern shore of the Bay in Forest Service Value Comparison Unit 4030.

“(B) KUSHNEAHIN CREEK.—Certain land, comprising approximately 36,703 acres, located on southwestern Kupreanof Island in the Forest Service Value Comparison Units 4300 and 4310.

“(C) SARKAR LAKES.—Certain land, comprising approximately 25,403.7 acres, located on Prince of Wales Island in Forest Service Value Comparison Unit 5541.

“(D) WESTERN KOSCUISKO.—Certain land, comprising approximately 7,416.5 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5410, 5430, and 5440.

“(E) HONKER DIVIDE.—Certain land, comprising approximately 15,586.2 acres, located on Prince of Wales Island in Forest Service Value Comparison Units 5740, 5750, 5760, 5780, and 5971.

“(F) EEK LAKE AND SUKKWAN ISLAND.—Certain land, comprising approximately 34,644.1

acres, located in Forest Service Value Comparison Units 6320, 6700, 6710 and 6720.

“(G) EASTERN KOSCUISKO.—Certain karst land, comprising approximately 1,663 acres, located on Koscuisko Island in Forest Service Value Comparison Units 5430 and 5460.

“(H) NORTHERN PRINCE OF WALES.—Certain karst land, comprising approximately 10,888 acres, located in Forest Service Value Comparison Units 5280, 5290, 5311, 5313, 5330, 5360, and 5371.

“(b) MANAGEMENT OF CONSERVATION AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), the conservation areas designated by subsection (a)(13) shall be allocated to Land Use Designation II status (as defined in section 2 of the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act) and shall be managed by the Secretary of Agriculture to protect subsistence activities and unique biological and geological resources and to prohibit commercial timber harvests or new road construction, in accordance with management guidelines developed under the Tongass National Forest Land and Resource Management Plan.

“(2) REQUIREMENTS.—In managing the areas designated by subsection (a)(13)—

“(A) the Forest Service shall protect the traditional and cultural use, biological and geological value, and, where applicable, the roadless character of the areas;

“(B) industrial logging and associated road building shall be prohibited;

“(C) timber micro-sales in accessible areas shall be allowed;

“(D) restoration projects in young-growth stands and salmon streams shall be encouraged for meeting integrated resource objectives;

“(E) subsistence enhancement and low impact recreation and tourism development projects shall be encouraged;

“(F) sustainable, community-scaled economic development of forest and marine resources shall be allowed, including issuance of special use permits for non-timber forest products gathering, mariculture development, and transportation and energy development; and

“(G) existing and future Transportation and Utility Systems shall be permitted in designated Transportation and Utility System Corridors under the Tongass National Forest Land and Resource Management Plan.

“(c) LIMITATION.—The establishment of the conservation areas by subsection (a)(13) shall not be used by the Secretary of Agriculture or a designee of the Secretary of Agriculture as a basis for any administrative management decisions to establish by administrative action any buffers, withdrawals, land-use designations, road closures, or other similar actions on any land, value comparison units, or adjacent land-use designations.”.

SEC. 7. MAPS.

(a) AVAILABILITY.—Each map referred to in this Act shall be maintained on file in—

(1) the office of the Chief of the Forest Service; and

(2) the office of the Secretary.

(b) CORRECTIONS.—The Secretary or the Chief of the Forest Service may make any necessary correction to a clerical or typographical error in a map referred to in this Act.

(c) TREATMENT.—No map referred to in this Act shall be considered to be an attempt by the Federal Government to convey any State or private land.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and the amendments made by this Act.

By Mr. UDALL of New Mexico:

S. 732. A bill to improve billing disclosures to cellular telephone consumers; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, cell phones today are becoming ubiquitous and more essential to our everyday lives. Americans today have over 300 million wireless phones.

We use these phones in new and innovative ways. Consumers today increasingly use their cell phones for much more than just talking. Mobile broadband services now allow us to surf the Internet, search for nearby shops or restaurants, and watch videos right on our wireless handsets.

Since we now use these devices in new ways, it can be more difficult for consumers to realize they have exceeded their monthly subscriptions for cell phone service. This can have dramatic consequences for consumers.

Consider the case of a Navy ROTC midshipman who mistakenly left his smartphone's roaming function turned on while he was abroad. His phone downloaded e-mail messages, and he was sent a bill for almost \$1,300. News outlets have highlighted other cases from across the country, including cases where children on family subscription plans racked up thousands of dollars in extra charges. A 13-year-old's cell phone data usage led to a bill for almost \$22,000.

Bob St. Germain of Massachusetts was billed \$18,000 for a 6-week period when his son used a cell phone to connect a computer to the Internet. I am proud to have Mr. St. Germain's support for the legislation I am introducing today. Unfortunately, these stories we hear about in the media are certainly not isolated cases, just the most egregious.

In fact, a recent Federal Communications Commission, FCC, survey found that 30 million Americans, or 1 in 6 adult cell phone users, have experienced cases of "bill shock." Cell phone bill shock occurs when a consumer's monthly bill increases when they have not changed their plan. In about one in four cases, the consumer's bill increased by more than \$100. According to a survey by Consumers Union, the publishers of Consumer Reports magazine, the median bill shock amount was \$83.

With new, advanced developments in technology, bill shock is a growing problem. The introduction of faster "4G" networks will make it easier than ever for customers to burn through data limits. Americans who have cell phone "family plans" with multiple phone lines may face even greater difficulty monitoring their usage. More and more cell phone companies are dropping their unlimited data plans, and the risk of bill shock only stands to get worse.

Although consumers can already access their phone usage by requesting this information from their cell phone provider, the FCC survey found that al-

most 85 percent of American consumers who suffered bill shock were not alerted that they were about to exceed their allowed voice minutes, text messages, or data downloads.

In many cases, a simple alert message would help consumers avoid bill shock. That is why today I am pleased to introduce the Cell Phone Bill Shock Act of 2011.

This legislation is similar to what I proposed in the last Congress. It would require that cell phone companies do two things: first, that they notify cell phone customers when they have used 80 percent of their limit of voice minutes, text messages, or data usage. This notification could be in the form of a text message or email, and should be free of charge. Second, this legislation would require cell phone companies to obtain a customer's consent before charging for services in excess of their limit of voice, text, or data usage. Customers could give such consent by calling or sending a free text message or email to their phone company.

In the European Union, wireless phone companies already provide similar notifications when wireless consumers are roaming and when they reach 80 percent of their monthly data roaming services.

Congress already approved legislation to help consumers avoid bank overdraft fees from debit card and ATM transactions. Banks must now obtain their customer's permission before allowing debit card transactions which would incur overdraft fees. My legislation extends that same concept to cell phone customers, who should benefit from similar protections against "bill shock."

The texting and Internet capabilities that make today's cell phones more useful than ever should be applied to help consumers avoid bill shock. Sending an automatic text notification to one's phone or an email alert should not place a burden on cell phone companies. Passing my commonsense legislation will help prevent consumers from facing "bill shock" problems in the future.

I look forward to working with my colleagues to pass 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. 732

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 "Cell Phone Bill Shock Act of 2011".

SEC. 2. FINDINGS.

Congress finds the following:

(1) A recent survey conducted by the Federal Communications Commission found that 1 out of 6 consumers who subscribe to commercial mobile service has experienced "bill shock", which is the sudden increase in the monthly bill of a subscriber even though

the subscriber has not made changes to their monthly service plan.

(2) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service when the consumer is about to exceed the monthly limit of voice minutes, text message, or data megabytes.

(3) Most consumers who experience bill shock do not receive notification from their provider of commercial mobile service that their bill has suddenly increased.

(4) Prior to the enactment of this Act, a provider of commercial mobile service was under no obligation to notify a consumer of such services of a pending or sudden increase in their bill for the use of such service.

(5) Section 332 of the Communications Act of 1934 (47 U.S.C. 332) requires that all commercial mobile service provider charges, practices, classifications, and regulations "for or in connection with" interstate communications service be just and reasonable, and authorizes the Federal Communications Commission to promulgate rules to implement this requirement.

SEC. 3. NOTIFICATION OF CELL PHONE USAGE LIMITS; SUBSCRIBER CONSENT.

(a) DEFINITION.—In this section, the term "commercial mobile service" has the same meaning as in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

(b) NOTIFICATION OF CELL PHONE USAGE LIMITS.—The Federal Communications Commission shall promulgate regulations to require that a provider of commercial mobile service shall—

(1) notify a subscriber when the subscriber has used 80 percent of the monthly limit of voice minutes, text messages, or data megabytes agreed to in the commercial mobile service contract of the subscriber;

(2) send, at no charge to the subscriber, the notification described in paragraph (1) in the form of a voice message, text message, or email; and

(3) ensure that such text message or email is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

(c) SUBSCRIBER CONSENT.—The Federal Communications Commission shall promulgate regulations to require a provider of commercial mobile service shall—

(1) obtain the consent of a subscriber who received a notification under subsection (b) to use voice, text, or data services in excess of the monthly limit of the commercial mobile service contract of the subscriber before the provider may allow the subscriber to use such excess services; and

(2) allow a subscriber to, at no cost, provide the consent required under paragraph (1) in the form of a voice message, text message, or email that is not counted against the monthly limit for voice minutes, text messages, or data megabytes of the commercial mobile service contract of the subscriber.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 733. A bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to address a health care concern that impacts all of us—access to health care.

When you or your loved one is sick—the most important thing on earth is

to fight for the very best medical care possible. And when the diagnosis is cancer—a disease far too many of our friends and family have faced—it becomes all the more important and all the more time sensitive.

Unfortunately, in some cases, access to care—as well as the life-saving drugs needed to treat a variety of forms of this disease—are being negatively impacted by the current reimbursement structure for Medicare Part B drugs and biologicals. In layman's terms, it's one more hurdle that doctors have to fight for their patients.

That is why I am introducing today legislation that would end the hurdle. My bill would exclude customary prompt pay discounts from the manufacturer's average sales price for purposes of Medicare Part B drugs and biologicals.

In Hillsboro, Kansas we have already seen cancer clinics begin to close as a direct result of the current reimbursement structure which limits patient access to care that they desperately need. Currently the prompt pay discounts artificially reduce Medicare Part B drug reimbursement rates for community oncology clinics, jeopardizing the viability of these providers. The closing of the clinic in Hillsboro can be directly attributed to this reimbursement structure. Additionally, prompt pay discounts also reduce the payment rates of private payers that use Average Sales Price. My legislation is a step forward in addressing problems with Medicare reimbursement for cancer drugs.

Primary Healthcare Distributors, PHDs, act as a middle man between providers and drug and product manufacturers. Most healthcare providers must receive daily deliveries of products from many different manufacturers. PHDs streamline the system and provide efficiencies by aggregating the ordering and shipping logistics. Some 80 percent of prescription medicines in the U.S. are stored, managed and delivered by PHDs. These PHDs receive prompt pay discounts from drug manufacturers in recognition of the efficiencies they provide.

However, these efficiencies are threatened by the Medicare Modernization Act's, MMA's, inappropriate inclusion of these prompt pay discounts in the calculation of the Average Sales Price for Medicare Part B drugs, those administered in a doctor's office. The inclusion of these discounts ultimately reduces reimbursements to providers, who are not the actual beneficiaries of the discounts. It provides a perverse incentive for manufacturers to go around the PHD to offer prompt pay discounts directly to the providers, thereby eliminating the efficiencies of the current system and potentially creating another burden for providers.

Congress has recognized the importance of excluding prompt pay discounts from providers' payment formulas in the Medicaid program. This bill would extend that exclusion to Medicare Part B.

I believe that the policy is right; that is why today I, along with Senator STABENOW, am introducing legislation to amend Part B of Title XVII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

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. 733

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

SECTION 1. EXCLUDING CUSTOMARY PROMPT PAY DISCOUNTS FROM MANUFACTURERS TO WHOLESALERS FROM THE AVERAGE SALES PRICE FOR MEDICARE PAYMENTS FOR DRUGS AND BIOLOGICALS.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w-3a(c)(3)) is amended—

(1) in the first sentence, by inserting “(other than customary prompt pay discounts extended to wholesalers)” after “prompt pay discounts”; and

(2) in the second sentence, by inserting “(other than customary prompt pay discounts extended to wholesalers)” after “other price concessions”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals that are furnished on or after January 1, 2012.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING APRIL 5, 2011, AS “GOLD STAR WIVES DAY”

Mr. BURR (for himself and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2011, as “Gold Star Wives Day”;

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe “Gold Star Wives Day” to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

SENATE RESOLUTION 131—DESIGNATING APRIL 2011 AS “TSUNAMI AWARENESS MONTH”

Mr. AKAKA (for himself and Mr. INOUE) submitted the following resolution; which was considered and agreed to:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration's National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and

Whereas additional information about tsunami preparedness may be obtained through TsunamiReady at National Oceanic and Atmospheric Administration, at www.tsunamiready.noaa.gov: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as “Tsunami Awareness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe Tsunami Awareness Month with appropriate events and activities to promote tsunami preparedness.

AMENDMENTS SUBMITTED AND PROPOSED

SA 285. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 286. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 285. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, strike lines 8 and 9 and insert the following:

“(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

“(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

“(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.”; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

“(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

“(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike “the waste,” and all that follows through “2011” on line 10 and insert “waste, fraud, and abuse prevention activities”.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

“(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than \$50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.”.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program; and

(D) a requirement that each applicant for and small business concern that receives funding under the SBIR program or the STTR program shall certify whether the applicant or small business concern is in compliance with the laws relating to the SBIR program and the STTR program and the conduct guidelines established under the SBIR Policy Directive and the STTR Policy Directive.

(3) CONSULTATION.—The Administrator shall develop the certification required under paragraph (2)(D) in cooperation with the Council of Inspectors General on Integrity and Efficiency and the Office of Advocacy of the Administration.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e) Each Inspector General of each establishment that is required to participate in the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

“(1) establishing fraud detection indicators;

“(2) reviewing regulations and operating procedures of the Federal agencies;

“(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

“(4) improving the education and training of, and outreach to—

“(A) administrators of the SBIR program and the STTR program of each Federal agency;

“(B) applicants to the SBIR program or the STTR program; and

“(C) recipients of awards under the SBIR program or the STTR program.”.

On page 102, beginning on line 7, strike “, and every 3 years thereafter,” and insert “to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies.”.

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after “STTR program” insert the following: “, at least 1 Inspector General of a Federal agency with an SBIR program or an STTR program.”.

On page 107, between lines 10 and 11, insert the following:

SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

SA 286. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

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

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

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

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

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I want to advise that the Committee on Energy and Natural Resources will hold a business meeting on Tuesday, April 12, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation, and the nomination of Peter B. Lyons, to be an Assistant Secretary of Energy (Nuclear Energy).

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2011, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. 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 April 5, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Closing the Digital Divide: Connecting Native Nations and Communities to the 21st Century."

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 5, 2011, at 12 p.m. in S-216.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 5, 2011, at 10:15 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Airland on the Committee on Armed Services be authorized to meet during the session of the Senate on April 5, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet

during the session of the Senate on April 5, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Tourism in America: Removing Barriers and Promoting Growth."

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

PRIVILEGES OF THE FLOOR

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on H.R. 4: Andrew Fishburn and Eric Roberts.

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

UNANIMOUS CONSENT AGREEMENT—S. 493

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Wednesday, April 6, the Senate resume consideration of S. 493 and the pending amendments be set aside and Senator REID or a designee be recognized to call up the following amendments:

Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; Coburn No. 217; Coburn No. 223; Coburn No. 273; Inouye No. 286; that the pending Sanders amendment No. 207 be modified with the changes at the desk; that the Senate then proceed to a period of debate only until 4 p.m., with the time equally divided between the two leaders or their designees prior to votes in relation to the following amendments in the order listed below:

Baucus No. 236; Stabenow No. 277; Rockefeller No. 215; McConnell No. 183; Coburn No. 223; Inouye No. 286; and Coburn No. 273; that there be no amendments in order to the amendments prior to the votes; the amendments not be divisible; the motions to reconsider be considered made and laid upon the table; there be 2 minutes equally divided in between the votes; all after the first vote be 10 minutes in duration; and the amendments be subject to a 60-vote threshold for adoption; that upon the disposition of the Coburn amendment No. 273, amendment Nos. 184 and 217 offered by Senator COBURN be agreed to; that no amendments be in order to the Coburn amendments Nos. 184 and 217 prior to their adoption; and all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate everyone's patience in regard to getting this consent agreement. None of these votes are easy, but the votes are necessary.

I would also say, in relation to the statement made by my friend from Colorado, that—I am trying to figure out who is the senior Senator between the Presiding Officer—the junior Senator from Colorado, the nice statement he

made: We are doing our very best to work something out on the CR that will fund the government to the end of this fiscal year. As has been reported in the press, I had a meeting with the Speaker tonight at 4 o'clock. We are still negotiating in good faith. We are not that far apart. Hopefully, we can work something out. It is something we should be able to do and certainly we are trying. As we speak, our people are working. So I want everyone to know the government is not going to be shut down yet. There is still air in the tire. We still have some miles to travel, but I hope there is enough air in it to get us where we need to go.

HONORING PERISHED WEST VIRGINIA AND OTHER COAL MINERS

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 129, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 129) honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 129) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 129

Whereas West Virginia coal miners and their predecessors not only have a strong commitment to providing a good living for their families, but also take a deep and patriotic pride in the fact that their work and the energy they produce has made the United States strong and free;

Whereas coal mining has been, and remains, an important part of the economy of the United States;

Whereas coal accounts for nearly ½ of the electricity produced in the United States;

Whereas coal has been commercially mined in what is now the State of West Virginia since 1810;

Whereas since 1810, West Virginia miners and their families have sacrificed greatly to mine the coal that powers the economy of the United States;

Whereas, on April 5, 2010, 29 heroic and patriotic West Virginia miners tragically lost their lives in an explosion at the Upper Big Branch Mine in Montcoal, West Virginia;

Whereas a search and rescue effort was launched immediately following the explosion that involved dozens of courageous volunteers, first responders, and mine rescue teams who fearlessly risked their lives to rescue survivors and find lost miners;

Whereas Carl "Pee Wee" Acord, Jason Matthew Atkins, Christopher Lee Bell, Sr., Gregory Steven Brock, Kenneth A. Chapman, Sr., Robert Eugene Clark, Cory Davis, Charles Timothy Davis, Michael Lee Elswick, William Ildon Griffith, Steven J. "Smiley" Harrah, Edward "Dean" Jones, Richard Keith Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, Nicolas D. McCroskey, James "Eddie" Moon-ey, Adam K. Morgan, Rex Lane Mullins, Joshua Scott Napper, Howard "Boone" Payne, Jr., Dillard Earl "Dewey" Persinger, Joel R. "Jody" Price, Gary Wayne Quarles, Edward Allan Scott, Grover Dale Skeens, Benny Ray Willingham, and Ricky L. Workman perished in the explosion at the Upper Big Branch Mine;

Whereas the terrible tragedy broke the hearts of the people of the United States;

Whereas since the beginning of 2010, 77 miners of coal and other resources have lost their lives on the job, and thousands more have been injured or diagnosed with occupational illnesses, such as Black Lung disease;

Whereas the families of the deceased continue to suffer, as do those miners who have become seriously injured or ill; and

Whereas Congress has long recognized the need to protect the safety and health of miners: Now, therefore, be it

Resolved, That the Senate—

(1) honors the coal miners who lost their lives in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010;

(2) extends its continued heartfelt condolences to the families of the deceased, who are still looking for answers to the tragedy;

(3) recognizes the hardships faced by survivors of the tragedy and fellow miners who worked side-by-side with the deceased;

(4) acknowledges the risks faced by all miners, as well as the important and often overlooked contributions that miners make to the United States;

(5) expresses its appreciation for the volunteers, first responders, and mine rescue teams who fearlessly risk their lives to save miners after tragedies; and

(6) reaffirms its commitment to keep miners safe and healthy on the job.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GOLD STAR WIVES DAY

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 130, which was submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 130) designating April 5, 2011, as "Gold Star Wives Day."

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

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 130

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas the Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of the Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, the Gold Star Wives of America, Inc. was organized with the help of Mrs. Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of the Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2011, marks the 66th anniversary of the first meeting of the Gold Star Wives of America;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting freedom for the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2011, as "Gold Star Wives Day";

(2) honors and recognizes—

(A) the contributions of the members of the Gold Star Wives of America, Inc.; and

(B) the dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe "Gold Star Wives Day" to promote awareness of—

(A) the contributions and dedication of the members of the Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role the Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

TSUNAMI AWARENESS MONTH

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 131, submitted earlier today.

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

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 131) designating April 2011 as "Tsunami Awareness Month."

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

Mr. AKAKA. Mr. President, today I rise in support of my resolution designating April 2011 as Tsunami Awareness Month.

The recent events in Japan serve as a reminder of the importance of tsunami preparedness and mitigation. As we recently saw, tsunamis can strike at any time, continue for hours, wash away homes, buildings, and roads, and claim thousands of lives. Deadly tsunamis have struck Hawaii, Alaska, California, Oregon, Washington, American Samoa, Puerto Rico, and the United States Virgin Islands within the last 150 years. All coastline communities in the United States are at risk of being impacted by tsunamis.

Sixty-five years ago, my home State of Hawaii experienced the most devastating and destructive tsunami in its history, which claimed the lives of 159 individuals. Hawaii's geographic location in the middle of the Pacific Ocean makes us extremely vulnerable to tsunamis because 80 percent of all tsunamis occur in the Pacific.

To encourage citizens to educate themselves on tsunami preparedness, President Obama has designated March 20–26, 2011, as Tsunami Awareness Week. For the month of April, the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service in Hawaii will conduct activities to raise public awareness of the dangers of tsunamis and commemorate the lives lost to the April 1, 1946 tsunami. Additionally, Hawaii State and local officials have partnered with NOAA to develop a Tsunami Safety Booklet to educate school-aged children about the dangers of tsunamis, and they plan to distribute the booklets and other preparedness materials at sponsored events.

I encourage all citizens to observe Tsunami Awareness Month and prepare for tsunamis by finding out if their homes, schools, and workplaces are in areas likely to flood should a tsunami occur; identifying evacuation routes; and preparing portable disaster supply kits. Additional information about tsunami preparedness can be found at TsunamiReady (www.tsunamiready.noaa.gov).

As Congress continues debates about cuts to the Federal budget, I remind my colleagues of the importance of federal funding for tsunami programs.

Funding for NOAA tsunami program supports warning, mitigation, and research activities that are critical to our Nation's safety and security. The NOAA operates two tsunami warning centers, the Pacific Tsunami Warning Center at Ewa Beach, Hawaii, and the West Coast and Alaska Tsunami Warning Center at Palmer, Alaska. Through Deep-Ocean Assessment and Reporting of Tsunamis stations, these Centers monitor an extensive network of deep

sea buoys providing real-time information needed to detect and issue warnings for tsunamis generated in the Pacific Ocean.

Furthermore, NOAA, in coordination with the Federal Emergency Management Agency and the United States Geological Survey, partners with all 29 coastal States, Territories and Commonwealths in the United States to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program.

These programs save lives. The House-passed continuing resolution would decrease funding for NOAA by approximately \$450 million. Funding increases in recent years have allowed NOAA to strengthen our Nation's tsunami warning capabilities by expanding the operating hours and geographic areas of responsibility for both tsunami warning centers. Making drastic cuts to the NOAA's budget would severely impair our Nation's ability to warn citizens of potential disasters. Maintaining this funding is critical.

As Japan recovers from the deadly earthquake and tsunami of March 11, 2011, I continue to pledge my support for the people of Japan and keep all those affected by this tragedy in my thoughts and prayers.

Mr. BENNET. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 131) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 131

Whereas a tsunami is a series of ocean or sea waves generated by a sea floor disturbance, such as an earthquake, landslide, volcanic eruption, or meteorite;

Whereas a tsunami could occur during any season and at any time;

Whereas a tsunami is a threat to life and property for all coastal communities, and tsunamis have caused serious injuries and millions of dollars in property damage in the United States;

Whereas the danger posed by a tsunami cannot be eliminated, but the impact of a tsunami can be mitigated through community preparedness, timely warnings, and effective response;

Whereas tsunamis historically have posed the greatest hazard to Hawaii, Alaska, California, Oregon, Washington, American

Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Virgin Islands, tsunamis also pose risks to all ocean coasts of the United States;

Whereas Federal, State, and local officials have partnered to coordinate a national effort to reduce the impact of tsunamis through the National Tsunami Hazard Mitigation Program;

Whereas the National Oceanic and Atmospheric Administration's National Weather Service operates 2 tsunami warning centers, the Pacific Tsunami Warning Center and the West Coast and Alaska Tsunami Warning Center, that detect potential tsunamis and issue warnings;

Whereas Tsunami Awareness Month provides an opportunity to highlight the importance of tsunami preparedness and to encourage the people of the United States to take steps to be better prepared for tsunamis at home, work, and school;

Whereas the people of the United States can prepare for tsunamis by finding out if their home, school, workplace or other frequently visited locations are in tsunami hazard areas, and by identifying evacuation routes; and

Whereas additional information about tsunami preparedness may be obtained through TsunamiReady at National Oceanic and Atmospheric Administration, at www.tsunamiready.noaa.gov: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as "Tsunami Awareness Month"; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe Tsunami Awareness Month with appropriate events and activities to promote tsunami preparedness.

MEASURE READ THE FIRST TIME—H.R. 1255

Mr. BENNET. Mr. President, I understand that H.R. 1255 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 1255) to prevent a shutdown of the government of the United States, and for other purposes.

Mr. BENNET. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will have its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, APRIL 6, 2011

Mr. BENNET. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it recess until 9:30 a.m. on Wednesday, April 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time until 12:40 p.m. equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that at 10:40 a.m., Senator AYOTTE be recognized to deliver her maiden speech to the Senate; and that following morning business, the Senate resume consideration of S. 493, the small business jobs bill, as provided for under the previous order.

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

PROGRAM

Mr. BENNET. Mr. President, Senators should expect a series of up to seven rollcall votes to begin at approximately 4 p.m. in relation to amendments to the small business jobs bill.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it recess under the previous order.

There being no objection, the Senate, at 7:35 p.m., recessed until Wednesday, April 6, 2011, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination pursuant to the order of January 7, 2009 and the nomination was placed on the Executive Calendar pursuant to an order of January 7, 2009:

*JONATHAN ANDREW HATFIELD, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.