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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.

Eternal Lord God, our shelter in the time of storm, You have guided our Nation through many seasons of danger and duress. In these challenging economic times, give our lawmakers the wisdom they need to make a positive difference in the lives of our citizens. Help them to see that without wise and prompt action, multitudes will face a future of privation and uncertainty.

Lord, use our Senators today to make America all You intend for it to be.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 18, 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. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. Following morning business, the Senate will resume consideration of H.R. 2112. The Senate will recess from 12:30 until 2:15 today for our weekly caucus meetings. We will work on an agreement with respect to pending amendments to the appropriations bill that is now before the Senate. We will notify Senators when votes are scheduled. I hope we can process some amendments which are now pending. It is my understanding Senator MCCAIN is coming to offer a number of amendments. I look forward to working with Senator MCCONNELL and others to move the process along as quickly as we can.

MEASURES PLACED ON THE CALENDAR—H.R. 2250, H.R. 2273, S. 1720, S. 1723, and S. 1726

Mr. REID. Madam President, I understand there are five bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

A bill (H.R. 2273) to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal of materials generated by the combustion of coal and other fossil fuels.

A bill (S. 1720) to provide American jobs through economic growth.

A bill (S. 1723) to provide for teacher and first responder stabilization.

A bill (S. 1726) to repeal the imposition of withholding on certain payments made to vendors by government entities.

Mr. REID. Madam President, I would object to any further proceedings with respect to each of those bills.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar under rule XIV.

EDUCATION UNDER SIEGE

Mr. REID. Madam President, America's education system is literally under siege. This terrible recession we are involved in has put millions of families in our country in a desperate economic situation. It has also put our schools at risk.

Since 2008, we have lost 300,000 education jobs, including 200,000 in the last year alone. Without talented, dedicated teachers and support staff, our schools cannot provide the world-class education students need to succeed in today's difficult economic climate. As State and local governments are forced to slash education funding again and again, it jeopardizes the future of millions of children, regardless of where they live or how much money their parents make.

Nevada alone is facing a $1.2 billion budget shortfall in 2011, practically ensuring further cuts to State and local education. But Nevada can ill afford to lose more teachers, police, and first responders. The State has already

slashed State education funding below previous session levels. Any additional cuts will place thousands of Nevada teaching jobs at risk. School districts in Nevada have already made difficult cuts: laying off teachers, eliminating programs, and reducing the number of hours children spend in school.

The State has delayed expansion of all-day kindergarten, eliminated resources for gifted and talented programs, cut a magnet program for students who are deaf or hard of hearing. All around schools have been eliminated.

Further cuts will affect the basic pillars of American education. Already the school board in one county, Lyon County, a rural part of Nevada, has considered moving to a 4-day school week. Students in the United States already spend much less time in school than students in other countries, including those with whom we compete for jobs. Most American people spend a month less in the classrooms than those in South Korea or Japan, whose students are among the highest performing in the world.

At a time when Nevadans are competing for jobs with graduates from countries around the world, as well as those in neighboring States, school districts should not be forced to make decisions such as the one facing Lyon County, NV. The Teachers and First Responders Back to Work Act, filed last night and led by Senator MENENDEZ, will ensure the Lyon County school district will not have to choose between laying off teachers and reducing the school year.

It will protect gains made by school districts such as the one in Washoe County, which increased its graduation rate from 55 percent to nearly 70 percent in a period of less than 2 years. Budget cuts would threaten that progress. The district cannot expect to improve on these gains if it has to jam more students in every class and lay off literacy and math specialists.

The teachers legislation I introduced last night will stem the loss of education jobs and help districts such as Washoe to continue to improve. This legislation will provide Nevada with an additional $260 million to keep teachers in the classroom and maintain class sizes. It will support 3,600 education jobs in the State and give the economy a jolt.

It will not increase the deficit by one penny. It asks millionaires and billionaires to contribute a tiny fraction more to help turn our economy around. That is an idea two-thirds of Americans and a majority of even Republicans support. This Nation's schools have already been hit hard by State and local budget cuts. We cannot afford to lose more teachers or lay off more police or first responders.

In Nevada, local governments have already made the difficult choice to cut almost 9,000 jobs. These unprecedented layoffs have extended the recession and slowed the recovery in Nevada. And further budget shortfalls threaten thousands more jobs. Nationwide, State and local budget cuts will cost as many as 280,000 teaching jobs next year unless we do something about that. This teachers and first responders legislation will invest $30 billion to create or save nearly 400,000 teacher jobs; that is, those who are going to be laid off this year, plus those who have been hurt and laid off in past years. That money will help State and school districts stop more layoffs and rehire tens of thousands of teachers laid off since this severe recession began.

We will also invest $5 billion to retain and rehire the police, firefighters, and first responders to protect our communities throughout this tough economic time. That is why it is so important that the Senate move to this as quickly as possible. Teachers out of work through no fault of their own and students who desperately need a good education are relying on us to act.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

SOLVING THE JOBS CRISIS

Mr. MCCONNELL. Madam President, it is no secret that the vast majority of Americans are not happy with Washington right now. They say 13 percent of the public approves of Congress, and I have not met any of those people.

It is also no secret that the President of the United States is trying to use the displeasure of Washington for political gain. I think that is a pretty sad commentary on the state of affairs over at the White House lately. As the only person elected to represent every American, the President should speak for all Americans, especially in times of crisis, not divide them for short-term partisan political gain.

But it is perfectly obvious why the President would find the path of division appealing, because on the No. 1 issue we face, jobs and the economy, the President's policies have not worked as advertised. After nearly 3 years in office, he has failed to make any progress on his promises to turn the jobs crisis around. I think we can pretty much sum up that failure with a single number, 1.5 million. That is how many fewer jobs there are right now in America since the President signed his first stimulus, according to the Obama administration's own Labor Department—1.5 million.

So what is the President trying to do? Well, he is trying to change the topic. He wants to deflect attention from that 1.5 million job loss. He wants to think the problem is not his policies, it is those mean Republicans in Congress who oppose them. But the President leaves a few things out of the reelection script he brought along on his bus tour.

First of all, it was not just the Republicans who defeated his latest stimulus bill last week. The only reason a majority of Democrats voted to debate it is they knew they would not have to vote on it. That is why the majority leader repeatedly moved to block a vote on the measure itself, the actual proposal.

Second, we are now living under economic policies that President Obama himself put in place. This is not something you will hear on the bus tour, but let's be clear. The President got everything he wanted from a Democratic-controlled Congress during the first 2 years of his presidency. He owned the place.

Now we are living with the hard realities that those policies have brought to bear on the American worker. So at this point, anytime the President says ''pass this bill,'' people have a very good reason to be skeptical, because this is not the first time President Obama demanded that Congress pass what he calls a jobs bill. But if this one were to pass and it worked as advertised, then it would be the first one that did.

Again and again, the President's response to America's ongoing jobs crisis has been to insist that Congress pass some urgent piece of legislation right away or an even worse calamity would result. Those bills were supposed to create jobs and prevent layoffs as well.

But he keeps coming back for more. I guess the President is counting on the American people to forget that part. He is counting on us to forget about the other stimulus legislation he has already signed into law and that has failed to live up to its hype every single time.

Again and again the President has demanded that Congress do something to create jobs, and the only thing we seem to end up with at the end of the day is more debt, more government, and fewer jobs. So let's review the record for a while.

Two and a half years ago, President Obama went down to Florida and said the first stimulus—the nearly $1 trillion government spending bill he signed shortly after taking office—would save or create millions of jobs, including jobs for firefighters, nurses, police officers, and teachers.

Well, what happened? The States got their bailout, the national unemployment rate didn't budge, and a year and a half later the President was back asking for another one. That is right, a year and a half after the first stimulus,

the White House was back last August saying they needed another $26 billion right away or else 160,000 teachers would get pink slips and police and firefighters across the country would literally be off the job. What happened then? Well, the States got another bailout. The unemployment rate didn't budge. And now the President is riding around on a bus saying that if they don't get another one, teachers, police, and firefighters will lose their jobs again.

Does anybody notice a pattern? We have been doing this for nearly 3 years now—3 years. It doesn't work as advertised. Bailouts don't solve the problem. In fact, they perpetuate it. Yet all we get from the President and Democrats in Congress is do it again, do it again, or else.

We have been mired in a jobs crisis for 3 long years now, and all the Democrats ever want to do is throw more taxpayer money at it. It never works the way they claim it will. Yet they want to keep on doing it—with other people's money. Just throw another bailout together, slap the word ''jobs'' on the cover page, and dare people to vote against it. That is, apparently, the Democrats' governing philosophy—3 years into this jobs crisis. It would not be irresponsible to oppose an approach such as this; it would be irresponsible to consider it. It didn't work the first time. It didn't work the second time. The third time won't be a charm. That is why Republicans and a growing number of our Democratic friends want a different approach. There is a growing bipartisan opposition to trying the same failed policies again.

There is bipartisan opposition to raising taxes, especially at a time when 14 million Americans are out of work. If there is one thing we should agree on now, it is that we should be making it easier for businesses to hire, not harder. So the President should drop his obsession with raising taxes, and if he really wants to create jobs, maybe he should consider doing something different.

We have tried the bailout approach. We have tried more regulations, more debt, and more taxes. Why don't we try a new idea for a change, one that has bipartisan support, one that isn't a two-time proven failure? Let's try something that might actually work because the American people didn't send us here to kick our problems down the road. They certainly didn't send us here to repeat the same mistakes over and over and then stick them and their children with the tab. That might be how you maintain a sense of urgency—by failing to solve the problem the first two times around—but it is not how you solve a jobs crisis. The American people simply deserve better than this. They deserve better than the false promises they have been getting.

The President got everything he wanted from a Democratic Congress for 2 years—everything he wanted: a health care law designed to take over one-sixth of the entire economy; a financial reform bill that punishes businesses that had nothing to do with the financial crisis; out-of-control regulations that are forcing otherwise healthy businesses to shut down, businesses such as Smart Papers in Hamilton, OH, a paper mill that said last week it is shutting down because of onerous new Federal regulations that make it too costly to do business; and a trillion-dollar stimulus that was supposed to solve the jobs crisis 2½ years ago.

For 2 years, when the President said: Pass this bill right away, Democrats did it. Here is what they got, despite all that: trillions in debt and more than 1½ million fewer jobs. And that is after the President got everything he wanted for 2 whole years. We don't need any more of that. We can't afford more of the same.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from New Jersey.

Mr. MENENDEZ addressed the Chair.

Mr. DURBIN. Will the Senator yield for a unanimous consent request?

Mr. MENENDEZ. Yes.

Mr. DURBIN. Madam President, I ask unanimous consent to speak following the remarks of the Senator from New Jersey.

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

JOBS-TEACHERS/FIRST RESPONDERS BACK TO WORK ACT

Mr. MENENDEZ. Madam President, I rise as the lead sponsor of the Teachers/First Responders Back to Work Act. I rise in favor of jobs, in favor of teachers, in favor of police officers and firefighters, keeping our communities safe, and the promise we made to first responders after September 11.

We have a choice. I listened to the distinguished Republican leader, but it is interesting how history can be viewed through different lenses. What I failed to hear were the challenges this President and this country inherited from 8 years of policies that led us, in 2008, to the verge not of the great recession we had been referring to but on the verge of a new depression, where the Chairman of the Federal Reserve and the former Secretary of the Treasury, under President Bush, came before Members of Congress and said: We have a series of financial institutions on the verge of collapse, and if they collapse, it will create systemic risk to the entire country's economy, and every American will feel the consequences of that.

The result of that 8 years of largely unregulated process created excesses where large entities made decisions that ultimately became the collective responsibility of everybody in this country because a failure to have met those responsibilities would have meant a collapse of this country.

Now, there are those in the Senate who are advocating we go back to those very policies. They talk about stopping each and every regulation. Those regulations ultimately—the lack of it and the lack of enforcement of it is what gave us the excesses we had.

Additionally, we had the two wars abroad, which are totally unpaid for, and fiscal responsibility went out the window there. Tax cuts were totally unpaid for, and fiscal responsibility went out the window there.

The culmination of all of that brought us to January of 2009, when the new President took office and had already inherited millions of jobs that had been lost prior to then. Around 7.5 percent unemployment was the starting point already. In the first quarter of 2009, before he could even do anything—he took the oath of office in late January, swore in a cabinet in February, and sent a plan up in March—another 2 million jobs were lost.

I find it interesting how we forget all of that, at least as a starting point.

We have had 19 months of private sector growth—a little over 2 million jobs. That is good news. But where we have been shedding many jobs is in the very essence of those in the public sector who teach our children, who prepare for the next generation and the competitive future of America, and who protect our communities—police officers, who protect us from crime, and firefighters, who respond when there is an emergency in our communities.

With the Teachers and First Responders Back to Work Act, we can fulfill our duty to educate our children and keep our communities safe or we can gamble our future on the political games we have seen here that disinvest in the future of our children and the safety of our communities.

Almost 300,000 education jobs are on the chopping block this year in this country. At a time when other countries in the world are increasing their educational workforce, we are in the process of decreasing it. New Jersey, my home State, is facing a $10.5 billion shortfall in its 2012 budget. That means more cuts in State and local spending for education, and that hurts our children.

The Teachers and First Responders Back to Work Act creates 400,000 education jobs because an investment in our teachers is an investment in our children and in our collective future. We are talking about $30 billion to States and local communities to retain, to hire, to rehire the teachers who have already been separated, to educate tomorrow's entrepreneurs.

In my State of New Jersey, this bill would provide an additional $831 million in funds to support an additional 9,300 education jobs that largely have been lost. New Jersey alone has lost over 6,000 teachers since 2008, slowing our economic recovery and creating a huge knowledge gap in our schools. What does that gap translate into in terms of lost knowledge? What does it mean to a promising young scientist who needs some guidance or a struggling student who needs a little extra help?

I know about the power of a teacher. I know it through my own personal life. I have had several great teachers along the way, but one made a huge difference in my life. I remember her name—Gail Harper, my speech teacher in high school.

You know, I know some of my colleagues won't believe this, but I was among the most introverted persons at that time in my life. I didn't even want to take the speech course, but I was told by my guidance counselors that it was a must. I was a good student, an honor student, but I didn't want to take the speech course because I didn't want to do extemporaneous speaking, read assignments, or get up in front of the class, any of that. I was forced to take it. I would prepare my work, but I would not deliver it.

Finally, Gail Harper, the teacher, said to me—she kept me after class, and she said: Robert, I don't know why you prepare yourself—your preparation is great, but if you don't deliver this year, you will fail. My mother, who had fled a country to come to freedom, was convinced that I would be the first in my family to go to college. She told me that failure is not an option. When I heard Gail Harper talk about failure, I knew that was not an option. She worked with me to nurture my abilities so that I could break out of that self-imposed shell and really transform my life. In some respects, that I am here today speaking on the Senate floor is because of Gail Harper. I fully understand how teachers can make a huge difference in the life of a young person.

We need to reinvest in teachers and education, in New Jersey's kids and in America's future. We need to get those 6,000 New Jersey teachers back in the classrooms and hire thousands more in every school in every State in America.

Then I turn to the police and firefighters, and I remember living in the New Jersey-New York region on September 11 a little over a decade ago. On that fateful day, it was not the Federal Government that responded to the tragedies and the horror of the World Trade Center; it was local police, local firefighters, local emergency management who were the first responders, who risked their lives and gave their lives on that fateful day.

We made a promise to every community that we would keep communities safe in America in a post-September 11 world, that we would give cops and firefighters what they needed to do their jobs.

Every Member of Congress wanted to take a picture with a police officer or a firefighter. We called them heroes. Now, Republicans want to zero out the COPS Program that puts police officers on the beat. They want to break our promises after September 11, and I think it is time to make good on it with the $5 billion our legislation provides so communities can hire and keep cops and firefighters on the job. They are our first line of defense. We learned that after September 11.

I don't care where one is on the political spectrum or what one believes the role of government is, we can all agree public safety and the security of our communities is government's most fundamental responsibility. We don't need police and firefighters just in the big cities—although they face some of the major challenges—we need them in every town and community.

Over 2,700 communities applied for help to fund 9,000 officers in the last round for a total of $2 billion. But because of the opposition of those on the Republican side to keeping our promise to first responders, only $243 million was available, enough for only 238 of 2,700 communities that applied. That is 9 percent, and it was capped at 25 officers, no matter how big the city or how great the need.

In New Jersey, more than 150 communities applied for funding to keep cops on the job. Only 12 of those 150 were funded. Those 12 communities were only able to hire approximately 78 cops over the course of the next 3 years. Right now, in New Jersey, there are 705 police officers who lost their jobs and can't find law enforcement work, 705 fewer sworn officers on the street, and there are 4,000 fewer officers in New Jersey than there were on December 31, 2009. Public safety is government's No. 1 responsibility, and it is time to deliver on that promise, after September 11, to our communities and our first responders. This legislation includes $5 billion to help first responders stay on the job, close the public safety gap, and keep our communities safe.

Let me conclude by saying, according to a CNN poll released just yesterday afternoon, 75 percent of Americans support providing funding to State and local governments to hire teachers and first responders, including 63 percent of Republicans.

We have a choice. With this legislation, we can fulfill our duty to educate our kids and keep our communities safe or we can gamble our future on political games that don't invest in our children, our economy, and the safety of our communities. I think the choice is clear. I choose educating our kids. I choose protecting our communities. I choose investing in our future and we do this all and pay for it at the same time.

This is the beginning of a fight, and we will be back again and again to force our friends on the other side to make the choice again and again about whose side they are on. I think the choices are pretty clear. The American people have spoken. It is time to get our teachers and our first responders back to work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleague from New Jersey for this amendment. It is an amendment that is critically important to New Jersey, to Alaska, and to the State of Illinois because the Menendez-Casey amendment in my State means that 14,500 teachers, firefighters, and policemen will stay on the job.

If the Menendez amendment—which is part of President Obama's jobs package—does not pass, these people will be out of work. There will be more kids in the classroom, talented teachers will be laid off, there will be fewer cops on the beat in small towns and large, and firefighters will have to cut back in terms of their ranks and we need their protection. We can't let that happen. Senator MENENDEZ has an amendment which deals with this responsibly. It pays for it. It doesn't add to the deficit, and that is where the objection comes in from the Republican side of the aisle because he pays for it by asking those making over $1 million a year to pay about one-half of 1 percent more in taxes, and the Republicans say: No way. We cannot ask the wealthiest people in America to pay one penny more.

To me, it is hard to explain why we would want to deny our children a quality education, lay off teachers, make our streets a little less safe with fewer police, and run the risk of fewer firefighters because we don't want to ask people making over $1 million a year to pay one-half of 1 percent more on their taxes. People who are making over $20,000 a week, we are asking them to pay one-half of 1 percent to save the jobs of teachers, firefighters, and police. It is interesting to me, because when President Bush offered his jobs bill years ago, with payroll tax cuts and cuts for businesses, these same Senators who are criticizing President Obama's version of the bill were voting for it and it wasn't paid for. It was added directly to the deficit. These deficit hawks were willing to vote for this with President Bush's name on it but now oppose it with President Obama's name on it. Is there a message there? I think there is a clear message.

There are two things which drive the Republican caucus when it comes to this debate. First, protect those making over $1 million a year at any cost.

Let America languish in this recession, with 14 million people unemployed, rather than ask the wealthiest, most comfortable people in America, to pay just a little bit more in taxes.

Secondly, they consistently oppose proposals to deal with this jobs crisis if they are offered by the President of the United States. Senator MCCONNELL said it earlier. It has been quoted over and over and over that his highest priority as the Republican leader in the Senate was to make sure President Obama was a one-term President.

If we are driven only by that kind of motive, I assume it will make for good political headlines, but it ties our hands in getting things done. You see, in the Senate, it takes 60 votes to do anything significant and, unfortunately, 53 on this side of the aisle need the help of 7 on the other side and they haven't been forthcoming. Last week, we offered the President's jobs bill and said to the Republicans: At least let's proceed to the bill and offer amendments. We couldn't get a single Republican Senator to vote with us, not one. We had 51 votes for it—two Democrats did not vote for it—but we had no Republican support, none.

So what is the Republican jobs bill? What would they do to turn this economy around and move us forward? Sadly, they have nothing to offer, nothing. Protect the incomes of the wealthiest people in America and say no to everything President Obama suggests. That is not a recipe for moving America forward.

I like to listen to their arguments about cutting redtape to create jobs. I think to myself, do we have to eliminate the standards in this country for clean air and clean water in order to have a thriving economy? If we went the Republican way of eliminating these protections for America's families and children, would this be a better nation? I think not. Basic protections when it comes to air pollution, for example, mean an awful lot to a lot of Americans.

I make it a point of going to classrooms and asking the kids in the classroom a question: How many of you in this classroom know someone who has asthma? I just asked that question in Mount Sterling, IL, a rural community, one that you wouldn't believe would be dealing with air pollution problems or pulmonary issues. More than half the class raised their hand: Yes, they all knew someone—at least half of them knew someone who was dealing with asthma.

Every year, asthma is responsible for 9 million visits to health care professionals and more than 4,000 deaths in America. It is one of the leading causes of school absenteeism, accounts for 14 million missed school days annually. The average family spends between 5.5 percent and 14 percent of its total income on treating an asthmatic child.

So when the Republicans want to come forward and waive air pollution standards, eliminate the protections we are trying to put in place, they are endangering the health of people and children across America. That is the reality. To argue that the only way to build the American economy is by destroying public health standards to protect families and children is not the right answer. We have to find a balanced approach, one that takes into account the reality of science and the reality of business but certainly protects defenseless Americans from the kinds of changes which some Republicans are suggesting.

Is this what it comes down to? Is this the only way to move the American economy forward, to say we may have to compromise the purity of our drinking water when it comes to mercury and arsenic in order to have the economy create jobs? What a terrible choice that is, and it is a real choice. Take a look at the amendment offered by a Republican Senator on cement kilns. Cement kilns generate toxic chemicals that end up in air pollution and eventually are deposited on Earth, many times in bodies of water such as the Great Lakes. What do mercury and arsenic do to the aquatic life in the Great Lakes and to the people who live around those Great Lakes? They compromise the safety of those great bodies of water.

There are some who say: It goes into the air; It surely isn't going to hurt you. Yet the statistics show the opposite. Poor air quality in the most polluted U.S. cities can shorten the lives of residents up to 2 years, on average. The American Cancer Society found that the risk of early death is over 15 percent greater in areas with increased smog pollution. Nearly two-thirds of those suffering from asthma live in an area where at least one Federal air quality standard is not being met. We can't ignore this public health reality. We have an obligation to the families who live in these cities, whether it is Chicago or Springfield or any city across America, to make certain we don't compromise basic air quality standards. That, frankly, is the only proposal we hear from the Republicans to create jobs. They want to protect the incomes of the wealthiest people in America and lessen the standards we use to protect innocent families from air pollution and deterioration of water quality.

Before I got up to speak, the Chair showed me a headline from the Wall Street Journal. It is a headline we need to remind the Republicans of when they get into this debate about jobs. Do you remember how many times they mocked the President of the United States because he stepped up and said: I will not allow the American automobile industry to die. I am going to step in, he said, and help General Motors and Chrysler through a very difficult time. Do you recall what we heard from the other side of the aisle? It is the wrong thing to do. Let General Motors go bankrupt, the Republicans said. Even former Governor Romney said the automobile bailout was a bad decision. Here is Governor Romney, from a family who had a lot to do with the automobile industry and ought to have known a little better about it.

The President of the United States said: It wasn't my ambition to step in and intervene and help major automobile companies, but I am going to do it because hundreds of thousands of jobs are at stake. The reality is, the President's decision was the right decision. It was the right decision not just for Michigan—and Illinois, I might add—but for the Nation. General Motors and Chrysler have now restructured. They have a leaner workforce, a stronger inventory, and better products. The report from the Wall Street Journal, which you showed me, shows that the profitability of automobile companies when you look across the board is now tipping in favor of American companies for American workers.

There was also that story there that said, for the first time in a long time, we are importing jobs from Asia and Mexico in the automobile industry back to the United States of America.

Some Republican Senators can come to the floor and say President Obama got it all wrong. Come on down to the Ford works, south of Chicago, and take a look at those workers filing in every single day to go to work.

Then go over to Belvedere, IL, to the Chrysler facility, and see 1,200 people going to work with good-paying jobs. They are there because this President stepped up and said we are not going to let these jobs go away. Many on the Republican side argued this was heretical and wrong. Explain that to the families who have these good-paying jobs, right here in America, with good benefits.

When I hear my Republican colleagues and friends come to the floor and criticize what President Obama has done in this economy, they had better stop and explain their early position opposing the President's efforts to make sure the automobile industry in America survives and thrives. Two hundred thousand workers today went to work for General Motors in America. If the Republicans had their way, GM would have gone bankrupt. Whether it would have survived bankruptcy no one knows. The President said we cannot run that risk. He kept the company in business, restructured, and now it is profitable again. That is a fact.

I will say this too. When I hear the Republican leader come to the floor and argue that the President should speak for all Americans, I ask the Republican leader to take a look at the response of the American people to the President's jobs package. When the President says we should cut the payroll tax for working families who are struggling paycheck to paycheck so they have money to get by, overwhelmingly the people support it. When the President says we should help small businesses hire the unemployed, particularly veterans, overwhelmingly the

American people support it. When the President says we should make sure that teachers and policemen and firefighters do not lose their jobs in this tough economy, overwhelmingly the American people support it. When the President says millionaires should pay a little bit more in their taxes to make sure the American recovery is underway, overwhelmingly the American people support that, too.

In fact, 56 percent of Republicans, when asked, say that is a reasonable way to pay for a jobs program. Unfortunately, none of those 56 percent serve with the Republicans in the Senate who happen to believe their No. 1 task and goal is to protect the incomes of the wealthiest people in America.

We can do better. We need to make sure we move forward on a bipartisan basis to create jobs. This President inherited a very weak economy. Under President Bush we had more than doubled the national debt. When President Bush took office, our national debt was $5 trillion. When he left office, it was over $10 trillion, two wars he didn't pay for, programs he didn't pay for, and tax cuts for wealthy people in the midst of a war—something no President had ever done. President Obama inherited that, and it has been a tough road, he will tell you, to get this economy back on track. Now he has a plan and the Republicans offer nothing. They vote against the President—whatever he wants they are opposing—and they vote against common sense, which says helping working families, helping small businesses, helping our veterans find jobs, and paying for it so it doesn't add to our deficit is a sensible approach to getting America back on the right track.

I urge my colleagues on the other side of the aisle, put the campaigning aside for a moment. Take a look at what it takes to create jobs and bring your best ideas to the table. Let's sit down and put together a bipartisan bill. We will have the President's proposals as a starting point. Bring your ideas too. Let's do something for this country on a bipartisan basis. I think that is why we were elected.

I yield the floor.

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

Mr. MCCAIN. Mr. President, as always I listened with interest to my friend and colleague from Illinois. I did not come to the floor with my colleagues to discuss that particular issue, but it is interesting, the justification for the bailout of General Motors and Chrysler, when the fact is there are thousands of small businesses and companies all over America that had to go into bankruptcy but did not get the bailout that was favorable to the trade unions. Why couldn't General Motors have gone into bankruptcy the way every other company and corporation has had to do in these hard economic times, restructured, and then gone back into business again?

Instead, this administration and my friend from Illinois seemed to favor the trade unions who obviously got very favorable treatment rather than the normal bankruptcy procedures. Unlike the treatment the favored trade unions and automobile corporations were able to get, thousands of small businesses and companies all over America were unable to get the benefit of their largesse.

PRESIDENTIAL BUS TOUR

Mr. MCCAIN. Mr. President, I came to the floor this morning with my colleagues to discuss the National Defense Authorization bill. Before I do, I wish to mention there has been a lot of talk dominating certainly part of the talk radio and television about the bus tour the President is on. A lot of it is centered around the bus. I am not going to discuss that anymore except to say that in 2008 when I ran for President I didn't need a bus to be paid for and billed by the government and the taxpayers of the United States. I understand that now there has been another bus purchased for who ever the Republican nominees are. How do you justify that? The Republican nominee may not want a bus.

The fact is, after having said that, the most important point here is that the President is now, on the taxpayers' money, campaigning for 3 days in North Carolina. It says in today's Washington Post ''On N.C. Bus Tour, Obama In Full Campaign Mode.'' I say I have seen other Presidents, both Republican and Democrat, who have hedged and come right up to the edge, and sometimes crossed over it, charging the taxpayers for what has been clearly campaign activities. But never do I believe any of us have seen the kind of activity the President is engaged in, and all of it being charged to the taxpayers of America. That is wrong. That is the wrong thing to do.

According to recent reports, the President's campaign has raised record amounts of money already. The campaign should be paying for this North Carolina trip of his. I do not begrudge him beating up on us and criticizing us and making all kinds of allegations about not understanding his stimulus 2 package, which we understand very well is more of the same. But at least his campaign should be paying for this kind of campaigning.

Mr. President, I ask unanimous consent to engage in a colloquy with my colleagues from Georgia, Senator CHAMBLISS; from New Hampshire, Senator AYOTTE; and the distinguished Republican leader, Senator MCCONNELL, for purposes of a colloquy.

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

DEFENSE AUTHORIZATION

Mr. MCCAIN. Mr. President, today we come to the floor to talk about the importance of the Defense authorization bill. For 50 years the Congress of the United States has enacted a Defense authorization bill, enacted it into law and had it signed by the President of the United States. There have been times when this legislation has been very contentious—days during the Vietnam war, days during Operation Desert Storm, Operation Iraqi Freedom, Bosnia, Kosovo. All of those times the Defense authorization bill has been a vehicle for debate and votes on the floor of the Senate concerning transcendent issues of national security.

For 50 years we have cared for the men and women who have served and provided them with the equipment, the pay, the benefits those men and women of this country deserve after hundreds of hours of deliberation, thousands of hours of written testimony and testimony before the committee—the full committee and subcommittees such as that under the chairmanship of the Senator from the State of Georgia.

Because of a part of the legislation, the majority leader has decided that we will not take this bill to the floor of the Senate. That is a betrayal of the men and women who are serving this Nation.

I understand there are differences on the issue of detainee treatment. I understand it is an emotional issue. But should it be a reason for the Senate not to carry out its 50-year tradition to debate and discuss and amend and vote and then come out with a package that provides for the needs, the training, the equipment, the benefits of the men and women who are serving?

I quote from a letter from the distinguished majority leader to Senator LEVIN and to me, ''However, as you know, I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved.''

Is that the way the Senate works, that we do not bring bills to the floor unless objectionable matters that are disagreed with by one side or the other are not resolved? I always believed the way these issues are resolved is through debates, through amendment, through votes, through allowing the American people also to see and hear our deliberations, our discussions, and our debate.

Obviously the fiscal year has expired so this bill is obviously long overdue. Now we are in a position where apparently the majority leader wants to take up the President's jobs bill in parts, one by one, in complete disregard of the needs and requirements of the men and women who are serving our national security.

Part of that bill also is the portion from the Intelligence Committee. By the way, I note the presence of the Senator from South Carolina, who knows more about detainees than any Member of this body without question. He continuously travels to Iraq and Afghanistan, he has visited the prisons. He understands the issues better than anyone. I would be willing to ask him how he feels about the detainee provisions, after the Senator from Georgia makes

a comment about the importance of the intelligence portion of the Defense authorization bill.

Mr. CHAMBLISS. Mr. President, I thank the Senator. This is the ninth Defense authorization bill I have been involved in since I have been a Member of the Senate. I must say the refusal by the majority leader to bring this Defense authorization bill to the floor is truly disheartening. It is critically important that we address the issues not only of what is going on in Iraq and Afghanistan but the day-to-day operations of our military from the standpoint of pay raises, quality of life, purchase of weapons systems for future use—any number of issues that are included. The refusal of the majority leader to bring this to the floor because of his objection to a very critical aspect of this bill truly is disheartening.

During committee consideration of the bill, the committee considered and adopted, by a vote of 25 to 1, a comprehensive bipartisan provision relating to detainees. We have no detainee policy in this country today. If we had captured bin Laden, what would we have done with him? If we had captured Anwar al-Awlaki, what would we have done with him? Certainly we could have gained actionable intelligence from either one of those individuals, but we have no detainee policy in this country today. We have nowhere to take them, where we can hold these individuals and ensure that they do not get lawyered up quickly and that we are unable to get the type of information we need to get from individuals such as that.

Over the past several years there has been an ongoing debate about the importance of being able to fully and lawfully interrogate suspected terrorists. One thing is clear after all these years: that our Nation still lacks this clear and effective policy. This bipartisan detainee compromise goes a long way toward ensuring we can get timely and actionable intelligence from newly captured detainees connected to al-Qaida and other terrorist organizations. The compromise also provides for a permanent process for transferring Guantanamo detainees to other countries. We are in the midst right now of a review within the Intelligence Committee of the thought process that went into the transferring of detainees by both the Bush administration and the current administration. I will tell you that there are real flaws in that policy. Those flaws have resulted, according to the DNI—General Clapper—of a recidivism rate of Guantanamo detainees of 27 percent. That means 27 percent of the individuals we have released from Guantanamo and sent to other countries that have been willing to take them under various agreements—27 percent of them have returned to the battlefield and are killing or are seeking to kill Americans. The policy not only about detainees but policies with regard to what we do with Guantanamo detainees is extremely important.

There were a number of us who were involved in the amendments that went into the authorization bill in committee. Senator GRAHAM from South Carolina was. Senator AYOTTE from New Hampshire was integrally involved. Let me turn to Senator AYOTTE and, from the perspective of the people of New Hampshire, ask: Where does the Senator think we are with respect to a detainee policy in this country today?

Ms. AYOTTE. I thank Senator CHAMBLISS. I would say this. The Senator highlighted the importance, No. 1, as did Senator MCCAIN, of passing Defense authorization. I have been to the floor twice on this issue because I think it is so important for our country, the notion that it has been half a century since the last time we failed to pass this authorization. What is at stake for our troops and the message it sends to them? We are in two wars. There are threats that face our country and our military men and women every day. We owe it to them that they know we are going to pass this authorization to address issues such as pay increases and weapons that they need and all of the fundamental day-to-day issues to make sure they know we are behind them.

I would summarize the issue of the detainee policy of this country over the past few months in the Armed Services Committee as military leader after military leader has come before our committee and we have asked them about this issue, about how we treat detainees. I questioned GEN Carter Ham, commander of the Africa command, about what we would do if we captured a member of al-Qaida in Africa. Do you know what he said? He said he would need lawyerly help to answer that one. Is that what we have come to, our commanders need lawyerly help in order to know how to deal with captured terrorists and how to treat them within our system to make sure we have a secure place to gather intelligence from them and to ensure that the American people and our allies are protected?

The majority leader is holding up the entire authorization bill with this detainee compromise, which was an overwhelmingly bipartisan compromise. This provision in the committee was voted 25 to 1 in support of this because there is such a need to address how we treat detainees. As Senator CHAMBLISS already highlighted, we have a 27-percent recidivism rate from those who have been released from Guantanamo. Here are a couple of examples of what those individuals are doing right now against us, our troops, and our allies. For example, the No. 2 in al-Qaida in the Arabian Peninsula was someone we released from Guantanamo.

Another top commander of the Taliban in the Quetta Shura who is out planning attacks against us is someone we released from Guantanamo. That is why this issue cries out for a detention policy for our country. This is a very important issue to be brought to the floor along with the entire authorization.

I see my colleague from South Carolina here, Senator GRAHAM, who I know has worked very closely on these detention issues as a JAG attorney and is someone who visited Afghanistan in August.

First, I would ask, during his time in the Senate, has he seen the Senate act like this with the Defense authorization? Second, how important does the Senator think it is we address this detainee issue?

Mr. MCCAIN. I thank the Senator from New Hampshire for the enormous contribution she has made in putting together this legislation. I wish both her and my friend from South Carolina to address this.

In the letter sent to Senator LEVIN and me to address this issue, Senator REID, the majority leader, as the rationale for not bringing the bill to the floor, says: I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved.

It goes on and on and then he says: As Deputy National Security Adviser John Brennan stated in a recent speech—he said in summary, this approach, talking about the approach that we have taken in the bill—I believe the vote was 25 to 1. He said: This approach would impose unprecedented restrictions on the ability of experienced professionals to combat terrorism, injecting legal and operational uncertainty into what is already enormously complicated work.

I wonder, does Mr. Brennan understand what is in the legislation?

Mr. GRAHAM. I thank the Senator from Arizona and all of my colleagues working on what is a very difficult subject matter. When 25 to 1 is the outcome, that is pretty good. I like Senator REID. This goes back to the White House. This is President Obama's team. This is not HARRY REID. This is not the Senate holding up this bill, it is the White House holding up this bill. They have an irrational view of what we need to be doing with detainees. They have lost the argument—and I tried to help—to close Guantanamo Bay. It is not going to close. We are not going to move those prisoners inside the United States. The Congress has said no. The American people have said no.

The reason they lost that argument is after working with the White House for about a year and a half to try to find a national security centric detainee policy that would assure the American people we are not going to let these people roam around the world and treat them as common criminals, they could never pull the trigger on the hard stuff. We are here because the White House cannot tell the ACLU no. There are 48 people at Guantanamo Bay being held under the law of war, who will never see a courtroom, military or civilian courtroom, and that is part of military law. You don't have to let an enemy prisoner go. Most enemy prisoners are never prosecuted. They are held at Guantanamo Bay under the

law of war. An Executive order issued by the Obama administration gives them an annual review. We have been trying to work with the Obama administration to deal with every class of detainee we may run into in this war that will go well beyond my lifetime. The reason Mr. Brennan objects is because there was a decision made by the Congress to say if a detainee is captured and interrogated by the high-value interrogation team—which I like, which is an interagency combination of the CIA, FBI, military, and other law enforcement agencies to make sure we get the best intelligence possible, that we create a presumption for military custody.

The reason we are doing that is because the Obama administration has been hell bent on criminalizing this war. Khalid Shaikh Mohammed, the mastermind of 9/11, had charges against him in military commissions during the Bush administration, and he was ready to go to trial, literally ready to plead guilty. The Obama administration withdrew those charges and was going to put him in New York City, giving Khalid Shaikh Mohammed the same constitutional rights as an American citizen, then take that show on the road from Guantanamo Bay and have a trial in the heart of New York City that would cost $300 million alone in security. That blew up in their face. They don't get it. Most Americans don't see these people as some guy who stole a car or robbed a liquor store. Most Americans see detainees who were captured on the battlefield as a genuine threat to this country.

I applaud the Obama administration for taking the fight to the terrorists and going after bin Laden, for using Predator drones on the battlefield throughout Pakistan and Afghanistan. What I have fought with them over is we have no way of capturing someone and acquiring good intelligence because you have locked down the system. This detainee legislation we have before the Senate will allow a way to go forward.

What happens if you capture someone tomorrow? Where do we put them? What jail do we have, as a nation, to put a captured terrorist in? We don't have a jail because they will not use Guantanamo Bay. They captured a terrorist and put him on a ship for 60 days. The Navy is not in the detention business. We don't build ships to make them jails. We build ships to fight wars. This aversion to using Guantanamo Bay is going to bite us as a nation.

This legislation allows us to move forward. If you capture someone, you can gather good intelligence. There is a presumption that they will be held as an enemy combatant, but there is a waiver provision. What I don't want to do is read rights to everybody we capture in the United States as part of a terrorist organization's plot. We are not fighting a crime, we are fighting a war. Under the rules of war, you can hold an enemy combatant and interrogate them as long as necessary to find out what the enemy is up to. That is what this legislation does.

To my colleagues, you have written a very balanced approach. This idea of never using Guantanamo Bay again is dangerous. The idea that the CIA cannot interrogate enemy prisoners as a policy is dangerous. By Executive order the President of the United States, President Obama, within a week of taking office, took off the table an enhanced interrogation technique under the Detainee Treatment Act that was classified, that was not waterboarding within our values, but techniques available to our intelligence community, which Senator CHAMBLISS oversees, that would allow them over time to acquire good intelligence.

One of the reasons we killed bin Laden is because of the intelligence picture we acquired over 10 years. This President, within a week, said by Executive order the only interrogation tool available to the United States of America is the Army Field Manual, which is online. You can read it yourself.

Mr. MCCAIN. Can I ask my colleague—it is a fact, as the Senator from New Hampshire pointed out, that 27 percent of the detainees who have been released from Guantanamo Bay have returned to the fight. Not only have they returned to the fight, the fact that they were in Guantanamo gives them an automatic kind of charisma and aura and leadership in al-Qaida and other terrorist organizations. Does the Senator think the American people find that acceptable, that one out of every four we have released from Guantanamo Bay has reentered the fight and clearly is responsible for the deaths of at least some of the brave young Americans and may be responsible for the deaths of Americans in the future?

Mr. GRAHAM. Not only are most Americans upset about that but they worry about what comes down the road. That is what I am worried about. The Senate legislation is trying to create a pathway forward for the future. What do you do with these people we have in Guantanamo Bay who may never go on trial? What do you do with these people at Guantanamo Bay who come from countries where, if you return them to that country, they would be back in the fight by the end of the day?

Mr. MCCAIN. As has happened in Yemen.

Mr. GRAHAM. We have a bipartisan proposal that will allow us as a nation to make rational decisions about detention, and the White House is holding it up. There are provisions in this bill that affect the day-to-day lives of the men and women in our military. The White House is saying detainee policy driven by the ACLU is more important to them than a bill that would allow the CIA the authorization they need to fight this war that would provide wounded warriors assistance at a time when wounded warriors need it the most. You talk about a perverse view of things, you talk about having it wrong in terms of what is most important, allowing the detainee issue to deny the CIA the authorization they need to protect us all is dangerous. To put the needs of the men and women in uniform in terms of their health care, their pay, their ability to take care of their families secondary to detainee policies that make no sense and is driven by the far left of this country is what this debate is about.

To the White House, we are not going to change this bill.

Mr. MCCONNELL. Would the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. MCCONNELL. Am I correct, I would say to my friends from South Carolina and New Hampshire and Arizona, that because of the administration's opposition to a detainee treatment provision that was, I gather, approved overwhelmingly in the Armed Services Committee, we will for the first time deny everybody in the Senate an opportunity to offer any amendments on any subject with the DOD authorization bill and, in fact, will not consider it on the floor of the Senate for the first time in four decades?

Mr. GRAHAM. The minority leader is absolutely right. I would add to my good friend from Kentucky, it is even more. It is not just about us. What we are denying General Petraeus, the new CIA Director, is new authorization language that he needs to fight the war. What we are denying men and women in uniform is pay raises, health care benefits they desperately need because of the detention policy driven by, I think, the most liberal people in this country, and 25 out of 26 Senators blessed this package.

Senator MCCONNELL is absolutely right. Not only does the Senate not have a say on what would be the way forward for our detainees, the men and women in uniform, the CIA operatives taking the fight to the enemy do not have the tools they need because of one area of this legislation. It would be a national tragedy if we could not pass this bill, which is sound to its core in all areas, because the ACLU doesn't like what we have done on detention.

Mr. CHAMBLISS. If the minority leader would yield for a question, as the Senator well knows, the intelligence community depends upon the Defense authorization bill for the authorization to operate in the intelligence community. Whether it is the budget or policy, all of that is compromised in the majority leader's refusal to bring this bill to the floor. Without the authorities in the respective intelligence bills that are passed by the House and the Senate, then our Intelligence Committee is handicapped and hamstrung in policies that are needed as we move forward in this ever-changing war on terrorism.

I would ask the Senator from Kentucky if he has ever, in his long experience in the Senate, seen any bill of this

nature held up and not allowed to come to the floor because of any single Senator's refusal to accept the provisions that are in the bill by an overwhelming vote such as this?

Mr. MCCONNELL. Mr. President, I am not sure who has the floor, but I would say, in response to my friend from Georgia——

Mr. MCCAIN. Mr. President, I say to the Senator, we have unanimous consent for a colloquy.

Mr. MCCONNELL. There may have been examples, but I am hard pressed to think of one recently. The tradition of passing the Defense authorization bill is there for a good reason. The national defense of the United States is the most important thing the Federal Government does. The committee upon which the Senator from Georgia and the Senator from Arizona and the Senator from New Hampshire serve is expert on this matter, and I find this truly astonishing.

It is consistent, however, I must say with the pattern around here in recent times: no amendments, fill up the tree, deny the majority and the minority—in this case, both the majority and the minority—the opportunity to have any input on a piece of legislation that determines what we do on the Federal Government's most important responsibility.

I think this is another example of the way the Senate has deteriorated into operating like the House, and it is an extremely bad direction for this institution and for the American people.

Ms. AYOTTE. I wish to add as well, this detainee compromise, as Senator MCCAIN and I have talked about before, is actually for—the group of individuals we are talking about here—having military custody for members of al-Qaida or affiliated groups who are planning an attack against the United States or its coalition partners. You think about that category of individuals. The most dangerous category of individuals we have to address is why we came to the compromise in committee, that the default would be military custody for those individuals, and it is inconsistent with the administration's position.

If you think about it, they are, rightly so—and I agree with them—undertaking taking out members of al-Qaida around the world who fall under that category, who are out there killing Americans and plotting against Americans and our allies. Yet they are objecting to a provision, a detainee provision, that would give guidance to our military and intelligence leaders that those individuals should be treated, in the first instance, with military custody. It seems to me to be very inconsistent with what they have been doing in other contexts, and, obviously, this is a category of individuals who, on a bipartisan basis, we agreed in committee was the most dangerous category of individuals, who should be held in the first instance in military custody.

I want to add that Mr. Brennan, whom the majority leader has cited on behalf of the administration as objecting to this provision, does not seem to—in his speech at Harvard that he gave recently—appreciate who this provision applies to and that there is actually a national security waiver in the provision. So I would ask the administration and Mr. Brennan, again, to read the provisions that were passed on a bipartisan basis by the committee because this is such a key issue to move forward to give guidance to our military. But I am concerned that the administration's objections to this are misguided and they have not read the actual legislation on which we are working.

It is my hope, as our leader, the minority leader, has said, that we will move forward with passing the critical pieces for our troops because our troops deserve nothing less than for us to bring this forward to the floor because of the pay raises, the weapons systems they deserve to have, everything that is in that bill. But, also, I would ask the administration to revisit its position because it seems inconsistent with its own policies, and they do not seem to have actually read the compromise that was overwhelmingly passed out of the Armed Services Committee.

Mr. MCCAIN. Mr. President, I thank the Senator from New Hampshire.

I know we have addressed this issue in some depth, but I would remind my colleagues, this is the Defense authorization bill. This is the product of thousands of hours of work, of staff work, hundreds of hours of testimony and hearings, a week-long markup of the full committee putting this package together. The thoughts, the ideas, the recommendations of the administration, and people in and out of the administration, the knowledge and expertise of thousands of individuals go into this most important piece of legislation.

For 50 years it has been taken up, debated, amended, passed, and signed into law by the President of the United States. Now, because of one small provision of this bill, the majority leader of the Senate, at the behest of the White House, has decided we will not take up the Defense authorization bill for the first time in 50 years.

I think the distinguished Republican leader and I, who have been around here for quite a while, have seen this process now deteriorate to the point where we now cannot debate, amend, and pass legislation that is so vital to our Nation's security and the men and women who take part in preserving it. This is kind of a sad day for this Member.

Mr. MCCONNELL. Finally, I would ask both the Senator from Arizona, who has been our leader on national defense issues, and the Senator from New Hampshire: Is the basis of this that the administration wants to establish the precedent that they can capture enemy noncombatants anywhere in the world and send them straight into the United States into an article 3 court? Is that the crux of this, I would ask my friends?

Ms. AYOTTE. I would say to our distinguished Republican leader, I think that is what is at the heart of this, that they want to treat these individuals in the context of our civilian court system; otherwise, why would you object to a provision on military custody for those who are members of al-Qaida who are planning an attack against the United States or have attacked the United States? Also, I would point out, there is a national security waiver in this provision. So the only thing I can take from it is that they do want to treat this war as people who are at war with us as civilians as opposed to who they are—enemies of our country.

Mr. MCCONNELL. Could I ask the Senator from New Hampshire, a former attorney general, a further question?

Does this not lead, inevitably, in the further direction of a mindset that would say, on the battlefield, if you capture an enemy combatant—and that enemy combatant is, inevitably, on the way to an article 3 court—could it lead to the feeling that that enemy combatant should be read his Miranda rights on the battlefield, if he is viewed as an individual who is on the way to a U.S. court under U.S. law? Where does it end, I ask my friend from New Hampshire?

Ms. AYOTTE. I would say that is an absolute concern here because this would be the first war in the history of our country where we would be giving those we capture on the battlefield the rights to our civilian court system. Where do we draw the line? It would be outrageous to require members of our military and intelligence officials to immediately ask: Do I have to give Miranda rights? Do I have to worry about some of the speedy trial and presentment issues that come from a civilian court system?

That is why, in the guidance of the committee, on a bipartisan basis, for this category of individuals, the presumption should be military custody because these are individuals who are enemy combatants with whom we are at war. That is fundamentally what is at issue. It does seem inconsistent—with what the administration is doing in terms of rightly going after these individuals around the world, and killing them in certain instances—that we would not provide them with military custody in the first instance.

Mr. MCCAIN. Could I also point out to my friends and my colleagues that, as is the case quite often, even though the vote was 25 to 1 on this provision in the Senate Armed Services Committee, we did provide, at the request of the administration, a waiver for national security. So we included a waiver that says:

The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive the requirement of paragraph (1)—

That is the detainee issue—

if the Secretary submits to Congress a certification in writing that such a waiver is in the national security interests of the United States.

So there is a national security waiver. We have given the President of the United States a way that he could waive every provision of this legislation—something I was not particularly happy about, but in the spirit of compromise, we gave a waiver.

Could I say, also, I am sure—I see the majority leader on the floor—yes, there have been contentious times. There was contention last year about the don't ask, don't tell act. The year before, there was contention about the fact that they added the hate crimes bill, which had nothing to do with national security, onto the bill. But at least we ought to go ahead and take up and debate and amend and have the Senate act, as the American people expect us to; that is, consideration, voting, and the President, if it is that objectionable, obviously, could veto the bill.

But to say, because of these few pages—these pages right here of the bill—that, therefore, we will not even take up the bill, for the first time in 50 years, in my view, is a great disservice to the men and women who are serving.

I thank my friends, the Senator from New Hampshire and the minority leader.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The majority leader is recognized.

OBSTRUCTION

Mr. REID. Mr. President, I have had several very good conversations with Senator MCCAIN and Senator LEVIN about the provisions they have spent a lot of time on this morning. Discussions have been very positive. And, hopefully, these concerns can be resolved. Of course, if they cannot be, the only way to resolve them would be here on the Senate floor. I hope in the next several days we can work something out on this somewhat difficult provision that is in the bill reported out of the committee.

First of all, let me say to my friends who came and spoke on the floor today, I understand their concern about the defense of this country. Anytime JOHN MCCAIN comes to the floor or comes anyplace in the world and talks about anything dealing with the security of this country, everyone should listen. He is a man we all know, we respect, and hold in the highest regard, not only because of his legislative skills—he has been a Presidential nominee—but the fact is, he is a certified American military hero. So I want everyone to understand that I have no problem at all with Senator MCCAIN coming to the floor talking about something he knows a lot about.

But I do want to remind everyone that we are now in the 10th month of this Congress and we have been blocked, obstructed, prevented, and held up from moving legislation for 10 months. We have wasted months and months because of obstructionism, threats to shut down the government.

Think back a little while on trying to get the government funded until the 1st of October. I do not know at this stage how many votes we had but at least a half dozen extending the government for a week, a few days, with the threat of the government shutting down with every one of those extensions of the continuing resolution.

Then we moved to a new stage in the history of our great country; that is, extending the debt ceiling. Times in the past it has been done routinely—hundreds of times—18 times during the Reagan administration. But, no, we took months to do it for President Obama. And that has prevented us from doing a lot of the routine work we need to do here, including the Defense authorization bill. These items used to be routine under Democratic and Republican Presidents. But in this Congress, Republicans have turned even routine matters into crises.

Since the beginning of the year, they have blocked jobs bills using obstructionist tactics. They have filibustered everything by amendment. Remember the small business innovation bill—a bill I like to talk about because it has been one of the best things that has happened to this country. Small business entrepreneurs, people who had ideas on how to improve the economy did good things with these small grants they got. My favorite, of course, is the electric toothbrush, but there were other things that have been done. But that bill traditionally has been handled with minimal controversy—in fact, no controversy—always passes unanimously with help from both sides. Republicans amended this little piece of legislation—so good for our country in creating jobs—to death. The process took nearly 2 months. There was the Economic Development Revitalization Act, something that started during the time Richard Nixon was President. We did this routinely, most every time by unanimous consent. A bill that creates lots and lots of jobs, employment for our country—the Republican Senators blocked this bill, dragging out the process for months. Their obstructionism has cost this country millions of jobs, including 2 million that would have been created by the American Jobs Act.

Suddenly they are calling for a return to regular order. Well, after 10 months of dragging out the most routine matters, preventing the normal order of business here in the Senate, suddenly they are calling for us to move quickly on the Defense authorization bill, something that should have been done some time ago. They are threatening to shut down the government if they do not get their way. We have coming up, in less than a month, another threat by the Republicans to shut down the government. That seems to be the mantra: If we do not get what we want, we will close the government.

The continuing resolution expires on November 18, right before Thanksgiving. My colleagues are right about the Defense Authorization Act—absolutely right. We need to do this. We have always done it, and we are going to do it this year. As I said to Senator MCCAIN on a number of occasions, and Senator LEVIN, I am eager to find a path to get this done.

My colleagues have said several times that they believe these provisions ought to be considered in regular order and that the Senate ought to proceed to debate them. As I indicated a few minutes ago, if that is the only avenue we have, then that is what we will do.

The Defense authorization bill is going to get done this year. But we have been held up for 10 months in doing the ordinary process this government is required to do.

Mr. DURBIN. Would the Senator yield for a question?

Mr. REID. I would be happy to yield to the Senator from Illinois.

Mr. DURBIN. I say to the majority leader, since I have listened to the colloquy by my Republican colleagues just a few minutes ago, and it related to the detainee policy, which is one of the controversial issues in the Defense authorization bill, I am sure he is aware of the fact that last week in Detroit, in an article III Federal court, an accused terrorist—the so-called Underwear Bomber—pled guilty to terrorism, having gone through the regular criminal process in article III courts, having been interrogated by the FBI, and even after Miranda warnings, surrendering very valuable information and intelligence to protect the United States.

Is it not true that when we look at the record about detainees or those accused of terrorism being tried, we find that since 9/11, over 200 of them have been successfully tried in article III courts under President Bush and President Obama and that under military commissions, exactly 4, 4 terrorists have been tried; and that the argument on the other side, which is that the article III courts are incapable of protecting the United States and successfully prosecuting terrorists, absolutely flies in the face of the facts: 200 terrorists convicted in article III courts, 4 by military tribunals. You would think it was exactly the opposite, from the arguments made on the floor by my friend from Arizona and others.

I would ask the Senator from Nevada, our majority leader, are we not trying to give to any President—this President and any President—the tools and the decisionmaking necessary to protect our Nation, to pick the best place to investigate and to prosecute those who are accused of terrorism?

Mr. REID. In response to my friend's question, he is absolutely right. Remember, this is not an Obama-driven

program. It started during the George Bush era. Why? Because George Bush was President of the United States on 9/11, and he recognized the importance of doing this in a fashion that would maintain the civility of our criminal justice system.

I say to my friend, I want to make sure—I will repeat what I said earlier. No one is saying we are not going to do the Defense authorization bill. We are going to do that. But we are really, because of being jammed, as I have tried to outline here to the entire country, and being unable to get our work done here these last 10 months, we are trying to find time to do lots of things. That is why we have come up with this unique way of moving appropriations bills. We are doing them together—three at a time rather than one at a time—in an effort to do what I have been asked to do by the Speaker of the House: Do what you can to get these appropriations bills done. Senator MCCONNELL suggested something. We are doing our very best, but we have been held up from doing the ordinary business. I gave two examples that were about as good as you could give of our trying to do things to create jobs in America today. We have been stymied from doing that.

So I say to everyone here that I am really somewhat at a loss for words, for an organization here—the Republican caucus has done everything they can these past 10 months to stop us from moving forward. Remember, the No. 1 goal of my friend the Republican leader—and I admire his honesty—he said his No. 1 goal was and has been to defeat President Obama. As a result of that, we have not been able to do the government's business, because everything they can do to slow down government is something they believe will help them a year from now.

Mr. DURBIN. Would the Senator yield for one more question?

Mr. REID. I would be happy to.

Mr. DURBIN. Is it not true that the majority leader came to the floor on the pending legislation, the appropriations bills, and invited Members on both sides to bring their amendments to the floor, call their amendments for a vote, that some 10 or 11 or more amendments have been filed, and we are still waiting for that? Is it not true that we are giving this opportunity to our colleagues to offer their amendments and to call their amendments, and that is a way for those who are looking for their opportunity on the floor to express their point of view and get a vote?

Mr. REID. I appreciate very much the Senator from Illinois reminding me what took place at the beginning of this Congress.

Mr. MCCAIN. Would the Senator yield for a comment?

Mr. REID. As soon as I answer my friend's question.

I am reminded of what took place at the beginning of this year. We had a number of new Senators—relatively new Senators—who joined with some of the more experienced Senators who wanted to change the way the saw our having done business in the last Congress.

I joined with my friend the Republican leader and said: Let's back off a little bit.

The Republican leader said: We are going to be very discrete in what we do with the motions to proceed, to allow us to get on legislation.

I said: Fine. If that is the case, we will make sure we have the opportunity to offer amendments.

That has broken down big time, I say to my friend, because it is a rare day here that we have been able to move to a piece of legislation without having to go through the process of filing cloture on just the ability to get on a bill. And we have had open amendments, as we did on the small business innovation bill. Guess what happened. It was amended to death. So after 2 months—after 2 months—we gave up. We could not do that bill as had been done routinely in the past.

So I say to my friend, we are going to try it again. We have these appropriations bills. We are going to try to get it done. We are waiting for people to offer amendments, and we are going to try to move through this and get it done. We are going to do the appropriations bills this week. We have other things we need to do. It is an important time in the history of our country to show the American people we can work together. I hope that, in fact, is the case because based on my experience from the beginning of this Congress, where there was supposed to be a good-faith effort to return to regular order, it has not happened.

I would be happy to yield to my friend for a question.

Mr. MCCAIN. I want to say to the majority leader, whom I have known and been friends with for many years, I thank him for his kind remarks. I am very appreciative of his commitment to bringing the Defense authorization bill to the floor. I thank the majority leader.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2112, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid (for Inouye) amendment No. 738, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012.

Reid (for Webb) amendment No. 750 (to amendment No. 738), to establish the National Criminal Justice Commission.

Kohl amendment No. 755 (to amendment No. 738), to require a report on plans to implement reductions to certain salaries and expenses accounts.

Cornyn amendment No. 775 (to amendment No. 738), to prohibit funding for Operation Fast and Furious or similar ''gun walking'' programs.

Durbin (for Murray) amendment No. 772 (to amendment No. 738), to strike a section providing for certain exemptions from environmental requirements for the reconstruction of highway facilities damaged by natural disasters or emergencies.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENTS NOS. 739, 740, AND 741 TO AMENDMENT NO. 738

Mr. MCCAIN. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment for the purposes of calling up amendments.

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

Mr. MCCAIN. Mr. President, I call up three amendments numbered 739, 740, and 741 and ask unanimous consent that they be reported by number.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments en bloc numbered 739, 740, 741 to amendment number 738.

The amendments are as follows:

AMENDMENT NO. 739

(Purpose: To ensure that the critical surface transportation needs of the United States are made a priority by prohibiting funds from being used on lower-priority projects, such as transportation museums and landscaping)

At the appropriate place in division C, insert the following:

SEC. ____. None of the amounts made available under this division may be used for—

(1) scenic or historic highway programs, including tourist and welcome centers;

(2) landscaping or scenic beautification;

(3) historic preservation;

(4) rehabilitation or operation of historic transportation buildings, structures, or facilities;

(5) control or removal of outdoor advertising;

(6) archaeological planning or research; or

(7) the establishment of transportation museums.

AMENDMENT NO. 740

(Purpose: To eliminate funding for the trade adjustment assistance for firms program)

In the matter under the heading ''ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS'' under the heading ''ECONOMIC DEVELOPMENT ADMINISTRATION'' in title I of division B, strike '', for trade adjustment assistance, and for grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358), $220,000,000'' and insert ''and for grants authorized by section 27 of the Stevenson-

Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 603 of the America COMPETES Reauthorization Act of 2010 (Public Law 111–358), $204,200,000''.

AMENDMENT NO. 741

(Purpose: To prohibit the use of appropriated funds to construct, fund, install, or operate certain ethanol blender pumps and ethanol storage facilities)

On page 83, between lines 20 and 21, insert the following:

SEC. ____. None of the funds made available by this Act shall be used to construct, fund, install, or operate an ethanol blender pump or an ethanol storage facility, including—

(1) funds in any trust fund to which funds are made available by Federal law; and

(2) any funds made available under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107).

Mr. MCCAIN. I yield the floor.

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

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

AMENDMENT NO. 775

Mr. CORNYN. Yesterday, I introduced my amendment to the pending Commerce-Justice appropriations bill, and I would like to briefly explain this amendment for my colleagues.

This amendment is designed to basically cut off any future funds that might be made available under this appropriations bill to fund the Department of Justice's program now notoriously known as Fast and Furious. This would prohibit the taxpayer funding of operations where Federal law enforcement personnel knowingly cause the transfer of firearms to drug cartel agents and intentionally fail to monitor those weapons.

On December 14, 2010, U.S. Border Patrol Agent Brian Terry was gunned down on the southern border while attempting to apprehend members of a predatory criminal gang that operated in Arizona's Peck Canyon. A congressional investigation and several news reports have confirmed that some of the guns used in that attack actually came from gun dealers in the United States, and the guns were actually put in the hands of the agents of the cartels and allowed to cross the border with the full knowledge of officials associated with the U.S. Government, most notably the Bureau of Alcohol, Tobacco, and Firearms, and the U.S. Attorney's Office in Arizona, although it is unknown at this point how far up in the chain of command knowledge of this program went. But that is another story for another time.

The American people and their representatives in Congress have begun asking, after the death of Brian Terry, what happened under this Fast and Furious Program and who will be held accountable. Answers to those questions have been very slow in coming, and some have been contradictory. But the more questions that were raised, the more questions came up.

One question is, of course, who authorized Fast and Furious and why? According to congressional investigations led on this side of the Capitol by Senator GRASSLEY and on the other side of the Capitol by Congressman DARRELL ISSA, this Fast and Furious Program began in 2009 in the Phoenix field office of the Bureau of Alcohol, Tobacco, and Firearms, under the direct supervision of the U.S. attorney for the District of Arizona, and instructed Phoenix-area firearms dealers to go through with sales of nearly 2,000 weapons to persons suspected of working as straw purchasers on behalf of Mexican drug cartels. The logical question is, Why in the world would such a misguided program be initiated and who would be held accountable?

Another question is, Who objected to Fast and Furious, and why were those objections not taken seriously? Congressional investigations have found that many firearms dealers actually contacted the ATF and expressed their concerns about who was buying these guns and in whose hands they might end up. Multiple ATF agents have testified that they openly protested their orders to actually let these guns walk across the border into the hands of the cartels when they were told to break off surveillance of those illegally purchased weapons, because they suspected what eventually did happen: that no good would come of Fast and Furious.

Brian Terry lost his life as a result of this misguided program.

Weapons from the Fast and Furious Program have shown up at about 11 different crime scenes in the United States. So the questions I have relate to why weren't the voices of the people in the field who first raised objections or concerns about this program heard?

Another question my constituents in Texas have been asking is: Have similar gun-walking practices occurred in our State?

According to published reports, Houston-based firearms dealer Carter's Country revealed that its store clerks had been ordered to go through with a sale of weapons to suspicious persons who may have been working as ''straw purchasers'' from Mexican drug cartels. Some of the weapons purchased from Carter's Country have been recovered at the scene of violent crimes in Mexico.

Senator GRASSLEY's investigations have also revealed a possible Texas connection to the February murder of U.S. Immigration and Customs Enforcement officer Jaime Zapata in Mexico. One of the weapons used to murder Officer Zapata was purchased in Texas in October 2010 and subsequently trafficked to Mexico through Loredo, TX. While the suspected weapons traffickers have been arrested, there are reports that ATF was aware of these activities and allowed them to continue for far too long.

Another question is being asked by our friends across the border, the Government of Mexico, those who are fighting these cartels and many of whom over the years have lost their lives. Our friends in Mexico are asking: Why is the administration allowing guns to come into Mexico as part of U.S. Government policy? Why is the U.S. Government arming drug cartels?

According to a report in the Los Angeles Times, one of the victims of Fast and Furious was a brother of Patricia Gonzalez, who at the time was a top State prosecutor in Chihuahua.

The Los Angeles Times also reports that Mexico's Attorney General, Marisela Morales, who has been a good partner to the United States, first learned about Fast and Furious from news reports. As of last month, she said U.S. officials have not briefed her on the operation, nor had there been any apologies for this misguided program.

Questions are being asked on both sides of the border, and they deserve answers. Back in August, I wrote to Attorney General Holder and asked him to promptly disclose the details of any past or present Texas-based gun-walking programs similar to operation Fast and Furious.

Much to my disappointment, I have not received any official response from the Department of Justice, nor Attorney General Holder. While disappointing, this administration's stonewalling is not surprising, considering the difficulty Senator GRASSLEY and Representative ISSA have had in their investigation of the Operation Fast and Furious scandal.

In May of 2011, Attorney General Holder told the House Committee on Oversight and Government Reform that he had only learned of Operation Fast and Furious ''in the past few weeks.''

The evidence now shows that Attorney General Holder had received multiple briefing memos regarding the operation that date back to as early as July 2010—much earlier than the few weeks ago he claimed in May of 2011.

It is time for Attorney General Holder to tell Congress precisely what he knew, when he knew it, and to be honest with Congress and the American people about how this happened and who will be held accountable for it. So far, I think the Attorney General's earnest hope is that this will all go away. But it will not go away.

My amendment would help ensure that we no longer have to worry about Operation Fast and Furious or similar ill-advised gun-walking operations.

This amendment will mandate that no taxpayer money will be spent on programs where law enforcement personnel knowingly cause the transfer of weapons to suspected drug cartel associates with the intent that those law enforcement officials break off the surveillance of those weapons prior to interdicting them.

In other words, this amendment is narrowly tailored to prevent future programs such as Operation Fast and Furious, while allowing law enforcement the freedom to operate gun-trafficking investigations, where they are in continuous surveillance of the weapons.

This will also allow law enforcement officials to use weapons transfers to low-level straw purchasers as a tool to investigate the chain of command in a gun-trafficking ring, while simultaneously requiring them to keep their eyes on the weapons at all times so they can step in and prevent unnecessary and tragic violence.

Just over 10 months ago, U.S. Border Patrol Agent Brian Terry was murdered by criminal gang members with weapons ''walked'' into their hands by ATF and the Department of Justice.

It is my hope this body has learned from this tragedy and that we will affirmatively act to ensure that nothing such as this happens again.

My amendment does just that, and I hope my colleagues will join me in supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise to comment on the amendment of the Senator from Texas.

I am chair of the Subcommittee on Commerce, Justice, and Science, and we fund the Bureau of Alcohol, Tobacco, and Firearms. I will comment on the amendment.

Before I comment on the amendment explicitly, I compliment the Senator from Texas for raising the issue on the floor and, second, for his fierce defense of the southwest border and his devotion to Federal law enforcement and for always being concerned when we send them into harm's way, and where we, in any way, could have contributed to either their injury or their death. I compliment the Senator on that.

My ranking member, KAY BAILEY HUTCHISON, also from Texas, has spoken eloquently, diligently, and unflinchingly about the need we have to be serious about what is happening on the southwest border. I say this to the Senator and those of us concerned about our country: We support the effort to control our border and stop the growing violence that is occurring there.

I believe America is in four wars—Iraq, which is winding down; Afghanistan, which ultimately will; the southwest border; and the cyber war. We have now two enduring wars.

I say to the Senator from Texas, I wish to work with him. When I look at what happened with Operation Fast and Furious, I was fast to be furious about the bungled, botched occurrences that happened.

For those who might not be familiar with it, this was when Federal law enforcement, trying to combat illegal gun trafficking, allowed guns to knowingly ''walk'' into Mexico so we could track what was happening. It was poorly planned, poorly executed, had flawed leadership, and it was definitely of questionable strategy and value.

I wish to work with the Senator from Texas on some slight modifications to the bill—some tweaking and more precise definitions—over the next hour or so, if we can look at it. I would like to be able to accept his amendment. He is on to something. I would like to work with the Senator's colleague from Texas also and those others from the Southwest to get the answers they want from the Attorney General. They are all entitled to them.

People at the local level who put local cops on the ground should at least have answers from their own government about what they are doing. Operation Fast and Furious was one of many strategies along the U.S./Mexico border, in Arizona, targeting illegal gun and drug smuggling—the offshoot of Project Gunrunner. There were teams of ATF agents and investigators who increased our coverage, disrupting firearm traffic in corridors. That Project Gunrunner has been operating since 2006.

Fast and Furious went too far. It went beyond the normal Project Gunrunner strategy and allowed assault weapons to be sold to suspected straw buyers who transported them to Mexico and then the ATF lost track of the weapons, which was the point of what they were trying to do.

Fast and Furious was brought to an end but with terrible problems. There is no doubt ATF has done good work. They have seized tens of thousands of guns. There is the issue of allowing the selling of guns across the area. But hundreds of Mexican citizens have died, our own law enforcement people have died, and we have to do something about it.

I understand from the Attorney General that when he heard about it, he did take decisive steps to clean it up. He immediately asked the DOJ inspector general to conduct an investigation and examine the facts of what happened. He made it clear to all Federal prosecutors and law enforcement that they should never knowingly allow guns to cross the border—long time Justice Department policy. He changed the leadership at ATF and the U.S. Attorney's Office in Arizona and has complied—he tells me—with congressional requests for thousands of documents.

If the Senator feels he is not getting answers, I will join with him. He deserves the answers. We need to make sure we are giving law enforcement the tools they need—hopefully, we have it in the bill—to fight those drug cartels and gun crimes, which are violent, grim, and ghoulish.

We have listened to the concerns of our colleagues who have spoken. The Senators from Texas and our two colleagues from Arizona, Senators KYL and MCCAIN, are well known in their advocacy.

We have made a major investment in 2009 and another close to $2 billion is in this bill—it is $1.9 billion—to safeguard our southwest border. We are putting resources in it.

Fast and Furious has ended. We need better leadership, a better strategy. I wish to work with the Senator on his amendment.

If we could, I think it would be great if we could just accept it. We all have to be in this together. The southwest border is America's border. I don't live in the Southwest; I live in the Northeast. But anything that happens at your border affects us. That is the way we need to think about ourselves. We are all Americans. We need to look out for one another. We need to be able to protect our borders, those defending the border, make sure we get it right and that we don't contribute to the problem. I would sure like to work with the Senator on this.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I thank the Senator from Maryland for her offer. I will take her up on that. Our staffs are exchanging modest provisions that maintain the general thrust of the amendment and make clear that the Senate will not approve of any funding used for the sort of misguided program such as Fast and Furious.

I ask for the Senator's help and take her up on her offer to try to get conclusive and comprehensive answers from the Department of Justice. Senator GRASSLEY, Representative ISSA, and I feel as well that the Attorney General and the Department could be more forthcoming. It boils down to a matter of accountability.

One of the things that drives people crazy about Washington and Congress these days is that they feel as if things are happening that should not be happening and nobody is held accountable. That is what needs to happen in this program. So I will take her up on her offer. I appreciate that. We will work with the Senator and her staff to see if we can come up with acceptable language.

As a matter of the record and from the standpoint of accountability and clearness, I would like to have a rollcall vote on my amendment at the appropriate time. We will work with the Senator and come up with acceptable language.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I wish to update my colleagues on an amendment that Senator UDALL of Colorado and I, along with several of our colleagues, filed at the end of debate last night. This is the amendment that would prevent the U.S. Department of Agriculture from imposing needless costly restrictions on the school lunch and school breakfast programs.

We debated this amendment at length last night, so I will not do so again now. I did wish to report on some progress we are making in achieving a consensus amendment.

First, I thank the chairman of the subcommittee, Senator KOHL, and his staff, who have been very helpful to us. I also thank the ranking member of the subcommittee, Senator BLUNT, and his staff, who have also worked with us. We have worked with the USDA. So this morning I am filing another amendment with Senator UDALL of Colorado that makes a few changes in the amendment. It is very consistent with the intent of the amendment that we debated last night, but it does strike the words ''and fruits.'' Since the intent of our amendment was not to change the requirements on fruit servings, I was happy to accept that suggestion from USDA.

So I have filed a new amendment. I understand it is going through the clearance process on our side of the aisle, and I hope this is an amendment we can clear and accept very shortly. But I just wanted to bring my colleagues up to date and to thank the two leaders of the subcommittee and to let my colleagues know we are making great progress.

This amendment is going to make a real difference to school districts across the country without, in any way, impairing the nutritious meals we want all our school children to receive.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I appreciate the amendment offered by Senator COLLINS. I understand her concerns about how proposed changes in nutrition standards may affect producers in her State. This issue does relate to child health, so we need to be careful what we do. I have been working with the Senator on this issue, and I think we have made good progress. I hope we will be able soon to have language where we can come to an agreement.

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

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

Mr. BLUNT. Mr. President, I wish to join Senator KOHL in saying how much I appreciate Senator COLLINS working on this amendment and the purpose of the amendment and I think it is a good addition to the bill.

I also think we had a good exchange of ideas on the floor yesterday and would note we have received a number of amendments to the bill. I encourage my colleagues to offer amendments they feel would improve the bill that is in front of them. Senator KOHL and I believe this is a good product, but we also believe it will benefit from debate. So we are looking forward to an open amendment process and are glad to have the pending amendments to discuss, plus particularly the one Senator COLLINS has just discussed that we both believe is a good addition to the bill.

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. 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.

AMENDMENT NO. 750, AS MODIFIED

Mr. REID. Mr. President, I call for regular order with respect to amendment No. 750 and that the amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is pending. The amendment will be so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. _____. (a) SHORT TITLE.—This section may be cited as the ''National Criminal Justice Commission Act of 2011''.

(b) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this section as the ''Commission'').

(c) PURPOSE OF THE COMMISSION.—The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

(d) REVIEW AND RECOMMENDATIONS.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(2) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by paragraph (1), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(3) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(4) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(5) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(6) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required by paragraph (7) summaries of the input and recommendations of these leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this subsection relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(7) REPORT.—

(A) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(B) PUBLIC AVAILABILITY.—The report submitted under this paragraph shall be made available to the public.

(C) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with subparagraph (B), the Commission shall state the vote total for each recommendation contained in its report to Congress.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) One member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(B) One member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as co-chairman of the Commission.

(C) Two members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) Two members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) Two members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) Two members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the

Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(i) law enforcement;

(ii) criminal justice;

(iii) national security;

(iv) prison and jail administration;

(v) prisoner reentry;

(vi) public health, including physical and sexual victimization, drug addiction and mental health;

(vii) victims' rights;

(viii) civil liberties;

(ix) court administration;

(x) social services; and

(xi) State, local, and tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this section.

(B) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this section, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this section, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

(i) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this section—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(f) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(6) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) ADMINISTRATIVE REPORTING.—The Commission shall issue biannual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) MEETINGS AND MINUTES.—

(i) MEETINGS.—

(I) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed.

The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(g) APPROPRIATION.—Of amounts provided in this Act for salary and expenses for the Office of Justice Programs, $5,000,000 shall be for the establishment of the commission, until such funds are expended.

(h) SUNSET.—The Commission shall terminate 60 days after it submits its report to Congress.

Mr. REID. Mr. President, 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. 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.

AMENDMENT NO. 775

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to amendment No. 775.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

ELOUISE COBELL

Mr. BAUCUS. Mr. President, a Native American expression on the circle of life offers insight into a life well-lived:

If you were born, you cried and the world rejoiced. Live your life so that, when you die, the world cries and you rejoice.

On Sunday, the world cried when Elouise Cobell left the Earth. Elouise was a brave member of the Blackfeet Nation from my home State of Montana. She fought tirelessly for what was right.

On Sunday, the world lost a great hero. Native American people everywhere lost a champion. Her husband Alvin and son Turk, along with her entire extended family, lost an admired and irreplaceable loved one. And I can say with deep gratitude, having worked with her for many years, that I lost a dear friend.

Through her persistence and determination, she drew attention to the Federal Government's mismanagement of Indian trust lands. She deserves the highest recognition and thanks for helping close a chapter on a bitter history of broken promises.

For more than 100 years, the Federal Government did not fairly compensate Native Americans in Montana and across the Nation for revenue generated from their land. The Federal Government squandered and wasted billions of dollars in not paying Native Americans revenues they were due. It was Elouise who took up the cause. Others wouldn't; she did. She knew it was wrong. She knew it, and she had a mission. She worked tirelessly through the courts until the judicial system finally recognized what she had uncovered. The judge in the case decried the Federal Government's action as ''fiscal and government irresponsibility in its purest form.''

I was proud and humbled to work with her on the legislative plan to help settle the longstanding Indian trust lawsuit. Last year, we passed bipartisan legislation to provide a long-overdue conclusion for hundreds of thousands of folks in Indian Country.

Recently, I joined my colleague, the present occupant of the chair, Senator TESTER, who introduced legislation to award Elouise with the Congressional Medal of Honor, the highest honor possible from Congress.

Elouise Cobell fought for many who could not fight for themselves and brought a voice to many who died before being able to see justice served. May we never forget Elouise's long battle to right this wrong. May Elouise's memory continue to inspire everyone who believes justice is worth the fight. And may the Creator welcome Elouise home with joy and tenderness as we offer our thoughts and prayers to her loved ones. Our hearts are heavy as we mourn Elouise. Because she lived a life worth living, she lived a life worth rejoicing.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

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

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

AMENDMENT NO. 740

Mr. BAUCUS. Mr. President, I would like to speak against the amendment offered by the Senator from Arizona, Mr. MCCAIN, amendment No. 740.

This Chamber approved three free-trade agreements last week and did so with overwhelming support. But for many, that support hinged on passage of a robust trade adjustment assistance program, otherwise known as TAA.

Last month, the Senate approved trade adjustment assistance, and during floor consideration an amendment similar to the one offered by Senator MCCAIN was rejected. Why was it rejected? I will tell you why. Because a majority of Senators in this Chamber want to help small businesses. We want to help small businesses improve their competitiveness, and we want to help small businesses take advantage of the opportunities trade provides.

But this amendment would end the Trade Adjustment Assistance for Firms Program. It would end the only program specifically designed to help small manufacturers hurt by import competition. It would end the program that helps companies adjust, retool, and stay competitive in an increasingly global economy.

In 2010, trade adjustment assistance for firms enabled 330 companies to devise strategies that got them back on track. It helped them identify new markets. It helped them improve inefficiencies. It helped them restructure their debt, and it helped them find new financing.

The results proved that the Trade Adjustment Assistance for Firms Program works. Ninety-eight percent of the companies that participated in the program are still in business after 5 years. Without trade adjustment assistance for firms, many of these companies would be out of business and their workers out of jobs.

The program has helped create or retain more than 50,000 good-paying manufacturing jobs since 2006. I would think that with unemployment at such high rates—over 9 percent—and with the large vote in this body on the currency amendment with respect to the Chinese manipulation of currency, it makes eminent sense to help American workers who lost jobs, not prevent help to American workers who have lost jobs on account of trade. And that is what the Trade Adjustment Assistance for Firms Program does—it helps American workers who have lost jobs on account of trade.

Senator MCCAIN's amendment will put those jobs at risk. I don't think that is what this body wants to do. We should be creating jobs, not destroying them. For these reasons, I urge my colleagues to vote no on the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

RECESS

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m., as provided for under the previous order.

There being no objection, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. TESTER).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

AMENDMENT NO. 740

Mr. CASEY. Mr. President, I have a short presentation to make regarding trade adjustment assistance, which of course is legislation that was passed through the Senate not too long ago. There was a long debate, an important debate about trade adjustment assistance, which is basically a program we have had in place for decades. That program recognizes that sometimes workers and companies are caught in a position, because of the unfair trade and unfair competition, where they are left not only without a job but sometimes without the prospect of retaining their position in a particular trade or work they have done for many years. So trade adjustment assistance allows us to provide some help to that worker or that company so we can retrain folks for the jobs of the future and so that worker can be retrained and adjust to the changes in the economy.

In particular, today I rise in opposition to amendment No. 740, which would eliminate funding for trade adjustment assistance for firms. We provide it for workers but there is also a part of the act that provides help to firms. U.S. trade policy should, I believe, work in the best interests of the American people, especially American workers and American companies. Of course, as a Senator from Pennsylvania, I want that policy to work for our workers and our companies. Unfortunately, that is not always the case. Past trade deals have sent jobs overseas. Several administrations have not done enough to crack down on China's unfair trade policies. Our workers and our companies need safeguards against employment disruptions caused by our trade policies or sometimes caused by our lack of a trade policy. That is one of the reasons why trade adjustment assistance is so important, that we extend it as we have to help workers and the companies they work for deal with the repercussions of bad trade deals and unfair competition, unfair trade that impacts our workers.

There is an effort by this amendment to somehow change the dynamic as it relates to firms. I know in Pennsylvania, in calendar 2010, 51 companies in our State were accepted into the program. Fifty-one individual companies were accepted into the trade adjustment assistance program to help those companies rebound, to recover from the ravages of international trade.

Supporting these firms as they work to better compete against foreign imports will help protect the jobs of the workers in those firms. I have worked to ensure that the TAA program is reextended, including this help we provide for individual firms. The legislation that was recently passed maintains trade adjustment assistance for firms but returns funding authorization to its pre-2009 levels. I think this is a critically important point to make.

Maybe the best evidence, though, of what has happened is evidence from individual States but more particularly individual companies. I ask unanimous consent that a news article that is dated Tuesday, June 21, 2011, from the Bethlehem Express-Times be printed in the RECORD.

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

[From lehighvalleylive.com, June 21, 2011]

SEN. BOB CASEY VISITS BETHLEHEM CHEMICAL MANUFACTURING PLANT, URGES NEED TO RENEW ASSISTANCE FUNDING

(By Andrew George)

Over the last five years, Bethlehem chemical manufacturing company Puritan Products has tripled its sales and created 15 new jobs.

According to company President Lou DiRenzo, much of that success is owed to a federal grant for $75,000 awarded to the company as part of the Trade Adjustment Assistance program.

U.S. Sen. Bob Casey, D–Pa., visited the Bethlehem facility Monday to meet with workers and discuss the impact Trade Adjustment Assistance has had on the company.

Casey, who is chairman of the Senate Joint Economic Committee, urged the need to renew federal funding for the TAA after touring the facility, citing the success Puritan Products has had with the program. ''It's a remarkable story over here at Puritan Products because you're not only seeing all of the job growth results over the last couple years . . . (but) adding jobs and innovating and adapting to new environments in a very complicated part of our economy,'' said Casey.

According to the U.S. Economic Development Administration, TAA aims to provide technical and financial assistance to manufacturers or producers who have lost employment, production or sales due to increased imports and foreign competition. It also provides aid to workers who have lost their jobs due to foreign trade agreements.

Some Senate Republicans have expressed reluctance about renewing TAA, which cost about $2 billion last year, according to a Bloomberg report. They say the program benefits only a small segment of the unemployed and want it dismantled, according to the report.

The press secretary for U.S. Sen. Pat Toomey, R–Pa., did not return a phone message this evening.

Casey said the benefits of the program are extensive.

''In a very tough economy, businesses need help,'' said Casey. ''They need help with the results of unfair foreign competition. We have to compete every day of the week with countries that frankly cheat and make it much more difficult for us to have a level-playing field for folks that are trying to manufacture a product in this difficult environment.''

Casey is urging Congress to renew federal funding for the TAA through 2016 at the stimulus rate adopted back in 2009, which includes coverage to service firms and workers. This enhanced version has recently expired and funding has receded back to pre-stimulus amounts.

According to Casey's press secretary, while there is no official estimate yet for just how much an extension would cost, Casey has pledged to find an offset for the cost so that it will not increase the deficit.

In a recent letter to President Barack Obama, Casey asked the president to consider delaying the consideration of upcoming free trade agreements with South Korea, Panama, and Colombia in order to focus on the American manufacturing industry.

Casey has recently been visiting manufacturing plants across Pennsylvania attempting to rally support to renew funding in the upcoming federal budget for both the TAA and the Manufacturing Extension Partnership.

The MEP is a nationwide network, which works with small to mid-sized manufacturers to help create and sustain jobs, increase profits and provide innovation strategies.

According to the MEP, for every dollar of federally invested money into the partnership, $32 of new sales growth is generated. They also claim that for every $1,570 of federal investment, the MEP is able to create or retain one manufacturing job.

Alongside Casey and DiRenzo was Jack Pfunder of the Bethlehem-based Manufacturers Resource Center.

Jack Pfunder said that with the technical and financial assistance provided by TAA, the manufacturing industry is able to innovate and better prepare itself for a successful future.

''People ask me, 'What is the future of manufacturing in the United States?'' Pfunder said. ''To me it's pretty simple, manufacturing is the future of the United States and it rests with the researchers of innovation like what we're seeing here today at Puritan Products.''

Puritan Products senior vice president Thomas Starner believes it's ''absolutely'' important for a manufacturing company of Puritan Products'' size to receive government funding in this economic climate.

''We don't have the funds internally to do some of these things so getting some government support certainly helps our cause,'' Starner said.

Mr. CASEY. This article talks about a visit I made to a chemical manufacturing plant. The pertinent part of this article speaks volumes about why trade adjustment assistance is so important for firms. I am quoting from a statement made by a gentleman who heads the Manufacturing Resource Center in Bethlehem, PA, Jack Pfunder. Here is a summary of what he said. The article says:

Pfunder said that with technical and financial assistance provided by TAA, the manufacturing industry is able to innovate and better prepare itself for a successful future.

That is someone who is on the ground every day, working on manufacturing issues in Bethlehem, PA. He knows what he is talking about when it comes to the impact of trade adjustment assistance for a firm and in particular for this firm.

Another part of the article talks about one of the vice-presidents at the company I visited, Puritan Products:

Senior vice president Thomas Starnes believes it is 'absolutely' important for a manufacturing company of Puritan Products' size to receive government funding in this economic climate.

I am quoting here from the last line of the article:

We don't have the funds internally to do some of these things so getting some government support certainly helps our cause.

That is one company and the leadership of one company telling us in a very concise way why trade adjustment assistance for firms is vitally needed. I know we are going to have debate about this issue that will be ongoing even after passage of the legislation,

but I rise in opposition to the amendment of Senator MCCAIN, amendment No. 740, and urge all Members of the Senate to continue to support not just trade adjustment assistance for workers but trade adjustment assistance for firms as well, especially in this very difficult economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

CONTINUING RESOLUTIONS

Mr. BINGAMAN. Mr. President, on November 18, exactly a month from now, the current law that permits funding of the government will expire. Something will have to be enacted in its place since it is clear to all of us, I believe, that we will not have passed and sent to the President all of the appropriations bills by that time.

The normal procedure for enacting funding bills is for them to originate in the House of Representatives and be passed there, and then they come to the Senate for consideration and get passed here.

I come to the floor today to urge that before the expiration of the current continuing resolution; that is, before November 18, the House enact and send to the Senate a funding bill which extends funding to the end of the current fiscal year, which is September 30, 2012. My simple point is that, in my view, it is irresponsible for us to continue funding the government just a few weeks at a time.

Already this year, we experienced a near shutdown of the Federal Government in April, a near default on the country's debt in August, a partial shutdown of the Federal Aviation Administration in August, and another near shutdown of the Federal Government 3 weeks ago because of a dispute over disaster funding. These repeated ''Perils of Pauline'' scenarios have understandably shaken the confidence of Americans about their government and, more particularly, about this Congress.

This government-generated uncertainty also has real economic consequences. Federal Reserve Chairman Ben Bernanke said:

> The negotiations that took place over the summer disrupted financial markets and probably the economy as well, and similar events in the future could, over time, seriously jeopardize the willingness of investors around the world to hold U.S. financial assets or to make direct investments in job-creating U.S. businesses.

So these are self-inflicted wounds that the economy can ill afford, and reducing the risk of them occurring in the future would provide a modicum of certainty to businesses in this country and throughout the world.

Congress can readily eliminate the risk of a government shutdown during this fiscal year simply by enacting a full-year continuing resolution. The sad reality is that in recent years the Congress has more and more relied on short-term funding bills or so-called continuing resolutions to keep the government functioning while we try to reach agreement on appropriations levels.

So some would ask, why are the circumstances different this year? They are different for the simple reason that we have already settled on the level of funding for the government. The Budget Control Act of 2011 that was enacted in August set the spending levels for the Federal Government for this year and for each of the next 9 years. These spending levels were passed with large bipartisan majorities in both Chambers. Here in the Senate, the vote was 74 to 26. Therefore, enacting a full-year continuing resolution that sets Federal spending at that level should not be controversial.

We should not have to rehash the debate on spending levels every few months. Adopting a full-year continuing resolution would free up valuable time in Congress to work on other legislation intended to create jobs and to help the economy.

A full-year continuing resolution also allows the government to operate more efficiently than it can under a series of short-term continuing resolutions. Short-term continuing resolutions make it difficult for Federal agencies to enter into construction contracts, such as to build or repair roads, or to enter into long-term supply contracts that are often less expensive than short-term supply contracts. In other words, short-term continuing resolutions delay critical projects and increase the overall cost to taxpayers. Adopting a full-year continuing resolution would address both of these problems.

It is clear that passing a long-term continuing resolution does nothing to preclude Congress from going ahead and passing individual appropriations bills as they are agreed upon. Stan Collender, a respected budget expert, has written about this issue. I will quote from an article he wrote. He said:

> If the tried and true procedure is used, the CR will simply stop applying to the departments and agencies when the separate appropriation is signed. In appropriations-speak, those covered by the individual spending bill will ''disengage'' from the CR.

The only argument I have heard against passing a continuing resolution for the rest of the year is the argument that doing so will take away the pressure on the appropriations committees and the Congress to pass the remaining appropriations bills. That is essentially an argument to force those of us in Congress to do what we ought to do; that is, to pass appropriations bills. In order to do our basic job, do we need to subject the rest of the government and the country to a series of threatened shutdowns? And especially, do we need to do that at a time when we have already agreed on spending levels?

I question this argument. It seems to me that both parties—Democrats and Republicans—and particularly the appropriators both in the House and the Senate have substantial incentive to reach agreement and pass appropriations bills whether a yearlong continuing resolution has been adopted or not. And if it were true that passing a yearlong continuing resolution would lessen the incentive to complete action on appropriations bills, then so be it. To my mind, the benefit from eliminating the threat of a series of government shutdowns far outweighs any disadvantage that might result from failure to pass full appropriations bills.

So, to me, the conclusions are clear. First, we have already as a Congress agreed on spending levels for the current fiscal year. Second, we should make every effort to pass all the appropriations bills reflecting those spending levels as soon as possible. Third, while we are making that effort to pass the appropriations bills, the responsible course is to pass a continuing resolution that extends to the end of the fiscal year. Here is a chance for us to provide at least a modest degree of predictability for the remaining 11 months of this current fiscal year. I believe we owe it to the American people to do just that.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, Americans have a right to know how their government is spending their money. If Congress were more open and honest about where their tax dollars were going, I think they would be shocked by what they would see. It is even worse than people think.

My commitment as ranking member of the Budget Committee is to fight for honest budget practices. I have joined with Senator OLYMPIA SNOWE to introduce the Honest Budget Act, stripping away some of the most outrageous gimmicks that are being used in Congress to advance spending beyond our limits. In fact, I will be filing an amendment today to stop the use of a gimmick called ChiMPs in one of the very bills that is before us this week. We will explain how that leads to improper increases in spending as we go forward.

President Obama is taking his bus tour around the country, riding in his

taxpayer-funded, million-dollar campaign bus, telling people we must raise taxes to prevent dramatic cuts in Federal spending. What the President does not say is how much spending has increased in just the past few years, including through a number of gimmicks, and how much of that money is being improperly spent and wasted.

Indeed, since the President has taken office the first 2 years, we saw a 24-percent increase in nondefense, nonwar discretionary spending—not Social Security, not Medicare, but discretionary spending went up 24 percent at a time when this country has never faced larger deficits.

According to the Congressional Budget Office this fiscal year, Washington set record high spending levels this year despite our debt—$3.6 trillion went out the door and $1.3 trillion of that was borrowed. We spent not less but more than last year, a 4.2-percent increase, but we do not have the money.

My challenge to the President is this: During his next speech, before he calls for higher taxes on American people, would he be able to look them in the eye and tell them he has cleaned up spending here, that Washington is not wasting their money. Would he be able to look them in the eye and tell them their money is being spent wisely and effectively with strict oversight. Would he be able to look them in the eye and tell them he is reducing spending, not increasing it.

I fear the answer is no. I fear any increase in tax rates will amount to nothing more than a bailout for the big spenders here and an incentive to continue business as usual, an excuse to avoid the hard choices that are being made by families all over America when their incomes are down, by cities and counties and States all over this country making the kind of tough choices that eventually will help them be a more productive institution for the taxpayers.

Let's consider the situation in the Congress. The Senate Democratic majority has not had a budget plan for over 900 days. Indeed, Sunday was the 900th day this Congress has gone without a budget. The Republican House has produced a historic, effective budget that would change the debt trajectory of our country in a positive way. It would not do everything that needs to be done, but it is a significant, positive historic step. The Senate? Nothing.

Hard to remove waste from a budget when we do not even put together a budget plan. We should bring these spending appropriations bills that we have on the floor now through the regular order one at a time, not three at a time, trying to find savings in each and every one of them every place we can. We owe it to the people who send us their tax money that we disburse up here. Cramming three bills through in one is no way to run this government.

We, I suppose, are supposed to thank Majority Leader REID for allowing us to have some amendments on this bill because we have only three appropriations bill in one, rather than all of them in a superomnibus, as we have been having. There is time to move these bills through the Congress. Our leadership would tell us there is not. We have not done much at all this year. We could have passed a budget. We could have been moving appropriations bills long before now, one at a time, brought forth under a full amendment process, under strict scrutiny, with every possible effort to see what we can do to fulfill our responsibilities without running up the debt.

I would ask, how can my friends on the other side of the aisle ask anyone to pay more in taxes when they are not even willing to comply with the Congressional Budget Act and produce a budget plan in the regular order? Washington asking for more tax revenue is akin to an alcoholic asking for more cash before a trip to the liquor store. Even if the alcoholic asks a millionaire for the cash, it does not change the fact that the money is not being wisely used. For example, just a few weeks ago, we learned that lawyers at the Department of Justice went to a conference where they were billed $16 apiece for muffins. We all know about the $½ billion loan guarantee to the now bankrupt Solyndra—yet another big business ally of the White House.

President Obama has coined the term the ''Buffet Rule'' in his push to raise taxes. The rule relies on a little sleight of hand, since Buffett pays mostly a capital gains tax. The upper brackets, as we all know, pay the highest income tax rates. That is how our system works. But this debate about taxes is a little premature.

That is why I would like to suggest something called the ''Solyndra Rule.'' Under this rule, before any proposals are offered to raise any taxes, we first put an end to wasteful and inappropriate spending in Washington. Until we do, raising tax rates only funds Washington's continuing abuse of all American taxpayers.

But the waste is not limited to headline-grabbing controversies. It is pervasive throughout, I am afraid, virtually every aspect of our government. The Food Stamp Program, now called the Supplemental Nutrition Assistance Program, is the largest item in the agricultural budget.

In the appropriations bill before us this week, the Democratic majority would propose to increase this by 9 billion, a 14-percent increase for fiscal year 2012. This $9 billion increase in funding over last year's level would amount to a quadrupling since 2001. In fact, food stamp appropriations have nearly doubled since President Obama took office.

Eleven million more Americans are on food stamps now than when the President took office. The size of the benefit has increased 31 percent since 2008. When the Food Stamp Program was expanded nationally in the 1970s, food stamps were used by 2 percent of the population. At the beginning of the last decade, they were used by 6 percent of the population. Today, that figure has risen to 13 percent—one in eight Americans. This sevenfold increase in food stamp usage demands honest examination. It is time to look under the hood of this program. What is going on?

A recent article in the Milwaukee Journal Sentinel reported that Wisconsin food stamp recipients routinely sell their benefit cards on Facebook. The investigation also found that ''prosecutors have simply stopped prosecuting the vast majority of [food stamp] fraud cases in virtually all counties, including the one with the most recipients, Milwaukee.''

In Michigan, a $2 million lottery winner continued to receive food stamps because his winnings were counted as an asset and not income. I kid you not. Apparently, he asked about it and they said it is not income, it is an asset, and you don't count assets. But you are supposed to.

Eligibility standards have been loosened across the board. People are getting food stamps that don't fit the program's requirements. We have always had a problem with this program. As a Federal prosecutor, an assistant U.S. attorney for almost 15 years, I personally prosecuted fraud in the Food Stamp Program. They were used as currency among drug dealers in many areas of our country. There are all kinds of problems. We have done little or nothing about it—nothing about it. One glaring example is something called categorical eligibility. This basically means that even if your level of wealth would ordinarily make a person ineligible for the benefit, those assets are not examined and they will still get food stamps simply because they have used another government program. So if they use another program, they can qualify for it.

In one State, they have included information for a pregnancy hotline—in other words, if a person uses a pregnancy hotline, apparently, their assets are overlooked and they can qualify for food stamps. They automatically become eligible for it. In many States, all that is needed to become food stamp eligible is to be mailed a brochure by the government—again, regardless of the assets the individual might have.

The amendment I am filing today would eliminate categorical eligibility. Only those people eligible under food stamp requirements would be eligible to receive the benefit.

It is too much to ask of an applicant for benefits who is worth thousands of dollars to file an application, under oath, that assures that the person is truly in need and truly qualifies under the law to receive a benefit paid for by the taxpayers of this country. Is that too much to ask?

The second amendment I will be offering today would set next year's food stamp funding at the same level the House of Representatives passed. Eliminating the proposed $9 billion increase would amount to nearly $100 billion in savings over the next 10 years in the Food Stamp Program assuming no further increases in the program.

By the way, I just met an Alabaman who is familiar with the Alabama harbors and the waterway system. That program totally, nationally, comes in at less than $½ billion. We have had three ships run aground in recent months because we didn't have the money to do the dredging—a few million dollars. This is talking about saving $9 billion a year; $1 billion is $9,000 million—when just a few hundred million dollars would fix our waterways and harbors all over the country. One-half billion dollars would double the current waterway bill in the entire United States of America.

So surely Members on both sides of the aisle can agree we need to be focused on making the program more effective before we increase it beyond the 100-percent growth it has experienced already.

The greatest danger our economy faces, in my opinion—and I believe that from experts from whom we have had testimony in the Budget Committee—is that the cloud the debt places over our economy is endangering it, costing economic growth, and costing jobs this very minute. The first thing we need to do is see if we can't reduce that debt without raising more taxes on a weakened economy. That is the first responsibility, I believe.

Under the President's leadership, the deficits have increased dramatically each year. No one can deny that. Meanwhile, the President's stimulus plans have resulted in not less but more unemployment, actually.

To restore prosperity, we need an honest, concrete budget plan that restores confidence, ends waste, and creates private sector growth. Such a plan must reduce the deficit, the experts tell us, by at least $4 trillion over the next 10 years.

If our committee of 12 reaches the agreement they have been asked to reach, they would, in effect, reduce the projected deficit increase by $2.4 trillion. But the experts tell us we need to reduce it by $4 trillion. It is bipartisan. Erskine Bowles, who was appointed by President Obama to head his debt commission, said $4 trillion. Mr. Zandi, who has been advising the Democratic majority and who testified in the Budget Committee a couple weeks ago, said you have to have $4 trillion in reduced spending and reduced deficit.

We are not getting there. We are not doing the things necessary. I truly believe that we are still in denial in this Congress. We have not realized how serious the threat is and some of the things we are going to have to do. Business as usual cannot continue.

I hope that, as we go forward with this legislation, we will get some votes that can actually begin to reduce spending in a number of areas. I hope that, during the course of this debate, the people of the United States will begin to focus on what is happening in their Congress and hold us all accountable, make sure we are managing their money effectively. If we do that, we might surprise ourselves—indeed, we would surprise ourselves on how much could be accomplished in one decade of sustained, smart effort to eliminate waste, fraud, and abuse, to focus on our spending that can be contained.

The defense budget has to tighten its budget, no doubt about it. But you cannot balance the budget all on the Defense Department. Their budget makes up less than half the deficits this year. Our deficit this year will be about $1.3 trillion. The defense budget is about $529 billion. It is way less than half of it. We have to do it across the board in programs not being run well, that are surging out of control, such as food stamps. They need to be brought into control.

We may not have enough money for the highway bill. It is about $40 billion. We are now spending twice that on food stamps, having quadrupled it in one decade.

I say to my colleagues, we need to get serious about spending. I believe we can do better and we can surprise ourselves if we make a firm determination to do better. I look forward to offering amendments that will help us get there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

TEACHERS AND FIRST RESPONDERS BACK TO WORK ACT

Mr. BLUMENTHAL. Mr. President, I agree with my colleague from Alabama that the Senate can no longer deal with serious issues relating to economic and national security as if we were doing business as usual.

I have slightly different views—in some instances, radically different views—but I hope, on the issue I will discuss, we can come together on a bipartisan basis in support of the Teachers and First Responders Back to Work Act, which I am cosponsoring. I hope for a bipartisan support because this bill should be about as far from a partisan issue as can be.

I hope we can all agree that what America needs, at this moment in our history, is policies that put America back to work and help to protect and create jobs. We need to put Connecticut back to work and every State in our Union, with policies that favor not just our national security and make us safer and more secure but also invest in our workforce for the future. There is no better place to start than with teachers and first responders.

Funding these professional areas is much more than an immediate need; it is a commonsense solution and a national priority in promoting safe and secure communities and a highly educated workforce.

We all know the numbers. Tens of thousands of jobs—300,000 jobs, to be more precise, in our schools have been lost due to budget cuts in the last few years. In Connecticut alone, 3,600 jobs have been lost in our schools.

Those numbers are not just abstract, speculative statistics; each of them attests to an individual whose potential creativity in the classroom and possible contribution to our young people has been lost. It attests to the loss of individualized attention to students at a critical point in their lives, when they need that kind of care. Every one of them means that an educator—probably another educator—is stretched further, burdened more in the capacity to provide a positive learning environment for our kids.

The teachers that would be supported by this bill are not numbers, not statistics; they are vital to our most precious resource, our children. This bill is not about only their fate, it is about our children. It is about the quality of their learning, and it is about the quality of our future workforce in this Nation.

When manufacturers tell us, as we go home, they need people with the skills to match jobs that exist now or will be created in the future, this measure will help to provide them with the workforce they need and deserve to make things in America and to make sure America is competitive in the world economy. This measure meets our most urgent priorities—our children, our competitiveness in the world, and our security and safety in our communities.

We all know that fiscal challenges have forced our towns and cities to make cuts to the bone, cuts to programs that are fundamental and essential to our schools and also to our first responders. This bill is, in a sense, an emergency response—a first response—to those needs, because if we fail to meet this challenge, the lives of our children will be changed forever. The lives of children in Connecticut, affected by those 3,600 laid-off teachers, will be diminished and degraded forever by the loss of classes and tutoring that will be ended.

Our first responders need this bill as much as our teachers, and not just our first responders, but the people they serve. Every day we urge our children to follow their example, their integrity, their commitment, their service. Yet as budgets have been cut, we have been all too willing to cut the first responders, who should be the last to be subject to budget cuts. This approach not only weakens our economy, it weakens the safety of our neighborhoods and our communities. This bill is just common sense. It is about putting first responders back on their routes, back in their emergency vehicles, and back in their jobs where they belong.

The numbers are not sufficient to tell the whole story, but those numbers are staggering. This bill will invest $30 billion to support State and local jobs which otherwise would be lost. These efforts to retrain, rehire, and recruit

good people for these jobs in Connecticut and around the country are absolutely essential. Connecticut had a budget shortfall of $2.9 billion as a result of this fiscal crisis. We have been forced to slash funding for programs, and the 3,600 teaching jobs lost in Connecticut will take their toll in the form of a slowed recovery and an extended downturn.

The Teachers and First Responders Back to Work Act will provide Connecticut with an additional $336 million to support 3,800 positions that are essential to our children and the safety of our communities. This money will give a boost to the State's economy and improve education. And we know—it is undeniable—that we need these positions in Connecticut and we need them in the country. America needs to get back to work, and we know that teachers and first responders are the right place to begin.

Let me close by saying, as I go around my State, what people tell me—and they are not politicians; some of them could be not less interested in politics—they are concerned that classes are canceled, that teams are uncoached, that music and arts programs are ending, and that their students are untutored. They want action. They want decisions from this body. We have an obligation to meet those needs and to provide this response for teachers and first responders, and I urge that we do so on a bipartisan basis in an effort that is fully funded.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

BANNING TOBACCO PRODUCTS

Mr. DURBIN. Mr. President, tomorrow night we expect 15 million Americans—including a lot of children—to tune in to watch the first game of the World Series. It is a big deal for a lot of people and a lot of families. We watch our heroes in the championship of that great American sport of baseball. There are many fans on both sides, of course, with Texas and St. Louis facing off. I know where Senator BLUNT will be—rooting for his Cardinals—and I will be joining him in that effort. It will be a great contest and we look forward to it.

But I want to raise another issue related to baseball, which several of my colleagues joined in today, in a letter we sent to Major League Baseball and to the players association. Senators LAUTENBERG, HARKIN, BLUMENTHAL, and I today called on the Major League Baseball Players Association to ban the use of all tobacco products, including smokeless tobacco, on the field, in the dugout, and in the locker rooms at all Major League Baseball venues.

You see, unfortunately, among those 15 million fans are a lot of children who watch every move their heroes on the diamond make. And as they watch them, they undoubtedly note that little puff in the lip, the can in the pocket, and they think that is part of being a great baseball player. They decide they too want to be great baseball players, and so they imitate the conduct of those Major League Baseball players.

The 2009 National Youth Risk Behavior Survey found the use of smokeless tobacco products has increased by 36 percent among high school boys since 2003, and the proportion of high school boys using smokeless tobacco is now an alarming 15 percent of all high school boys in America.

It is no wonder tobacco companies spend millions on advertisements tailored to attract young people to use tobacco products. The industry more than doubled its marketing for smokeless products between 2005 and 2008 to a record $547.9 million. The letter we sent points out that Major League Baseball players who use smokeless tobacco at games are providing celebrity endorsements for those tobacco products which encourage many young people to take up smokeless tobacco. It is a dangerous product. We know every year tobacco kills 443,000 Americans, most of whom started their tobacco addiction as teenagers. The Surgeon General, the Centers for Disease Control and Prevention, and the National Cancer Institute have concluded that smokeless tobacco causes cancers of the stomach, larynx, and esophagus; oral cancers—which can result in disfiguring surgery—and pancreatic cancer, one of the deadliest forms of cancer. The use of smokeless tobacco is linked to cardiovascular disease, gum disease, tooth decay, and mouth lesions.

This is a battle I have been engaged in for a long time. I started battling the tobacco companies over smoking on airplanes over 25 years ago. I won that battle. I didn't know at the time, but that victory, fought with my colleague Senator LAUTENBERG, was a tipping point in America. From that point forward, people started asking questions. If it is not safe to smoke tobacco in an airplane, why is it safe on a train, a bus, in an office, in school, or in a hospital? One by one those opportunities to smoke in those places started to close up.

People today find it incredible—in fact, many young people still can't believe it—that we allowed people to smoke on an airplane, but many of us remember it well. America has changed. But when it comes to smokeless tobacco, I am calling on Major League Baseball and the players association to be part of a positive change on behalf of their young fans. Let them set an example in their negotiations with Major League Baseball owners to eliminate tobacco from the baseball field, the dugout, and all aspects of the game of baseball. That would be a great message. It would not only show responsible conduct on the part of the baseball players, but it would show their fans how much they love them that they are willing to make an extra sacrifice to protect them from the dangers of smokeless tobacco.

It is not a new battle. I have been involved in this before, and I have called on Major League Baseball before. I can tell you that Bud Selig is strongly in favor of what I am asking for. I talked to him on the phone just a few weeks ago. But it really comes down to this negotiation—the contract between the players and the owners—and usually it becomes a bargaining chip at the table.

Let's not let the health and safety of young baseball fans across America be a bargaining chip between the Major League players and the owners. Let's win one for the kids across America. I hope the Major League Baseball players will show the leadership, which I know they can show, and eliminate smokeless tobacco from the game of baseball and really give our kids across America—the greatest baseball fans in the world—the help they need to avoid this deadly habit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 740

Ms. MIKULSKI. Mr. President, I rise to oppose a pending amendment, the amendment offered by the Senator from Arizona, Mr. MCCAIN, and that is amendment No. 740.

This amendment would eliminate any funding under the Economic Development Administration for trade adjustment assistance. Trade adjustment assistance, under the Economic Development Administration, is $15.8 million. This amendment would stop EDA from implementing the TAA for something called the firms program, which was just reauthorized last week by the Senate.

The Trade Adjustment Assistance for Firms Program is the only program specifically designed to help small manufacturers hurt by import competition. Let me emphasize. It is the little guys. It is the machine tool shop. It is the small to medium-sized business that we go ''hoorah, hoorah'' for in the Senate all of the time. But when it comes to helping them when they have been hurt by trade imports or their intellectual property has been stolen, we are not going to give them help.

I oppose this amendment.

The Economic Development Administration is in the Commerce-Justice-Science Subcommittee. It was reauthorized by the Senate. Under the bill that was passed, it would have provided technical assistance and matching Federal funds to help develop and implement a plan to help them get back on

their feet. It is a competitive grant program, and the largest grant is $75,000.

The trade adjustment assistance for something called the firms program was created back in 1974, under Gerald Ford, to help small businesses and small manufacturers adjust to increased imports and increased international competition. The 2011 trade adjustment assistance bill passed last week authorized this program at $16 million and said the EDA should manage it. The CJS follows the authorizing direction, as we should.

The Trade Adjustment Assistance for Firms Program, for small businesses, helps them adjust, retool, and stay competitive in an increasingly global economy. In 2010, this program enabled 330 firms to devise strategies to help get back on track. What did it help them do? It helped them identify new markets, improve efficiencies in their operation, and also helped them identify additional financing. Ninety-eight percent of the companies that participated are still in business after 5 years. Without the TAA for Firms Program, many of these companies would be out of business.

Since 2006, it is estimated that over 50,000 manufacturing jobs were saved because of this. Manufacturing is the backbone of America. One of the reasons we are in the economic turmoil we are in now is that we have lost so much manufacturing. We give all kinds of tax breaks to send jobs overseas. We also do bailouts to help the really big boys, such as the automobile industry. And we had to help them. I understand that. But these small to medium-sized businesses, some of which I have visited in my own State, need this kind of help when they are whacked by often subsidized imports. Many Maryland companies know how to compete with other companies, but they often feel they are competing with other countries. They know what to do, and we need to be able to help them do it. Trade adjustment assistance is important. If we don't invest in helping our manufacturers stay in the global game, we are going to lose out. So we would hope that we would defeat the McCain amendment.

During the Senate consideration of the trade adjustment bill, our colleague, the other Senator from Arizona, offered an amendment to strike the program then. It failed 43 to 54. I hope this amendment fails again. Let's use some of the Federal help to help those who are creating jobs. If we really want to talk about creating jobs and creating jobs in manufacturing, let's leave this program—modest, small. For $15 million, we could really help small businesses and medium-sized businesses learn how to get back on their feet after they have been whacked often by unfair and anticompetitive trade practices.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 739

Mr. MCCAIN. If it is agreeable to the managers, I will discuss two of my amendments—one, the amendment to prohibit the use of transportation enhancement grants to fund certain projects, and the other, No. 740, to eliminate funding for trade adjustment assistance for firms.

Is that agreeable?

I thank the Senator from Maryland.

First, I would like to talk about the amendment that would remedy the misplaced priorities of Congress by focusing valuable transportation dollars on improving our Nation's crumbling infrastructure.

Under current law, 10 percent of funding provided from the Surface Transportation Program must be used for transportation enhancement activities. Let me make it clear. When you pay your tax on a gallon of gasoline and send it to Washington, 10 percent—10 cents out of every one of those dollars—has to be used for transportation enhancement activities. If the State's priority is to rebuild a bridge, 10 percent of it has to go to transportation enhancement, but if the State's priority is to build a new freeway, then too bad—10 cents out of every dollar still must be spent on ''transportation enhancement activities,'' such as transportation museums like the Corvette Museum in Kentucky, the White Squirrel Sanctuary in Tennessee, landscaping along Las Vegas highways, walkways, and bike paths, and other activities. Many of these programs may be valuable, and they could be valuable, but rather than a mandated 10 percent be used for those purposes, shouldn't the States and the local authorities be the ones to make those decisions if they think the money could be better spent on other priorities rather than we here in Congress mandating that 10 percent should be used for transportation enhancement activities?

Everybody knows and the President has spoken eloquently about our Nation's highways, roads, and bridges that are crumbling and in need of repair. So it doesn't make sense to mandate any Federal dollars to something other than those, especially since the priorities of the State and local governments may be very different.

The amendment would prohibit funding in the bill for 7 of the 12 transportation enhancement activities. Specifically, funding would be prohibited for scenic or historic highway programs, including tourist and welcome centers, landscaping and scenic beautification, historic preservation, rehabilitation, and operation of historic transportation building structures or facilities, control and removal of outdoor advertising, archeological planning and research, and establishment of transportation museums. I will be the first to say some of those are good programs. Some of those may be necessary. But none of them need to be mandated.

This amendment does not prohibit funding for pedestrian and bicycle facilities, pedestrian and bicycle safety and education activities, conversion of abandoned railway corridors to trails, environmental mitigation of highway runoff pollution, reducing vehicle-caused wildlife mortality, maintaining habitat connectivity, and acquisition of scenic easements and scenic or historic sites. Frankly, I would like to see it all eliminated, but I can understand an argument for the five that are not included in this amendment.

We are talking about real money. According to the Department of Transportation, almost $1 billion was slated for transportation enhancement funds in 2011. Since 1992, more than $12 billion has gone to these programs. My colleagues can argue that these are important. I argue that it makes more sense to stop forcing States to spend this money on flowers and museums and allow them to spend it on 146,633 deficient bridges in this country. My home State of Arizona alone has 903 deficient bridges. If the State of Arizona should want that money spent to repair bridges, it seems to me they should be allowed their priorities rather than 10 percent of it being mandated for any purpose, much less those seven that are outlined in the amendment.

We know what the debt is—$14.8 trillion. We have to spend our money in a fiscally responsible manner and not on special interest projects. For example, the State of Tennessee has more than 3,800 deficient bridges. Because of this Federal mandate, however, States are forced to spend valuable and limited transportation dollars on transportation enhancement projects such as the White Squirrel Sanctuary in Kenton, TN. Kenton, the home of the white squirrel, has spent $269,404 on the sanctuary. The funding for the White Squirrel Sanctuary was used for construction of walking trails, including brick crosswalks, a foot bridge, and trailhead parking within Kenton to provide for the safe observation of white squirrels.

The Lincoln Highway, a 200-mile roadside museum in Pennsylvania, received $300,000 in enhancement funding to commemorate the historical roadway with several items along the 200-mile route. These funds were used for items such as signs, ''colorful vintage gas pumps painted by local artists,'' and this refurbished coffee pot pictured on this poster board. Meanwhile, Pennsylvania ranks first out of all States for deficient bridges. Yet it seems to be more important to furbish large roadside coffee pots.

Instead of spending money on fixing California's 7,091 deficient bridges, federally mandated tax dollars were spent on antique bike collections, a dragon gateway, and a sculpture for a parking lot in Laguna Beach. Specifically, the University of California received $440,000 to purchase and display 60 antique bikes for its bicycle museum collection. Los Angeles spent $250,000 to aid in the construction of the Twin Dragons Gateway entrance to the Chinatown area.

The National Corvette Museum in Kentucky received $198,000 to build a national Corvette museum simulator theater, while over 1,300 bridges in Kentucky are deficient and 3,000 are functionally obsolete, meaning they do not meet current design standards.

I must say, in the interest of full disclosure, I have a special feeling for the Corvette. My first means of transportation on graduation from the Naval Academy was a modest model of the Corvette, and I almost wanted to take this out. But since a national Corvette museum simulator theater has very little to do with transportation enhancement, I felt compelled to add this.

Nevada spent millions of Federal transportation dollars to make Vegas's highways beautiful. In 2008, Nevada received $2.6 billion in transportation grants. Instead of spending money on road upgrades or repairing 804 deficient bridges, the money was used for landscaping projects, for instance $498,750 went for ''decorative rocks, native plants, some pavement graphics, a few walls and some great big granite boulders'' to beautify an interchange to Las Vegas's 215 Beltway.

I think it is a very beautiful boulder.

Nevada also spent $319,000 on more landscaping projects that included more rocks and more plants on a highway beautification project only a few miles down the road.

Let me say again, I think highway beautification projects are very important. When local and State officials wanted to have that kind of beautification along many of the freeways in my State, we planted cactus and bougainvillea and others. I think that is wonderful. But the fact is, when we have bridges that are actually dangerous for our constituents to use, then obviously we have to make some prioritization. As I mentioned, local officials who discussed the projects were quoted as saying—I am talking about the Nevada graphics and big, giant boulders and rocks—''We applied for the Federal enhancement dollars and those can only be used for landscaping and pedestrian-type improvements.'' In other words, local officials in Nevada said they had no choice as to what to spend the money on.

In addition, the N-DOT Nevada transportation deputy director for southern Nevada was quoted as saying: ''It's really getting out of hand to where these pots of money have those constraints associated with them and you can't spend money where you want to.''

Florida spent $3.4 million of stimulus transportation enhancement funding for a wildlife ecopassage. The wildlife crosswalk will be used by turtles and other animals that live in Lake Jackson, FL. The turtle tunnel will consist of a series of fences that will direct all the animal traffic to a 13-foot tunnel that will go under the road. Even though Florida has received millions in stimulus funds for the tunnel, the permanent ecopassage is only in the design stage and is not fully funded. It needs $6 million more, and it is unclear how long it will take to get the project built. Meanwhile, Florida has over 1,800 bridges in need of repair or improvements.

Other examples of wasteful and unnecessary mandated transportation enhancement projects include: $400,000 for a Pennsylvania trolley museum; $23 million for a Tennessee bicentennial history memorial; $234,000 for an Art Walk in Vermont; $160,000 for a Roman bathhouse renovation in West Virginia; $500,000 for the renovation of the Toledo Harbor Lighthouse in Ohio; $150,000 for a salamander crossing in Vermont; $1 million for the North Carolina Transportation Museum; $78,000 for a railroad caboose relocation and renovation; $210,790 for the Merchant and Drovers Tavern Museum in New Jersey; $40,000 spent on a new town sign in Iowa; $216,000 for fencing around oil wells in Oklahoma; $500,000 for a Santa Ana train station mural; $120,000 to restore Crandall Farm in Rhode Island; $44,500 on welcome signs in South Carolina; $150,000 to print and produce brochures on landscaping and replace a brochure display case in Kansas; $3 million on landscaping and a pedestrian walkway at the Indiana State Fairgrounds.

So here we are with $1 billion spent just last year, more than $12 billion gone since 1992, and the numbers go up. I hope my colleagues will vote to find it necessary that these kinds of funding would be prohibited for the programs such as I have outlined.

I have to be honest with my colleagues. If I had my way, about 80 cents out of every $1 in gas taxes would stay in my home State of Arizona and in every State of America where it is collected and then we would let the Governors and city councils and mayors and county authorities make the decisions as to what that money should be spent on.

I remind my colleagues that we enacted the gas tax during the Eisenhower administration in order to build a national highway system. Long ago, the National Highway System was completed. Yet the money still goes from our citizens directly to the Federal Government, when it should be going to the States to make the decisions which they can make best. I doubt if many State authorities would have made the decisions such as I have just described there. I also believe a lot of the authorities and officials in various States would agree with the deputy director of the Nevada Department of Transportation, director for southern Nevada, who was quoted as saying:

It is really getting out of hand to where these pots of money have these constraints associated with them and you can't spend money where you want to.

I hope my colleagues will vote in favor of that amendment.

AMENDMENT NO. 740

Madam President, according to a previous agreement, I will discuss amendment No. 740, which is to eliminate funding for trade adjustment assistance for firms—I emphasize for firms. Again, in the interests of full disclosure, I believe trade adjustment assistance is a compromise that was made back under President Clinton's administration, when certain free-trade agreements, specifically as I recall NAFTA, was agreed to. The Trade Adjustment Assistance Program was set up for individuals who would be adversely affected as a result of the enactment of free-trade agreements.

We would not have enacted the free-trade agreements if we did not believe that the overwhelming effect of free-trade agreements would be beneficial to business in the United States and would result in hiring and jobs and a better economy. But I also understand there may be individuals in specific cases where these free-trade agreements hurt the businesses in certain places in the country.

I must say I opposed the increase in the trade adjustment assistance which was part of the deal made in order to ensure passage of the three free-trade agreements that were just concluded in this body a short time ago—the free-trade agreements with South Korea, Colombia, and Panama. But I do believe there are some aspects of this program we should examine more carefully.

The TAA for Firms Program provides matching grants of up to $75,000 to firms that have been impacted by trade so the firms can hire private sector consultants to help them become competitive. The program is administered through a network of regional nonprofit trade adjustment assistance centers that are chosen noncompetitively. It is my experience that wherever the Federal Government abandons competition, the American taxpayer usually loses. These TAACs have been known to charge exorbitant overhead rates of 60 percent of grant funding, and the Government Accountability Office has questioned the program's effectiveness and administrative costs. According to the President, this President, this administration sent over a termination list with its fiscal year 2012 budget. According to the President's own proposal in his own fiscal year 2012 budget: ''The Administration proposes to eliminate the Economic Development Administration Trade Adjustment Assistance for Firms program.''

That is not the proposal of the Senator from Arizona, although it is in this amendment. It is the proposal of the President of the United States. I think it would be hard for my colleagues on the other side of the aisle to argue he is insensitive to the plight of firms and individuals and companies that are affected by free-trade agreements.

According to the President's termination list, a message he sent over to Congress, the justification goes on to say: ''The Administration believes that

it would be more effective to concentrate EDA's resources on public investments in infrastructure and institutions that promote innovation and entrepreneurship.''

The inclusion of this program in the President's termination list is strong evidence we should no longer be funding the program. It also begs the question: Why are we choosing to spend almost $16 million on a program we don't need and has consistently had its effectiveness questioned? This is money we don't have and don't need to spend.

As I said before, I have always been skeptical of trade adjustment assistance and similar programs such as this one for firms. I believe these programs are potential vehicles for government waste, where market interference unfairly puts the government in the position of choosing winners and losers. I believe the evidence stating that trade adjustment assistance and similar programs achieve their goals is suspect as well.

That fight is over, at least for the time being. But I might add there are still many questions about the TAA Program. We need to analyze whether the TAA Program is doing what it was intended to do. The following are some of the questions and concerns we should consider.

Does the TAA Program provide overly generous benefits to a narrow population? According to analysis from the Heritage Foundation, based on statistics from the Bureau of Labor Statistics, in the third quarter of fiscal year 2009, only 1 percent of mass layoffs were a result of import competition of overseas relocation.

Another question: Is there evidence that trade adjustment assistance benefits and training helped increase participants earnings? An analysis by Professor Kara M. Reynolds of American University found ''little evidence that it (TAA) helps displaced workers find new, well-paying employment opportunities.'' In fact, TAA participants experienced a wage loss of 10 percent.

The same study found that in 2007 the Federal Government appropriated $855.1 million to TAA programs. Of this amount, funding for training programs accounted for only 25 percent.

In 2007, the Office of Management and Budget rated the TAA Program as ''ineffective.'' The OMB found that the TAA Program fails to use tax dollars effectively because, among other reasons, the program has failed to demonstrate the cost-effectiveness of achieving its goals. The American people are hurting. Unemployment remains at unacceptable levels and is estimated to continue to grow. We need to cut unnecessary spending, such as this program, at a time when our national debt has reached this unsustainable level. The American people face painful choices about how to cut our Federal budget.

I wish to conclude again by saying I don't believe the trade adjustment is a viable program. I also understand what was decided by both sides of the House, with the support of some of my Republican colleagues, that trade adjustment was the price for passage of the three trade agreements that have been signed by the President of the United States. I think, in this case on this particular program, where the President of the United States has asked for its termination because of its ineffectiveness and its—and I believe it would be more effective to concentrate these resources on public investment in infrastructure and institutions that promote innovation and entrepreneurship—I hope we would abide by the recommendation of the President of the United States with whom, as my colleagues know, I am not always in total agreement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. I wished to respond to my colleague from Arizona on a couple points. I rise in opposition to his amendment. I think there is a lot we agree on, based on the remarks he gave about making sure the program works and is efficient and delivers results for taxpayers. I don't agree with eliminating the program in this case.

I appreciate the words he said about trade adjustment assistance and his recognition that workers are going through a tough time right now. This amendment is a disagreement about what we do about firms. In this case, it is pretty simple. We have trade adjustment assistance that helps individual workers, and I think there is a lot of agreement on that. This particular program is about individual companies. Basically, what we are talking about is 265 firms in the country. The average quantum of assistance is a little more than $62,000 per firm. Part of that is as simple as having an expert come into a company—because of foreign competition and I would say unfair foreign competition—and helping them with their process, being able to produce a product in a more efficient way, changing an assembly line or giving advice in a way that a company is not able to figure out on its own. It provides that technical assistance.

The other part about this is, it is an effort to make sure these firms can better compete in a very tough environment, frankly, that has often been undermined by trade agreements. That is my perspective. I know some don't share that.

The other number I would point to, in terms of the effectiveness of the program, is that 90 percent of the companies that received this trade adjustment assistance help for their technical assistance or otherwise are in business more than 5 years later. So I would debate the question about the effectiveness. It is the same spirit or the same belief that underlies trade adjustment itself. When a worker is thrown out of a job because of unfair foreign competition or the ravages of a tough economy, we say to that worker we are going to retrain them to get them back into the workforce and that is the purpose of the worker part of this.

The same is true of a company. Sometimes a company gets its legs knocked out from under it in a bad economy, and we say we will have a program to allow an expert to come in and help them get through this period. It is not unlimited. There is a limited amount of money available nationally for those 265 firms. I think there is a lot of agreement about a basic disagreement about the need for a particular Trade Adjustment Assistance Program for the companies.

I would respectfully rise in opposition to the amendment of my friend from Arizona.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Pennsylvania, and I will be very brief.

The President of the United States weighed in heavily in favor of renewal and even expansion of the Trade Adjustment Assistance Program. This amendment only applies to portions of the Trade Adjustment Assistance Program that the President and the administration specifically pointed out as being ineffective and sent over as a program for which they recommended termination. I hope my colleagues are not confused that this is an attack on an amendment which would destroy TAA. It would not. It only focuses very narrowly on the trade portion of the Trade Adjustment Assistance Program that the President and the administration pointed to as being ineffective and a program they requested be terminated. Frankly, I don't think it would have a dramatic effect on the entire Trade Adjustment Assistance Program, I am sorry to say.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ALASKA DAY

Mr. BEGICH. I first wish to say I know my colleague from Alaska was on the floor talking. Today is Alaska Day. It was a great day for our country when the final transfer from Russia to the United States resulted in the great State of Alaska, which has incredible resources from which this country has benefited. I want to wish all the people back home a great Alaska Day.

AMENDMENT NO. 739

I came down to the floor because I know my friend from Arizona, Senator MCCAIN, has offered an amendment on elimination of transportation enhancements. Let me speak about two parts.

One, as a former mayor who dealt with this issue over and over but also as someone whose family has been in the business industry and understands the power of a great community and what it can do for the long-term economic health of the community when the infrastructure is designed and built right and also someone who was in the real estate industry.

First, as a former mayor, we debated these issues a great deal on transportation enhancements. I know there will be issues at times, and it doesn't matter if it is this program or the Defense Department or Interior Department, I can name any department over the years that has had issues that have come up that have not had the most appropriate expenditure of the dollar. When we look at transportation enhancements, they are an incredible asset. I will tell you, from the aspect of Alaska and having served as the mayor of Anchorage for 5½ years, we built more roads than the last three mayors combined. In 5 years, we built a ton of roads to enhance our communities. But the roads of the 1950s and 1960s are no longer the viable roads of the future.

In the old days, they built them, paved them, maybe put a curb on, maybe a sidewalk, and that would be considered the road, the transportation network. Things have changed quite a bit. The roads we built in Anchorage not only had the curb, the sidewalk, the transportation enhancements, the landscaping that goes along with it—because when we put all of that into play, the net result is we get a better transportation network. One can utilize it, as we have done with a couple roads in our neighborhoods, to slow down traffic so they will not be a danger to the children within the zone. In the case of some, where we built pedestrian multi-use trails—which I can point to several within our own area when I was mayor in Anchorage—where these trails became huge enhancements for the neighborhood but also to our visitors.

When the visitors came and spent money on our economy, maybe they went to a place to visit or they went out fishing, but maybe they came back and went out after dinner to take a walk. These trails that were well designed and landscaped properly would be another experience they would see and feel and take back to their home and hometown.

This amendment Senator MCCAIN has brought forward is opposed by not only the U.S. Conference of Mayors but the National Tour Association, the U.S. Travel Association, the Southeastern Tourism Society, and many others are growing on the list because they see not only the value for improving the road infrastructure, but they see the value of attracting quality of life that makes the property values better around these enhancements, the tourism that comes along with it, and the value of economic development. I think there is just a lack of understanding by some Members because they like to pick one or two—and I would agree we have to constantly review these programs to make sure they are used for the right purposes. In this case, I will tell you—and I can show you project after project in Alaska where we saw a great value. It could be the Water Street improvements in Ketchikan, which during my time in the Senate in the last 2½ years, I have seen that development change the Front Street of their community; the Kenai River Trail improvements—which many people know the great Kenai River has incredible fishing for salmon—to ensure that the trails are safe.

Why do we want the trails improved? If people are crawling over the banks, they deteriorate the banks, they create erosion and they destroy the habitat and destroy the great Salmon Creek. In Anchorage, where we improved Ship Creek with the same kinds of enhancements, why did we do that? Again, to make it safer for the pedestrians who viewed it and also to ensure that the $600 million fishery that was and is in Anchorage would thrive because we are not damaging the habitat.

I can go on and on about project after project, where we saw great improvement of the road projects. I know some will believe the road projects are asphalt and maybe a little drain and that is it. I can tell you, from putting my hat on from the real estate industry—I spent many years in the real estate industry—what people looked for is the quality of the environment around them. If you were on a strip-paved road or barely a paved road with a little drain or curb, it had a certain value. If you were on a road that had a nice pedestrian pathway, nice curb and gutter and landscaping, I guarantee you those property values were stronger and better. The local community benefited from that because it now had stronger property taxes because of the higher property value. The homeowner benefited because they had an investment that would maintain its value because of the quality of the infrastructure. The roads, water, sewer system, in this case, the enhancements were of high quality.

Those who brush it off as wasteful expenditures, I can show you again project after project where we took substandard roads, enhanced them with transportation enhancement resources, dollars, and the net result was we had economic development occur around it. We had quality of life improve. We had better values in our properties that are owned by the private sector, whether it be commercial or residential.

Again, I would strongly recommend to my friend from Arizona that I know it is easy—because the staff who run around here always want to give the worst-case scenario of everything. We can always do that. That is easy to do. We can always find one project somewhere about something. But that is not what this is about. It is about the 90-plus percent or the 98-percent of projects that are incredible enhancements to the community. As a mayor and someone who was in the real estate industry, I have seen the value of these.

As I mentioned also, the organizations that don't support these, the tourism industry folks I mentioned who don't support these because they understand that when one is traveling to a community, it is not just about the one item. They go in there—and let's use Alaska as an example—for king salmon fishing or maybe in the wintertime skiing, whatever it might be, there are these other pieces people experience.

In Alaska, we have some great trail systems that people rave about and they talk about. Whenever I go around the country and I run into someone who visited Alaska, they will tell me the name of the community they were visiting or talk about this trail or that trail. Ship Creek Trail is a beautiful trail that at lunchtime tons of people utilize. It is a huge benefit for producing the quality of life for downtown.

I would encourage—and I recognize there are things I agree with, with Senator MCCAIN, multiple things that I worked on with the Defense authorization, but this one I beg to differ on his rationale of getting rid of this resource. It is important for local communities. I wish to emphasize, the best part of this is these are not congressional earmarks. It is money set aside that the local communities, through their metropolitan planning efforts or in the State, through their efforts, decide on how to spend this money. It is the best way to allow local communities less Federal control to do the right thing based on some framework and guidelines here.

If we want less Federal Government, this is one of those programs that allows flexibility on the local end to do the right thing and do what they think will enhance our road improvements and communities, be it small neighborhoods or major highways.

As I have always done, I invite Senator MCCAIN to Alaska. I will take him on the bypass where we can drive, see some incredible beluga whales, go down to Girdwood and see an incredible rain forest at the same time. I will take him to four or five of these projects. He will want to pull over and take photos. Those will be federally funded projects that made it possible for him to do that.

Why is that important? Because if you drive the new Seward Highway from Anchorage to Girdwood, it is not the safest highway. These pullouts, these waysides, these enhancements have made it a safer place. You can pull over and see Dall sheep walking on the side of the mountains right there. Instead of stopping on the road and pulling off on the side there a little bit, you actually pull off into a wayside. It is safer, better for tourism. It does the right thing, ensuring that the project is a better project.

Again, I would challenge my friend from Arizona that I will gladly take him on many of these projects and show him the value of what we have done with them, the economic opportunity that goes along with them, the jobs that are created with them, the long-term benefit to the values of the properties that is associated with these

improvements that are in the private sector.

Madam President, I thank you for allowing me a few minutes. I again wish my friends and all my constituents back home a great Alaska Day. But I also wanted to talk about an important amendment that I think would be the wrong direction if we vote for it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. KOHL. Madam President, I ask unanimous consent that at 4:35 p.m., the Senate proceed to votes in relation to the following amendments: Cornyn No. 775, as modified with the changes that are at the desk; and McCain No. 740; that the time until 4:35 p.m. be equally divided between the two leaders or their designees; that no amendments or points of order be in order prior to the votes other than budget points of order; and that there be 2 minutes equally divided between the two votes; further, after the votes in relation to those amendments, the following Senators be recognized to offer the amendments listed: Vitter No. 769, Collins No. 804, Sanders No. 816, and Landrieu No. 781.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendment (No. 775), as modified, is as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. No funds made available under this Act shall be used to allow the knowing transfer of firearms to agents of drug cartels where law enforcement personnel of the United States do not continuously monitor or control such firearms at all times.

Mr. LEAHY. Mr. President, it is not a good idea to legislate law enforcement tactics on an appropriations bill. To the extent the amendment by the Senator from Texas that has been modified with the help of the subcommittee chair restates Department of Justice policy, it is unneeded. To the extent it seeks to create a well-intentioned implementation of that policy, it does so in a way that may adversely affect FBI operations and other law enforcement efforts, including joint task forces among Federal, State, and local law enforcement, without really adding to what the Attorney General has already said and done to ensure that certain tactics from Operation Fast and Furious not be used again.

The Department of Justice's Inspector General's Office has not yet completed its independent investigation of Operation Fast and Furious, which was a Bureau of Alcohol, Tobacco, Firearms and Explosives operation in Phoenix that apparently followed on the practices used in Tucson during the Bush administration in Operation Wide Receiver. I expect to examine the inspector general's report through briefings, and possibly a hearing, when that investigation is concluded. It is important to remember that there are ongoing and highly sensitive criminal investigations involved here, and I do not think anyone wants to unduly hamper the efforts of law enforcement agents to stem the fight against violent drug cartels in Mexico.

I appreciate that the Senator from Texas, like all of us, is deeply concerned. When he wrote to me asking for a hearing about the southern border, I asked Senator DURBIN, who then chaired the Crime Subcommittee, to work with him and accommodate his request. I certainly hope that congressional attention did not add to the pressure felt by law enforcement officers and agents to utilize aggressive and risky methods with inadequate resources.

Of course, we all mourn the loss of all of the agents who have died in the line of duty, including members of our Customs and Border Patrol and Immigration and Customs Enforcement. I have spoken previously about the loss of Jaime Zapata. This year we also mourn Hector Clark and Eduardo Rojas. Last year we lost five Department of Homeland Security, DHS, agents: Vincent Gallagher, John Zykas, Mark Van Doren, Floyd Collins, and, of course, Brian Terry. The year before that we lost another four agents: Nathaniel Afolayan, Cruz McGuire, Robert Rosas, Jr., and Trena McLaughlin.

Senator CORNYN has offered an amendment he describes as prohibiting funding for intentional ''gun walking'' programs. The Department of Justice already has a longstanding policy against the knowing transfer of firearms to criminals without proper monitoring or controls. I appreciate that the Senator from Texas, like all of us, is deeply concerned about law enforcement operations that could allow firearms to fall into the hands of violent criminals in Mexico.

I was concerned that the original text of his amendment would actually make it more difficult to investigate and prosecute gun traffickers. I am glad to see that Senator CORNYN has worked with Senator MIKULSKI to address some of my operational concerns with his amendment concerns that were also voiced by the Department of Justice. I am not sure that in the short time available to us that we have been able to rectify all of the unintended, collateral consequences this language might occasion, however. For example, I know the FBI has voiced serious operational concerns about the impact this amendment could have on their system of background checks through the National Instant Criminal Background Check System, NICS. I hope Senator CORNYN and others will continue to work with the Department of Justice, the FBI, and other law enforcement agencies to ensure that whatever final language may be included in law does not unduly hamper the ability of law enforcement, including efforts against violent drug cartels in Mexico.

The Attorney General recently reiterated that longstanding Department of Justice policy already prohibits the transfer of firearms to known criminals without the proper monitoring or controls by law enforcement. Indeed, when Attorney General Holder testified about Operation Fast and Furious before the Senate Appropriations Subcommittee for Commerce, Justice, and Science in March, he stated that he had made it clear to the Department of Justice, including the U.S. Attorney's Offices and ATF agents nationwide, that ''letting guns walk is not something that is acceptable.'' I also understand that earlier this year, this policy was expressly reiterated to prosecutors and agents in the field through guidance issued by the Deputy Attorney General. Accordingly, this amendment attempts to legislate a policy that is already in effect.

I am also concerned that Senator CORNYN has offered this amendment without the benefit of all of the facts. As I have noted, there is an independent investigation by the Department of Justice inspector general that is ongoing. Moreover, there is an ongoing criminal investigation and prosecution related to the tragic murder of Agent Brian Terry. I am sure Senator CORNYN would agree that we should all ensure that the FBI and the prosecutors assigned to the case can continue that criminal investigation without any interference or impediment. Contrary to Senator CORNYN's statement, there has been no conclusive evidence indicating that either of these guns connected to Operation Fast and Furious were ''used'' to murder Agent Terry.

Although the revised text of Senator CORNYN's amendment has addressed some of my operational concerns, I remain concerned with language that purports to require U.S. law enforcement personnel to continuously monitor and control any firearms that may be transferred during an operation. I cannot believe that is what is really intended. Many law enforcement operations are joint operations through joint task forces with State and local law enforcement. I do not believe the Senator from Texas means to construct a rigid protocol of tactics for such operations. Given the potential for operational problems that might arise from a overly literal application of the language, I am left to wonder whether this language is intended to apply to joint operations at all, since it would not make sense on the ground.

Again, I appreciate the intent of Senator CORNYN's amendment, and as I have demonstrated, I share his concern with the violence, drugs, and illegal gun trafficking along our borders. The strategy and tactics being used to fight these problems need to be both smart and effective. At the same time, I am confident the Senator from Texas would agree with me that we must also continue to support and honor the efforts of the thousands of Federal, State, and local law enforcement officers who are working tirelessly to keep our border safe.

Mr. KOHL. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally between both sides.

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

The clerk will call the roll.

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

Mr. KOHL. 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.

The Senator from Wisconsin.

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

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

There appears to be a sufficient second.

The question is on agreeing to amendment No. 775, as modified.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—99

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

NOT VOTING—1

Conrad

The amendment (No. 775), as modified, was agreed to.

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

Mr. REID. Madam President, we have been making progress on this bill. We are going to have one more vote now. We have already set up a vote in the morning. We have an agreement to do so. There will be a little debate prior to that vote.

We hope to be able to work our way through some other amendments. If people have amendments they want to offer, they should do it, because time is wasting. We need to move through this appropriations bill and finish it this week.

AMENDMENT NO. 740

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate on the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, as usual, I am offering an amendment that is in compliance with the request of the President of the United States. The administration proposes to eliminate the Economic Development Administration Trade Adjustment Assistance Programs for firms, the TAAF Program. That is the President's message on termination. I remind my colleagues that this provides matching grants so that firms can hire private sector consultants. On behalf of the President and my colleagues, I ask for an ''aye'' vote.

The Senator from Texas wishes to speak. Where is she? She deserted me. On Senator HUTCHISON's behalf, she supports the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I oppose the McCain amendment and OMB's recommendation. Trade adjustment assistance is an effective and modest program, and it is only $15.8 million. The average grant is $75,000. From 2006 to 2010, it has helped over 830 firms and created about 50,000 jobs.

I urge defeat of the McCain amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the amendment.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

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

There is a sufficient second.

The yeas and nays having been ordered.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—44

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

NAYS—55

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

NOT VOTING—1

Conrad

The amendment (No. 740) was rejected.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent that the four amendments listed in the previous order and the following amendments from Senator COBURN, No. 791 and No. 792, be the only amendments in order to be offered this evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 804 TO AMENDMENT NO. 738

Ms. COLLINS. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment, No. 804.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL, proposes an amendment numbered 804 to amendment No. 738.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to implement a rule that sets maximum limits on the serving of vegetables in school meal programs or is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables)

At the end of title VII of division A, add the following:

SEC. __. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

Ms. COLLINS. Mr. President, I understand this amendment has been cleared on both sides, and I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 804) was agreed to.

Ms. COLLINS. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of this version of the amendment: Senators UDALL, CRAPO, RISCH, SNOWE, AYOTTE, JOHANNS, NELSON of Nebraska, HOEVEN, MURKOWSKI, and JOHNSON of Wisconsin.

The PRESIDING OFFICER. Is it Senator UDALL of Colorado?

Ms. COLLINS. Thank you, it is Senator UDALL of Colorado.

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

Ms. COLLINS. Mr. President, I thank again the managers of the bill and the two Senators from Idaho for their help in this matter.

I also ask unanimous consent that the Senator from Wisconsin, Senator KOHL, be added as a very prominent cosponsor of this amendment.

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

Ms. COLLINS. Mr. President, my thanks to the managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 816 TO AMENDMENT NO. 738

Mr. SANDERS. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 816.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 816 to amendment No. 738.

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

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

The amendment is as follows:

(Purpose: To provide amounts to support innovative, utility-administered energy efficiency programs for small businesses)

On page 87, line 21, insert ", of which $1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses" before the period at the end.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 781 TO AMENDMENT NO. 738

Ms. LANDRIEU. Mr. President, pursuant to the previous order, I now ask unanimous consent to set aside the pending amendments so that I may call up amendment No. 781.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 781 to amendment No. 738.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading.

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

(Purpose: To prohibit the approval of certain farmer program loans)

On page 83, between lines 20 and 21, insert the following:

SEC. 7___. Section 363 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006e) is amended in the first sentence by striking "any loan" and inserting "any farmer program loan."

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 769 TO AMENDMENT NO. 738

Mr. VITTER. Mr. President, pursuant to the unanimous consent agreement, I call up Vitter amendment No. 769.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 769 to amendment No. 738.

Mr. VITTER. I ask unanimous consent to waive the reading of the whole.

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

The amendment is as follows:

(Purpose: To prohibit the Food and Drug Administration from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada)

On page 83, between lines 20 and 21, insert the following:

SEC. __. None of the funds made available in this Act for the Food and Drug Administration shall be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act.

Mr. VITTER. Mr. President, let me briefly explain what this amendment is about, and I will be very brief. It will allow for personal use drug reimportation from Canada only. In doing so, this amendment is nearly identical to an amendment I proposed previously on the Senate floor last Congress which passed in a very strong bipartisan vote.

Americans spend hundreds of billions of dollars a year on prescription drugs. Prescription drug prices are skyrocketing, and they continue to skyrocket, and that causes real hurt and angst among many American families, particularly American seniors. They shouldn't have to choose between lifesaving medicine and other basic needs of life, such as food and electricity, and yet often the reality is that they do have to make that choice.

My amendment would help ease a little bit of this pain by giving Americans more options. But in doing so, it is very narrow, it is very cautious, it is very specific. It applies to only individual consumers—not wholesalers—bringing in for their personal use FDA-approved prescription drugs, and only from one country; namely, Canada.

As I said, in doing so the language is nearly identical to the Vitter amendment to the DHS appropriations bill that passed the Senate last Congress with a strong bipartisan majority, 55 to 36, with 9 members not voting.

This would provide real relief to millions of Americans, including seniors. It would allow reimportation from Canada—a very safe source country—including through mail order and over the Internet. The language, again, was restricted to personal use reimportation. Wholesalers cannot participate. It only applies to a consumer who gets a valid prescription from a doctor. So this amendment would specifically prohibit funding to the FDA to the extent that they would crack down and prohibit and police against this narrow activity.

Back home and in Washington, Members of Congress on both sides of the aisle often talk about doing something about skyrocketing prescription drug costs. This is a very specific, narrowly tailored, cautious but effective means where we can do something, where we can have an impact, where we can help tens of millions of Americans, including many vulnerable seniors.

I hope Democrats and Republicans will come together again, as we did last Congress, and give a strong, healthy bipartisan majority to this idea. It is the right thing to do. It would help Americans, it would help seniors, and it is a very careful, cautious approach: personal use only, not wholesalers, Canada only.

Again, I urge that we adopt this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 781

Ms. LANDRIEU. Mr. President, I know there may be other Senators who want to call up their amendments. I only want to speak for 2 minutes on the amendment I just proposed and explain to the Senate why this amendment is necessary. And I look forward to working with the chairwoman of the Agriculture Committee, Senator STABENOW from Michigan, and others, to work through the details.

It seems as though there is an inconsistency in the law between the 404 process that the Corps of Engineers uses when anyone, public or private, wants to build anything in a wetlands. Of course, you have got to get a permit. We are getting used to that. It is not an easy process, but it works, for the most part. You have got to mitigate; in other words, there is a no-net-loss rule, and we are all supporting that. However, there is a discrepancy

in the Farm and Rural Development Act that actually prohibits some very worthy nonprofit entities that are building community projects—this is not for profit—to even apply for a permit, even if they could mitigate, and that is what my amendment seeks to correct.

The chairperson on the Agriculture Committee and others who have jurisdiction have committed to work with me to tailor this amendment so that it provides the help some of these loans need through the Rural Development Agency, but it doesn't open a whole new area of policy. I thank the Chair.

That is basically a very short but concise and complete description of what I am trying to do. It is about as simple as that. I look forward to when the Senator from Wisconsin allows us to get in line for a vote on this committee. I thank Senator KOHL for allowing us to offer this amendment at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 791 TO AMENDMENT NO. 738

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 791 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 791 to amendment No. 738.

Mr. COBURN. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to provide direct payments to persons or legal entities with an average adjusted gross income in excess of $1,000,000)

At the appropriate place, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a)) in excess of $1,000,000.

Mr. COBURN. This is a straightforward amendment. We have had a lot of talk about millionaires in the country, but what most people don't realize is that there are a lot of farmers in this country whose adjusted gross income is well in excess of $1 million whom we are making direct payments to.

What I would put forward is if you are making over $1 million, I don't think you need a lot of help from the Federal Government to be profitable. So what this amendment will do is it will put a limit of $1 million or greater from receiving direct payments from the Department of Agriculture. You could say somebody making $980,000, but we have chosen this. Right now it is supposedly $2.5 million adjusted gross income.

What we have done is, of all the people who make more than $2.5 million, 75 percent of their income outside of the farming income comes from some other areas. In other words, this is not their main business. Their main business isn't farming. So if they make $2.5 million farming, and they make 75 percent more than that in other areas, again, I would say we should have trouble justifying to the American people that we are sending their tax dollars—actually, borrowed money that is going to be charged to their kids and grandkids—to those individuals.

Of the 1.8 million people who received farm payments from 2003 to 2006, 2,702 of them exceeded the income limits that were established at that time, greater than $2.5 million. GAO reported that the USDA does not have management controls in place to verify that payments are not made to individuals who exceed the program's income eligibility limit. So we have a limit of $2.5 million, but they are not enforcing it. They don't know whether they are enforcing it.

What this amendment will do is, first, we are going to cut it back to $1 million and say put it in action so you know who you are paying and how much they are making. GAO found that participants in the program in 2006 were three times as likely to have an adjusted gross income in excess of $500,000 as individuals who did not participate at all in the direct payment program. In other words, 21 of every 1,000 farm program participants reported in excess adjusted gross income of $500,000 or more, compared with 7 of every 1,000 tax filers in the general public. Instead of taking more of what wealthy individuals have earned, Congress would be wise to first end unsolicited subsidies in the farm program to those individuals.

Studies show that direct payments went to wealthy individuals who live in urban areas but own or have partial interest in their farms. In other words, they are absentee landlords who live in U.S. cities with populations 100,000 or more, but they were paid $394 million in farm payments in terms of the direct payment in 2010 alone. So that is $½ billion.

The top 10 percent of direct payments in 2010 received 59 percent of the money under the program. In other words, the top 10 percent got 59 percent of the direct payment money. These 88,000 people got an average of $30,000. But if you look at those with adjusted gross income, they got far in excess of that. Some examples include 23 Members of Congress in the 112th Congress; 109 individuals living inside Washington, DC; 203 individuals in Miami; 179 individuals inside the city limits of San Francisco received over $1 million in payments; 290 New York City residents received $800,000 on average in payments.

President Obama's fiscal 2012 budget proposes to reduce the per-person cap on direct payments to wealthy farmers by 25 percent or more and reduce the adjusted gross income eligibility limit by $250,000 over 3 years. Well, what this amendment does is in the spirit of what the administration wants to do, but it goes further. It says if you are making over $1 million in adjusted gross income, you should not be eligible for direct payments through the farm program. It is straightforward. It is a way for us to change what we are doing. It is a way for us to save a significant amount of money, almost $½ billion.

I dare say that if you poll the average American and you said we are paying out hundreds of millions of dollars every year to people making more than $1 million who are farming, they would say, We don't agree with that. That can't be the original intent of that program.

That program is designed to help those people who are truly undercapitalized, who truly are having a difficult time even when we have great markets. And I am not opposed to the payment program. But the fact is, to have a significant percentage of that go to individuals who are making far in excess—33 times what the average individual in this country makes—I think is something we ought to end, and we ought to end right now.

AMENDMENT NO. 792 TO AMENDMENT NO. 738

Mr. President, I ask that the pending amendment be set aside and amendment No. 792 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 792 to amendment No. 738.

Mr. COBURN. I ask unanimous consent that the amendment be considered as if read.

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

The amendment is as follows:

(Purpose: To end payments to landlords who are endangering the lives of children and needy families)

At the appropriate place, insert the following:

SEC. ____. The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as ''troubled'' on the Online Property Integrated Information System for ''life threatening deficiencies'' or ''poor'' physical condition; and

(b) has been designated as ''troubled'' on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

Mr. COBURN. This is another fairly straightforward amendment. We have significant housing for people who have

a need in our country. But inside that program, in HUD, there are payments being made for housing complexes with life-threatening conditions or in absolute poor physical condition. Yet people are trapped there. We keep sending the money. The money doesn't go to improve the housing; it goes into the pockets of those who own the housing through this subsidized housing.

Thousands of needy families have turned to the government for stable housing. They have been placed in properties with health and safety deficiencies, including some that are life-threatening. There are 3,847 properties with life-threatening deficiencies as determined by HUD—life-threatening—that are currently or previously designated as ''troubled'' by HUD during the past 5 years. Of those, 2,297 are in poor physical condition and were designated as ''troubled'' by HUD. Some of these are for the same properties that appear year after year on HUD's registration list of troubled properties. These numbers will not reflect all the deficient housing provided by HUD and other Federal departments and agencies. This is just a taste of a portion of what is out there.

What this amendment would do is cut off aid to the greedy slumlords, while protecting needy families by prohibiting HUD from making any payment to any person or entity with respect to a property assisted or insured by HUD, currently designated as ''troubled'' on the Online Property Integrated Information Suite for ''life-threatening deficiencies'' or ''poor'' physical condition and that has been on the Online Property Integrated Information Suite's troubled property list at least one time during the past 5 years.

What we are saying is, if someone has been taking advantage of this program as the owner of the property and not making it a safe property, not making it inhabitable, yet people have no choice but to live there, what we are saying is HUD should not be giving them any money. HUD should not be giving them any money.

Over the past several years, there have been far too many examples of slumlords receiving hundreds of millions of Federal tax dollars. In many cases, those without stable housing sought help but were put at health and safety risk by those entrusted to care for them with taxpayer funds. A recent ABC News ''Nightline'' reported that the Federal Government's low-income housing programs are plagued by theft, mismanagement, and corruption at local levels, including millions spent on housing for sex offenders and dead people, and all too often fail the 3 million families who rely on them for a clean, safe place to live.

Specifically, the report found the Philadelphia Housing Authority spent housing funds on lavish gifts for its executives, $500,000 to settle sexual harassment claims, $17,000 of housing funds to throw an extravagant party for the executives. The same month at a belly-dancer party, a 12-year-old girl living in Federally subsidized housing suffered a near-fatal asthma attack that left her unable to speak or walk, secondary to dangerous mold in that apartment complex because it was not taken care of with the dollars that were paid by American taxpayers to help those who are dependent on us.

The New York Daily News recently found some of the city's landlords received $81 million in Federal housing funds, even though their buildings were riddled with housing code violations. The report stated millions of dollars have been doled out to buildings where tenants have repeatedly complained about rats, roaches, nonworking elevators, lack of heat and flaky lead paint. The Federal Government provided $350 million to more than 60 housing authorities that have been repeatedly faulted by auditors for mishandling government aid. In Indiana, investigators found the poor forced to live in substandard housing that local authorities knew was unsafe, yet did not fix. In Indianapolis alone, more than $5.2 million a year has been spent on housing residents in unsafe conditions, according to the Fort Wayne Journal Gazette.

About $2.2 million of the Federal funds intended to support low-income housing on the Navajo Nation Indian lands in New Mexico was spent on gaming, furs, jewelry, racehorse training, according to the Las Vegas Sun. There is no oversight at HUD to make sure the landlords will meet the eligibility requirements for receiving these funds. What we are actually doing is we are saying, if they do not meet the criteria, they should not get the money. That is hardly a novel idea. Yet we continue to spend hundreds of millions of dollars supposedly to help those who are neediest among us. Yet it does not help them at all because the money is misdirected and not reinvested in the housing.

HUD continues to subsidize repeat offenders with a history of placing families in unsafe living conditions. There were 6,100 properties designated as ''troubled'' during the past 5 years. Some of these properties appear year after year on the same list. There is no change. They are still getting the money. These include properties in my own State of Oklahoma. Needy families should not be put in dangerous conditions as a result of neglect by the slumlords but, more importantly, as a result of neglect in our oversight of HUD.

What we would propose to do is to ensure the Federal housing benefits for the needy, rather than the greedy, and to prevent slumlords from abusing taxpayers and the disadvantaged and the aged. This amendment would bar HUD from paying landlords whose properties are in poor physical condition or have life-threatening deficiencies, according to their own analysis.

In other words, they already know it, but they are still paying it. What this amendment would say is: They are on the list; they do not qualify. It will send a great signal. Not only will we not pay as much money to properties and put people in better properties, but we will change the expectation of the people who are making all the money off the HUD moneys for the properties. We will make a big difference.

There may not be many who actually lose the money, but there will be many people who are depending on it, living in far better conditions, far safer conditions, if we pass this amendment.

I wish to take just a moment, if my colleague does not mind, to talk about where we are. I have a total of 12 amendments. I was allowed to bring up two. I understand they do not want to get in a hurry, but the fact is, these are all good-government amendments, every amendment I brought up. They may not pass, but that is our fault. But the fact is, we should not be limiting amendments. Let's get them out there. Let's do them. There are money savings, there are quality savings, there are ways to make the agencies work better, and we should not be afraid of that.

We stand right now as a nation in the worst shape we have ever been. The risks to our country are great. We need to quit thinking about partisanship. We need to quit thinking about advantage in the political arena and start doing what is necessary to fix our country. We passed a budget bill that allowed a debt increase that the average American does not realize actually did not save any money. Over the next 10 years, we are actually going to spend $800-some-odd billion more than what we spent last year on discretionary programs. It is time we start being honest with the American public. These 12 amendments are simple and straightforward. One of them copies the amendment of Senator MIKULSKI for CJS, that ties down and makes more responsible the agencies on their conference spending.

Conference spending is out of control. The Department of Agriculture is absolutely out of control on the money it spends. So we ought to be about moving things through that make a real difference so we can start rebuilding the confidence. Fifteen percent of the people have confidence in us, and I understand why. It is because we spend most of our time around here in quorum calls. I was prepared tonight to put up all these amendments, see which ones could be taken, not necessarily have a vote on every one, but we are not going to allow that to happen. We are not going to allow that to happen not for any good reason; we are not going to allow it to happen for political reasons, and that is killing our country. Whether Republicans do it or Democrats, none of it is any good. The country is on to us.

Eighty-five percent think we are doing a lousy job. I wonder why it is that low. I cannot find anybody in the State of Oklahoma who thinks we are

doing a good job. I can't find anybody around the country who thinks we are doing a good job. But I say to my colleagues, let's start moving stuff through that actually changes things, that is actually going to make a difference. One does not have to agree. Vote it down. None of these are trick amendments. None of these are meant to be political amendments. They are just straightforward, good-government amendments we ought to consider. If one disagrees, disagree. Fine. But let's not not vote on them and let's not quit making attempts to try to fix what is wrong in our government.

HUD's oversight of housing is a disaster. When we have this many properties year after year on this list, why would we not want to fix that? It is not that we don't want to fix it. It is we do not want to give somebody an opportunity to put out the real reason our country is in trouble. The real reason is us. We have not done our jobs. We have not done the oversight. We have not cleaned up things. We can have great arguments and great discussions and great debates but to not have the debate at all means we deserve every bit of that 85-percent lack of confidence in what we are doing.

Tomorrow, I hope I will be able to offer the rest of these amendments. I will work. I have talked with almost every one of the managers on the amendments. None of them are controversial. Some they may disagree with and want votes on, others can be accepted. But to not move forward and then say it is taking too long to get the bill, when we are here ready to work, is not an excuse the American people are going to buy anymore.

Ms. SNOWE. Mr. President, I am pleased to support the permanent change to interstate weight limits for Maine and Vermont, an issue I have worked on for more than 10 years. I could not be more pleased with the inclusion of this commonsense legislation that puts large trucks back where they belong—on the highway.

Regrettably, the current treatment of truck weights on interstate highways is a glaring example of a provision of law that creates both safety hazards on secondary roads and tangible barriers to job growth at a time when the Nation's unemployment rate remains above 9 percent and Maine's mill towns are struggling to thrive, and I hope this bill is a step towards a solution to this glaring disparity. The Senate's consideration of this remedy is long overdue. The patchwork exemption policy that currently exists has penalized Maine and created a serious inequity that has burdened our commerce with needlessly onerous and costly regulation.

The language included in this appropriations bill mirrors legislation that Senator COLLINS and I have introduced together since 2001. Indeed, this simple change has taken more than a decade to implement. It is my hope that this Congress, and this bill will finally resolve a longstanding inequity that has granted other States the same privilege that Maine requests—the ability to shift truck traffic to conflict-free highways where commercial traffic can efficiently travel without increasing the danger to pedestrians and drivers at crosswalks and intersections.

Maine Department of Transportation engineers have certified on a number of occasions that Maine's interstate bridges are safe to carry 100,000-pound, six-axle trucks. The bridges along the interstate are in good condition, and the impact of fatigue caused by these trucks is likely near zero. The State estimates that a permanent change to weight limits would reduce pavement costs by more than $1 million per year. It would also reduce bridge rehabilitation costs by more than $300,000 per year.

In addition, the pilot program implemented in 2009 demonstrated significant safety improvements when these large trucks returned to the highway. There were 14 fewer crashes—a 10 percent improvement—involving six-axle vehicles, even with increased traffic volume on Maine's interstate system. In fact, there were no fatal crashes on the interstate during the pilot program, and five fewer injuries on secondary roads.

Maine's Department of Transportation collects fatal accident data regarding large trucks, and more than 96 percent are on secondary roads, not the interstate, including the portion of I–95 that has a permanent exemption. Crash rates for Maine trucks on secondary roads are 7 to 10 times higher than on interstate highways.

Trucks belong on the highway, but interstate weight limits are inconsistent across State lines, and shippers are forced to use secondary roads to move goods through States still restricted by weight limits established in the 1950s. For example, in the 122 miles between Hampden and Houlton, ME, a common route for shippers, these legal 100,000-pound trucks are forced to pass by 9 schools, 270 intersections, and more than 3,000 driveways.

Maine's highways are particularly suited for six-axle truck traffic, as most of the interstate system was designed to carry freight—including munitions and heavy equipment—to and from the former Loring Air Force Base. Time and time again, the Maine Department of Transportation has stated that it endorses an increased weight limit, and Maine's roads can safely manage heavier trucks with six axles. If a State's chief highway engineer can certify the safety of a route, and the condition of a road, a State should have the flexibility to change its weight limit on interstate highways.

The significance of this permanent change cannot be overstated. Maine's secondary roads will be significantly safer when trucks are returned to the highway with stop lights and pedestrian interactions. I thank my colleagues for their continued support of this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

MORNING BUSINESS

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

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

THE JOBS ACT

Mr. MERKLEY. Mr. President, my colleague from Oklahoma was addressing the frustration that exists on the part of the American public with this Chamber for not doing its job. I must say, on that point, we are in complete agreement. I hear in every townhall, in every conversation with constituents, the question of why is it that when what we need most in this Nation are jobs, this Chamber, the Senate, is unable to hold a debate over a jobs bill? Just last week we had a debate not over a jobs bill but whether to proceed to the jobs bill. Unfortunately, it was defeated, not because the majority did not want to get to the bill but because the minority opposed it and invoked a 60-vote hurdle, a hurdle that was never routinely used in this Chamber in the past.

The fear of debating a jobs bill in this Chamber by my colleagues is irrational. The American people want us to wrestle with creating jobs. Have people not gone out and talked to their constituents? Do they not know the unemployment rate in this Nation? Do they not hear from fathers and mothers who are worried about keeping shelter over their family or worried about their mortgage, their rent, their utilities?

I do not understand how anyone could say: Let's not have a debate about jobs on the floor of the Senate. Yet it was a unanimous ''no'' vote from across the aisle when we proposed having the debate over the jobs bill. I think it is so important that all of us in this Chamber who actually receive a paycheck understand the challenge and the plight of American citizens who either are working part time in multiple jobs trying to make ends meet or who have lost their job and are completely unemployed.

Over the past 10 years, we have lost 5 million manufacturing jobs in this country. Over the last 10 years, we have lost 50,000 factories in this country. Working families are in a tremendous crunch. I thought I would simply share some stories from back home because there does not seem to be many people listening to folks back home and their concern that this Chamber debate and produce a jobs bill and get it to the President.

Jerry from Linn County says:

I was laid off in April, 2009. It took me 2 years and 2 months to find a contracting job. I appreciate having a job, however I have no

benefits, no holiday pay, no vacation pay, no medical or dental coverage. My wife recently suffered a badly broken leg. We have no insurance. Her injury required surgery and a hospital stay. Now we are in danger of losing the house that I bought in 1993.

I am told that my contract has been renewed for another year. That will bring us to May of 2012. Then I have to leave for three months before I can return. I am given no promise of being able to return to work there.

That is Jerry's story that he sent in to share.

Virginia from Hillsboro writes:

In February 2010, my department at my company was advised we would be laid off after transitioning our job duties to a replacement staff in India. It felt like quite a blow.

Prior to the layoff, the company had not given us raises for 3–4 years, even though they were reporting profits. Half of our department was laid off within a few months.

I filed a TAA petition to attempt to attain additional funds or schooling for the people at our department, but it was denied.

The year before I was laid off, my daughter, who lives with us with her son, changed jobs and then was laid off from the new job. Four months after my layoff, my husband was advised the rest of his department is being laid off after their job duties were transitioned to an off-shore site; hopefully, he will have work until March.

My daughter, myself, and my husband are all looking for work.

We moved my mother up with us three years ago, so now we have four generations living in our home. I have no idea what will happen if none of us can find work. My husband served his time in the Army and he and I have always worked full-time, steady jobs. It feels like we're being punished for spending our lives working to take care of our family and to keep a roof over our heads.

I read in the papers this morning that things are improving in Oregon, but, honestly, I don't see it. Americans are hurting.

Americans need jobs! We want to work and need to work! We are not lazy—we are innovators and always have been! We need to regain our pride in our country, help each other and quit focusing on greed.

That was Virginia from Hillsboro. And if you didn't catch the beginning, her letter started by saying that she and her team were laid off after training replacements in India to take over their jobs. This terrible economy is resulting in multiple generations of her family without work.

Julio from southwest Portland says:

I am 31 years old with my first baby on the way and I can honestly tell you I am nowhere where I thought I would be at this point in my life. Upon graduating high school, I joined the Navy. I did a 6-year enlistment. My mother was a housekeeper and my father was an ordained minister and they were unable to help me with the expenses of higher education, so I took full advantage of the GI bill once I was honorably discharged in 2004.

I completed my degree in three years and nine months and graduated with a bachelor's in business management and a minor in economics. I strongly felt that as a 6-year veteran of the Navy, with a degree in business, and being bilingual, that I would have no problem finding employment.

Unfortunately, I had the misfortune of graduating just as the financial world collapsed in 2008. Three years later, I work two jobs and still make less than $30,000 a year. I have interviewed for several great jobs, but due to the same amount of people applying for the same position I have lost out to individuals with a great amount of experience.

I know I can do well, but in our current environment I feel as though I don't even have a chance. Anything you can do to create better paying jobs in Oregon would be greatly appreciated.

That was Julio from southwest Portland.

These stories that are coming from our single parents, coming from our husbands, our wives, are coming from folks who are taking care of their parents. They are coming from folks who are trying to take care of their children, and you can feel the sense of frustration. You can feel the sense of panic in this economy.

Last week this Chamber debated whether to have a debate about creating jobs. My colleagues across the aisle said, no, we will not let the jobs bill come to the floor. I must say I am extraordinarily frustrated that at this time in this economy, with so many Americans hurting, my colleagues are unable to summon the connection to the challenge of the American family so that we can have a full debate on this floor on a jobs bill.

These families that are writing, as you can tell from the letters, served their country. Several of them were in the service. They played by the rules. They worked hard. But they have been let down again and again by a political system that has protected tax breaks for the wealthy over creating jobs and opportunities for working families.

I hope we will have another chance to decide whether to debate a jobs bill, and I hope every Member of this Chamber will say yes to taking and shutting down tax breaks, $20 billion a year for oil companies that are stashing that money in the bank and not creating a single job with it, and instead take that $20 billion and put it to work on energy retrofits, which is, according to every economist, the best bang for the buck we could possibly have in creating jobs. You cannot outsource a single bit of the labor, and virtually all of the products are made right here in our economy, from the pink cotton candy insulation to the double-paned windows to the caulk. That is just one example of the kind of conversation we should be having.

We should be having a conversation about whether we should be helping our school districts hire teachers. Some will agree, some will not, but let's have the debate. If someone wants to propose an amendment and say we don't want to help our school districts, we can do something better to create jobs, let's have that debate. Let's not sit on our hands when American families are suffering. Let's get to work and create jobs that the families across America need.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Tennessee.

Mr. ALEXANDER. Are we in morning business?

The PRESIDING OFFICER. Yes.

EDUCATION REFORM

Mr. ALEXANDER. Mr. President, I am delighted the Senator from Colorado is in the chair when I speak. I want to speak on a subject where he is the foremost expert on the day-to-day operation of school systems. He will appreciate and understand what I am about to say in ways that many people will not.

Yesterday I had a telephone conversation with a member of an editorial board of a prominent newspaper in this country who asked me this question. She said: Senator ALEXANDER, how can you and the National Education Association possibly be together on the teacher evaluation question? How can you justify that? Then she said: When has the NEA ever done anything to encourage the evaluation of school teachers? That is a good question. Both questions are good questions. What she was referring to, of course, was the draft announced yesterday by Senator HARKIN and Senator ENZI, who are the ranking members of the Senate committee that handles education.

It included a provision on evaluation of teachers and principals. At my suggestion, and that of others, but contrary to the suggestion of a number of people, it does not include an order from Washington that all 15,000 school districts have a teacher and principal evaluation system. It does not include a definition of what it should be, and it doesn't include the opportunity for the Education Secretary, whoever it may be, to then issue a number of regulations defining what a teacher and principal evaluation system would be in Denver or in Maryville or in Nashville. What it does include is the following: For the first time it specifically allows a State to spend its title II money that is the $2.5 billion of Federal funds that goes to States. It allows that money to be spent to design and implement a principal-teacher evaluation system that is related to student achievement.

In my view, that is the holy grail of public education. If we could ever figure out how to do that and to get everybody to do it, I think it would do more than any other single thing we could do to help our children learn what they need to know and be able to do, except some law that would make everybody better parents, and I don't know how to pass such a law. So that is the first thing the Harkin-Enzi draft includes about teacher and principal evaluation.

In Tennessee, for example, that would mean there would be about $41 million this year that could be spent for that purpose. There are about 63,000 teachers in Tennessee, so that is about $660 per teacher per year of Federal funds that could be used to design and implement a teacher and principal evaluation system related to student achievement. This is the first time that has been specifically allowed.

Secondly, there is something in the draft legislation called the Teacher Incentive Fund. Many school superintendents, such as the distinguished Senator from Colorado, know that program very well. We know in Tennessee because of the work in Memphis. Basically it is a grant that was included as a result of language in No Child Left Behind. Secretary Spellings then beefed up the program, got the money appropriated, and it recognizes the difficulty of figuring out how to reward and evaluate teachers in a fair way, especially if you are going to base compensation on that. It says, if you want to do it, we will give you some money to help you try to do it. So you can do it one way in Knoxville, another way in Denver, another way in Los Angeles. Hopefully what will happen over time is we will find lots of fair ways to reward outstanding teaching and determine outstanding teaching, and smaller school districts and other school districts can borrow ideas from one another. That has been a big success. Secretary Duncan supports it. It has support all the way around. President Obama has supported it.

The third thing that is available for helping develop teacher evaluation systems is a program called Race To The Top. There is $700 million in Federal money for fiscal year 2011. That is a lot of money. States had to compete based upon, among other things, their ability to develop teacher and principal evaluation systems. I can brag about this because I had nothing to do with it, at least recently. My State of Tennessee won that competition. It won $500 million, which has been spent to develop and implement an evaluation program for all the teachers in Tennessee.

Then there is another item in this draft which fits in here. I would call it the Secretary's report card. All previous Education Secretaries—and I am one of them—have tried to use the bully pulpit. So have Presidents. When I was Governor of Tennessee and we were working on a master teacher program, President Reagan came to Tennessee to say it was a good idea. That was very helpful to me at that time. He didn't say this is how you should do it. He said, I recognize what you are doing and I applaud it and encourage it.

Bill Bennett, when he was the Secretary of Education for President Reagan, went to Chicago and said they had the worst schools in the country. That made a lot of news.

But when a Secretary uses that bully pulpit, he can make a difference. We have a very good Education Secretary right now, Arne Duncan. What he now has at his disposal no one else has had before. He has 8 or 9 years of reporting requirements of schools all across the country, and there are about 100,000 public schools for which he has this information. He can go around the country and say: This is good. This is bad. I will put the spotlight here. I will brag on this. Let's do more of this. He can do that in a way that nobody ever could before.

So this is what is in the draft we are talking about that would for the first time get the Federal Government significantly involved in creating an environment for teacher-principal evaluations related to student achievement. One is $2.5 billion of Federal dollars in title II. All of it can be used for this purpose if States want to. No. 2, there is the Teachers Incentive Fund. That was $399 million this year. Race to the Top was nearly $700 million. Then there is the Secretary's Report Card.

I responded to my editor, who called me, and said: Look, I know something about this. In 1983 and 1984, when I was Governor of Tennessee, we became the first State in the country to create a statewide system for rewarding outstanding teaching and paying those teachers based upon that.

At that time, in Tennessee—or anywhere in the country—not one teacher made one penny more for being a good teacher. Not one teacher made one penny more for being a good teacher. So that is what we did in 1983 and 1984.

She said: How hard could that be? Everybody knows some teachers are better than others. We all know that when we put our children into school. Everybody knows that. Why can't we evaluate teachers? How hard could that be?

Well, I was a little bit amused by that because those were exactly the same kinds of questions I was asking in frustration 30 years ago. I would say it to every college of education in the country. I could not find a single one that would help me in any significant way evaluate outstanding teaching.

Now, that may sound like an overstatement. But it is not much of an overstatement.

I had dean after dean, education professor after education professor say: You cannot do that. You cannot determine that one teacher is better than another one, especially if you plan to reward them, compensate them based upon that.

I found that patently ridiculous—patently ridiculous.

Just like the editor was trying to tell me every parent knows that. My mother put me in one first grade instead of another first grade in Maryville, TN, because she thought one teacher was better than the other. She had an opinion about that. She was a teacher herself, so perhaps she knew.

We all have those judgments to make. IBM hires a lot of education people. They have teachers and they know some are better than others and they pay them correspondingly. Colleges and universities hire a lot of teachers. They pay teachers all the way up the ladder, from lower amounts to very high amounts for distinguished professors. They can find a way to make a distinction, but somehow we got into this rut 30 years ago that said: We cannot make any distinction among teachers based upon their ability to teach, especially related to student achievement, and then we especially cannot take the next step and pay some more than others.

The reason I thought that was such an urgent problem 30 years ago was because we cannot trap women in our schools anymore to teach. Women are in the marketplace now. That is what we did for many years. So if we want to attract and keep the very best men and women teaching in our classrooms, we need to be able to recognize excellence when we find it, to encourage it, and to reward it with compensation.

I can remember sitting around with a group of Governors in 1980 when the late Bill Clement, Governor of Texas, said to mostly a group of Democratic Governors: When is one of you—and he used another word—so-and-sos going to get the courage to take on the NEA? What he meant was, every single one of us knew that the National Education Association had its foot on everyone who tried to pay some teachers more than others.

Well, I was young and maybe did not know better, so in my second term I created a bipartisan commission with the Democratic leaders of the legislature, and we set out to figure out a number of things about education, including a master teacher program. The long and the short of it was, we did that. It took a year and a half of my time as Governor. I must have spent 40 or 50 percent of my time every day engaged in an ongoing brawl, mainly with the National Education Association, as to whether we could do this.

They defeated my proposals in the first year. I came back in the second year and won by one vote, and we put in place a voluntary program that before long up to 10,000 Tennessee teachers voluntarily went into a career ladder program, became master teachers, and many got 10-month and 11-month and 12-month contracts. It raised their pay. It improved their retirement. It gave them distinction. I have teacher after teacher come to see me today to thank me for that, including the current leadership of the Tennessee Education Association, whose organization killed the program after I left office.

So it is appropriate to ask: Senator ALEXANDER, why are you and the National Education Association in cahoots on any sort of teacher evaluation proposal?

Well, I want to say briefly why. A lot has happened since 1983, 1984. Governor Hunt, Democratic Governor of North Carolina, and others have worked to create the National Board for Professional Teaching Standards. The NEA and the American Federation of Teachers both participated in that. That was a step forward in recognizing and certifying outstanding teachers.

AFT, the American Federation of Teachers, has always been open to this proposal. I remember the late Albert Shanker telling me: Well, if we have master plumbers, we can have master teachers, especially if you are going to pay them more. He invited me to come out to his national convention in Los Angeles to talk about it.

President Bush and Secretary Spellings, with the Teacher Incentive Fund, and President Obama and Secretary Duncan, who have taken a lead on this, despite the fact that it is not popular with many of the constituents of their party, have stuck their necks out on this, and I applaud them for that.

The Gates Foundation has put money behind it. Bill Gates has told me personally this is one of the two things he wants to do in education with the time and the money he has.

So there is a consensus. Everybody might not say, as I do, it is the ''Holy Grail'' of K–12, but there is a consensus that finding fair ways to reward outstanding teaching through teacher and principal evaluation related to student achievement is urgently important.

So it is very tempting just to pass a law in Washington to say: Let's order it. Let's just do it. Well, that is not the way things work in the United States of America. We did that with professional development. The law now says, with all that $2.5 billion: Do it. Have professional development programs.

I do not know what the Senator from Colorado thinks, but my view—and I do not think Secretary Duncan would mind my repeating his comments often—that is the biggest waste of money we have in the Federal education program. It is not well used. We say: Do it, and so they have all these programs. Teachers know it is a waste of time, and everybody knows it is a waste of time. We are not spending that money wisely.

So why are we to think, if we just say, create a teacher evaluation system all across the country in 15,000 school districts, people will just say, OK, they have to do it to get the money, and they will just do it? I think it would be the kiss of death for the whole movement. Although it is tempting to do it that way.

Then, yesterday, on my way up here, in my little hometown of Maryville, TN, I picked up the newspaper and it reminded me of why I so strongly believe it is a good idea to create an environment in which school districts and States can create teacher and principal evaluation systems and it is a bad idea to order it, define it, and regulate it from Washington.

Here is the headline. I mentioned this yesterday in my remarks on the floor: ''Evaluation of Teachers Contentious.''

Now, here is the State of Tennessee—Mr. President, could I ask unanimous consent for 3 more minutes?

Mr. MORAN. Mr. President, I certainly have no objection.

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

Mr. ALEXANDER. I thank the Senator from Kansas, and I will kind of speed up my comments a little bit. But I might take 4 minutes, unless that is a problem.

Mr. MORAN. I certainly have no objection.

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

Mr. ALEXANDER. I thank the Senator from Kansas because I would like to make my point, if I may.

Remember, the State of Tennessee won Race to the Top. It has been working on teacher evaluation for 25 years. It developed the Sanders Model, which was the first real way that we related student achievement to teacher performance. May sound easy. It is pretty hard. Nobody else would do it.

This professor at the University of Tennessee's Agriculture Department, a statistician, said: I think I can do it. He did it, and it is being used all around the country in many places—but not everyplace. Some do not have confidence in it.

So Tennessee wins $500 million in Race to the Top—to do what? Have a teacher and principal evaluation program. Here they are doing it. Twenty-five years of experience, and it is the front page news: ''Evaluation of Teachers Contentious''—all the struggles with that program.

Then we get here into what is involved. It says:

> Under the new system—

This is the Tennessee system of evaluation—

> tenured teachers will be evaluated at least four times each year. Nontenured teachers will be evaluated at least six times each year. . . .
>
> Teacher effectiveness ratings are calculated using a formula that is 50 percent qualitative and 50 percent quantitative. The quantitative portion combines student growth (35 percent) and student achievement (15 percent).

Now, they are having a tough time down in Maryville, TN, and Nashville, TN, about implementing their own proposal. It says:

> State officials are also traveling across the state to meet with stakeholders.
>
> The state Department of Education's Advisory Group will bring revision recommendations to [the] Education Commissioner. . . .

That's Kevin Huffman, one of the best in the country.

> Based on the proposed revisions, the recommendations might need to be brought before the State Board of Education.

Do we really want them to come to Washington after they get through with that and say: OK, now we have it figured out. We are having a really hard time doing it. You tell us what to do. You define what we ought to do. And may we please have your permission to do things this way instead of that way? I think not. I think that would be the kiss of death for any movement for teacher-principal evaluation.

So my plea is that we show some restraint, that we recognize that just a little movement here makes a big difference there when we are dealing with 3.2 million teachers, when we are dealing with 100,000 schools, and 15,000 school districts.

Secretary Duncan, whom I greatly admire, says:

> A comprehensive evaluation system based on multiple measures, including student achievement, is essential for education reform to move forward. We cannot retreat from reform.

He is exactly right. But that does not mean we need a national school board. That is what a Governor, a legislator, a school district, local people ought to be doing, working with teachers.

So the NEA and I may have the same position today on whether to have a mandate definition and regulation from Washington on teacher evaluation. We may agree. I cannot speak for them. But I will be watching—as I did 30 years ago, as I did 15 years ago, as I did 20 years ago as Education Secretary—to see what they are doing in Tennessee.

Are they making it easier for Kevin Huffman and the Governor and the legislature to implement this award-winning teacher evaluation program or are they making it harder?

So I hope we will have a good, full debate as we move to the markup in the next few days. I respect the enthusiasm of all those who want to begin a process for teacher and principal evaluation. I would like to believe that no one wants it to move more than I do. I have watched it for 30 years. I have fought everyone who is against it for 30 years, and I strongly believe the right way to do it is to recognize that education is like jobs. Both are national concerns, both are of interest to the Federal Government, but we cannot create them from here. We have to create an environment in which local people, State people, can create better schools and create better jobs, and, in this case, a mandate definition and regulation from Washington, a national school board, would be a terrible error.

I thank the Presiding Officer, and I thank the Senator from Kansas for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I commend the Senator from Tennessee for his remarks. I believe that while what happens in Washington is important, we really do change the world one person at a time, and it happens at home in classrooms across America each and every day, and there is no more noble profession, other than parenthood, than that of a teacher. They make a tremendous difference in the lives of Americans each and every day, and I commend them for that. I also commend the Senator from Tennessee for his passion for education.

RECOGNIZING THE ARTHUR D. SIMONS CENTER

Mr. MORAN. Mr. President, I want to talk about education that is occurring at Fort Leavenworth, KS. I want to call my colleagues' attention to the important work that is being done in our Nation's heartland to educate the next generation of military leadership at the Command & General Staff College. The CGSC is the intellectual center of the U.S. Army and has trained

many of our Nation's legendary leaders: Generals Marshall, MacArthur, Patton, Eisenhower, Arnold, and Bradley. Today, the college continues to prepare a new generation of leaders who are tasked with protecting our country from threats here at home and abroad, around the world.

The 21st-century national security challenges we face are often complex and require the cooperation of several Federal agencies. It is not uncommon for officials from the Department of State to be working alongside the Department of Homeland Security or Department of Defense on the same project. From the provincial reconstruction teams in Afghanistan to responding to hurricanes or manmade disasters, the capability of agencies to work together is vital to the success of this mission. By working together and learning from previous mistakes, our government will become better prepared to keep our country safe and secure.

To improve coordination within agencies tasked with our national security, the Command and General Staff College Foundation, under the leadership of retired COL Bob Ulin, established the Arthur D. Simons Center for the Study of Interagency Cooperation at Fort Leavenworth in Kansas. Thanks to a very generous financial gift from Ross Perot, the center was created last April and named after Mr. Perot's good friend, retired COL Arthur ''Bull'' Simons, who led a rescue mission of U.S. Special Forces to free American prisoners in Vietnam in 1970. The Simons Center focuses on generating solutions to challenges often encountered when government agencies must work together. By drawing on real-world experience, the Simons Center works to facilitate broader and more effective cooperation within our government at the operational and tactical levels through research, analysis, publications, and outreach.

The center is also actively engaged in working with Members of Congress. Most recently, the center has been working with the Senate Homeland Security and Governmental Affairs Committee, of which I am a member, and on legislation to help facilitate better communication and coordination among personnel in the national security and homeland security fields.

The Interagency Personnel Rotation Act is scheduled to be considered in committee tomorrow and would give security professionals the opportunity to work alongside one another in a different agency for a period of time. The bill reminds me of the old saying ''Before you judge a man, walk a mile in his shoes.'' By giving staff the opportunity to work within another agency—to walk within his shoes—I imagine perspective will change and cooperation will increase. If the legislation is approved by Congress, the Simons Center will play a role in implementing these policies.

In addition to offering policy recommendations, the center also partners with several organizations to host conferences focused on how to improve interagency coordination. For example, the center recently cohosted a symposium on interagency transitions in Iraq, Afghanistan, and beyond with the Combined Arms Center and the U.S. Institute of Peace. Conferences such as these help provide senior government officials a helpful forum to further analyze ongoing challenges and develop practical solutions.

I wish to thank the center's executive director, Ted Strickler, who joined the center after a 30-year career in the State Department, for his hard work over the past year to get the center up and running. I also wish to recognize retired COL Bob Ulin of the Command and General Staff College Foundation for his ongoing dedication to this important initiative. Under the colonel's leadership, the foundation has successfully supported our country's oldest and largest military staff college in its mission to educate the next generation of our military leaders.

Finally, I urge my colleagues to take a closer look at the valuable work taking place at the Simons Center. We all recognize the importance of improving our government's ability to harness the strength of its various agencies. By promoting interagency cooperation, the Simons Center is helping to strengthen our national security capabilities so that our country and its citizens are better prepared for their future.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, October 19, when the Senate resumes consideration of H.R. 2112, the vehicle for the Agriculture, CJS, and Transportation-HUD appropriations bills, the time until noon be equally divided between Senators MCCAIN and BOXER or their designees for debate on the McCain amendment No. 739; that at noon, the Senate proceed to vote in relation to the McCain amendment No. 739; and that there be no amendments or points of order in order to that amendment prior to the vote other than budget points of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TRIBUTE TO JUDGE DAVID A. TAPP

Mr. MCCONNELL. Mr. President, today I wish to recognize the Honorable Judge David A. Tapp, an exemplary Kentuckian and recent recipient of the National Association of Drug Court Professionals, NADCP, prestigious ''All Rise Leadership Award.'' Judge Tapp currently serves as a circuit court judge for Lincoln, Pulaski, and Rockcastle Counties in my home State of Kentucky.

Judge Tapp was honored at the NADCP Annual Training Conference that was held in July in Washington, DC. The annual conference is considered the world's largest on substance abuse and the criminal justice system. Chris Deutsch, director of communications for the NADCP, praised Judge Tapp for being an outstanding ambassador for drug courts both in Kentucky and around the world saying, ''It is an honor for the NADCP to present Judge Tapp with this award.'' Judge Tapp was recognized alongside actors Martin Sheen, Matthew Perry, and Harry Lennix during the closing ceremony of the event.

Let me add here that I had the pleasure of seeing Judge Tapp here in Washington this past July when he attended the NADCP conference. I was honored to be presented with the NADCP's ''All Rise Leadership Award,'' and one of those presenters was Judge Tapp himself. I am a longtime supporter of Kentucky's drug courts and was pleased to meet with Judge Tapp and his fellow Kentucky drug court judges on this important issue. He is truly an impressive fellow.

In addition to his regular duties as a circuit judge, Judge Tapp volunteers his time in presiding over the drug court for the three counties and has been doing so since 2005. The drug court is similar to some 2,700 others nationwide and serves seriously drug-addicted individuals through intense treatment and supervision, says Judge Tapp.

''I do drug court for the small moments,'' said Tapp. ''At some point during the process you look at them and you see a new confidence. You see a gleam in their eye that wasn't there before, and you know that they get it. I take great pride in these efforts and applaud the hard work and dedication of all drug court staff members. These people volunteer their time and effort to do good deeds for thousands of people within the Commonwealth annually and they get almost no recognition for these efforts. They deserve a great amount of credit.''

I would ask all of my Senate colleagues to join me in congratulating the Honorable Judge David A. Tapp in receiving such a distinguished award for his efforts in rehabilitating drug offenders. Judge Tapp's work in drug court is commendable and he has served as a model for others in Kentucky and around the country. The Pulaski County Commonwealth Journal published an article in September highlighting Judge Tapp's accomplishments. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Pulaski County Commonwealth Journal, Sept. 30, 2011]

TAPP WINS PRESTIGIOUS JUDICIAL AWARD

A local judge received a prestigious award earlier this summer for his efforts as part of a national program that aims to rehabilitate drug offenders.

Pulaski County Circuit Court Judge David A. Tapp was awarded with the National Association of Drug Court Professionals ''All Rise'' award during a star-studded conference in Washington, DC.

''Judge Tapp is an outstanding ambassador for Drug Courts both in Kentucky and around the world,'' said National Association of Drug Court Professionals Director of Communications Chris Deutsch in a press release. ''His work in Drug Court has affected countless lives and his interview with Congressman Rogers will be critical to helping Drug Courts maintain funding in the coming budget cycle.

''It is an honor for NADCP to present Judge Tapp with this award,'' Deutsch continued.

The NADCP Annual Training Conference is considered the world's largest on substance abuse and the criminal justice system, according to a press release provided by the NADCP. This year's event took place from July 17 to July 20 and brought nearly 4,000 state and federal justice leaders, celebrities, judges, prosecutors, defense attorneys, clinicians, police and probation officers, military veterans, business owners, Drug Court graduates and their family members to the nation's capital. Tapp was recognized along with actors Martin Sheen, Matthew Perry and Harry Lennix during the closing ceremony of the conference on July 20.

Tapp was honored for his role in securing and conducting an interview with Congressman Hal Rogers (R–KY), Chairman of Appropriations in the U.S. House of Representatives, last December for NADCP's All Rise Magazine.

''The interview was so successful that it was featured as the cover story of the quarterly,'' stated the press release.

During the interview, Tapp asked Rogers if he felt it was important to further expand Drug Courts to reach more individuals.

According to the press release, Rogers responded, ''Yes, I'd like to see Drug Courts available everywhere. I've seen how effective they are. We did not have Drug Courts in my district and now that we have them, I've seen the difference that they can bring.''

Tapp's remarks ''brought nearly 3,700 attendees to their feet,'' stated the press release.

''I do Drug Court for the small moments,'' said Tapp upon receiving the award. ''When you look at an offender who has struggled . . . and at some point during the process that small moment comes where you look at them and you see a new confidence.

''You see a gleam in their eye that wasn't there before, and you know that they get it. That's why I do Drug Court.''

Tapp, who serves Pulaski, Lincoln and Rockcastle counties, has presided over Drug Court since 2005. Circuit Court Judge Jeffrey T. Burdette also serves as a Drug Court judge for Pulaski, Lincoln and Rockcastle counties.

The judges volunteer their time to preside over Drug Court.

''This Drug Court, like the nearly 2,700 in existence nationwide, serve seriously drug-addicted individuals through intense treatment and supervision,'' the press release stated.

Nationally, Drug Courts have been proven to significantly reduce drug abuse crime and recidivism while saving money, according to the press release.

''Drug Courts are one example of successful efforts made by criminal justice professionals to rehabilitate high-risk offenders,'' Tapp stated through the press release. ''I take great pride in these efforts and applaud the hard work and dedication of all Drug Court staff members.''

''These people volunteer their time and effort to do good deeds for thousands of people within the commonwealth annually, and they get almost no recognition for these efforts,'' Tapp continued. ''They deserve a great amount of credit.''

TRIBUTE TO LOUISVILLE PLATE GLASS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a native Louisville business that is celebrating its 100th anniversary this year, Louisville Plate Glass, and the company's owner, my good friend, Bill Stone. Louisville Plate Glass specializes in custom glass products such as laminated and insulated glass and was founded in 1911. The company is among an elite group of Louisville firms that have survived 100 years of business success.

Louisville Plate Glass has been hit hard by the struggling economy and faltering housing market that we are all familiar with, due to its close attachment to the real estate industry. Owner Bill Stone, 75, reclaimed ownership of the business in 2009 in order to ensure the business stays afloat. At the time, Bill was a partner in parent company United Glass Corp. when it announced its plans to sell Louisville Plate Glass to consolidate the company's business into other holdings outside the State.

Bill's pride took control however, and he decided to trade in a portion of his shares in United Glass Corp. to independently reacquire Louisville Plate Glass. ''It's not about money,'' Bill said. ''It's about pride now. It's about making it a success again.'' Bill says he is taking a ''survive-and-advance'' strategy with the business until the real estate market picks up again, and he rarely takes a salary from the company to further help company profits.

Louisville Plate Glass has recently had major projects at William Paterson University in Wayne, N.J., and also an outlet mall in New Hampshire, and Bill is optimistic that the real-estate industry will pick up soon and the business will grow. The company is also responsible for work on other notable projects in my hometown of Louisville, including Churchill Downs, the Humana Building, Louisville Slugger Field, Preston Pointe, and the University of Louisville Medical Faculty Building.

Bill is currently flirting with the idea of adding a tempering plant to grow the business. He says there is a ''50–50'' chance that he will invest in the new plant, which would add 20 employees and would bring in-house the production of safety and architectural glass work that is currently outsourced. The new plant would require several million dollars in investment, and Bill says his decision will be based upon whether he can secure State or local funding for the project.

''I take a great deal of pride in this business,'' says Bill, as he is determined to protect the 30 employees currently working at the company's headquarters on West Broadway. For anyone who is concerned with surviving the current down economy in similar fashion, Bill has three suggestions: always keep a strong balance sheet with cash reserves even when times are good, build the best product and provide the best service and the money will follow, and finally, answer every client phone call and customers will take notice.

Mr. President, I would ask all of my Senate colleagues to join me in congratulating Louisville Plate Glass as it celebrates its 100th anniversary. Owner Bill Stone's wisdom and effective business practices will, I hope, provide the company with great opportunities for success moving forward. Louisville Plate Glass is an inspiration to the businesses of Louisville and the people of Kentucky, and it is my hope the company will continue to prosper in the years to come. The Louisville publication, Business First, recently published an article recognizing the company's accomplishments over the past 100 years. I ask unanimous consent that the full article appear in the RECORD as follows.

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

[From Business First, Aug. 26, 2011]

LOUISVILLE PLATE GLASS STRIVES TO SURVIVE AS IT MARKS ITS 100TH ANNIVERSARY

(By Ed Green)

Louisville Plate Glass Co. owner Bill Stone admits that he should be celebrating a major milestone.

His business, which traces its roots to 1911, is among an elite group of Louisville firms to last 100 years.

Stone, a longtime Louisville businessman, recognizes the achievement and said he is proud the firm has lasted this long. But he's not exactly jumping for joy. Louisville Plate Glass produces custom glass products, designing and assembling products such as insulated and laminated glass.

Its business is closely attached to the commercial real estate industry, so the company has seen declining business in recent years as real-estate development and construction practically halted, he said.

BACK IN BUSINESS

That's one reason Stone, 75, took back ownership of the business in 2009 from Louisville-based United Glass Corp., a partnership in which he was involved.

Now, he said, he is working to get the business back on its feet and protect the about 30 jobs remaining at the company's headquarters and plant on West Broadway.

''In our 100th year, we're taking a licking but keep on ticking,'' Stone said.

He declined to say whether the business remains profitable but said sales are in the ''mid-seven figures'' range and about 40 percent of the record levels set in 2007.

Employment has dropped from its peak of about 50, but none of the job cuts has come from layoffs.

Stone, who has been taking a salary from the business only rarely, said he doesn't want to sound like the situation is dire. But the last few years have been tough, he said.

''I feel a great deal of pride in the business,'' he said, adding that he could have retired with the money he earned from the business and other investments.

Instead, in 2009, he traded in a portion of his shares in United Glass, a company he helped found that owned several glass businesses, to re-acquire Louisville Plate. He declined to disclose the value of the sale, which was a cashless transaction, he said.

Stone's decision, he said, came after his partners said they were considering closing Louisville Plate Glass and consolidating its business into other holdings outside the state.

The partners sold the other United Glass assets earlier this year to Florida-based private-equity firm Sun Capital Partners Inc. for an undisclosed amount, and Stone now is involved only in Louisville Plate Glass, he said.

Officials with United Glass could not be reached for comment.

Stone said he is taking a ''survive-and-advance'' strategy with his business until commercial real estate picks up.

''It's not about money,'' he said. ''It's about pride now. It's about making it a success again.''

BUSINESS STARTING TO PICK UP AGAIN

Stone said that although there is no clear end in sight to the recession's impact on the real estate industry, he is optimistic that business will return.

The company recently had major projects at William Paterson University in Wayne, N.J., and at an outlet mall in New Hampshire.

Stone said much of the work in the past couple of years has come from the public sector, but he is starting to see more plans coming together for private commercial real estate projects.

There also is a lot of interest in improving the efficiency of windows, which is one of the company's niches.

And Louisville Plate Glass has started selling fire-rated glass that acts as a barrier to heat and is required in many large buildings, such as schools, hospitals and public institutions.

OPPORTUNITY FOR GROWTH

Stone has not decided whether he will invest in growth but said the chances are about ''50–50'' that he will add a tempering plant to his Louisville operation.

The project would require an investment of several million dollars and would add about 15 to 20 employees.

The plant would bring in-house the work, which creates safety and architectural glass through heat treatments. The company currently outsources the tempering work.

Stone said his decision likely will be based on whether he can secure state or local incentives for the project. He added that he has not yet sought help.

''I just haven't decided if, at this point in my career, I want to make that kind of investment.''

NOTABLE PROJECTS

The following local structures have used Louisville Plate Glass Co.'s products:

Churchill Downs
Fleur de Lis condominiums
The Green Building
The Humana Building
Louisville Slugger Field
Preston Pointe
University of Louisville Medical Faculty Building

THREE TIPS TO HELP MAKE IT THROUGH THE TOUGH TIMES

Bill Stone offered these suggestions for how small companies can survive when business is off and profits are down.

1. Don't take all the profit out of a business when times are good. Make sure the business keeps a strong balance sheet with cash reserves. ''Almost every mistake can be traced to instant-gratification desires,'' Stone said.

2. ''It sounds trite, but build the best product and provide the best service, and the money will follow,'' he said, adding that young businesses often are too focused on the bottom line.

3. Answer all phone calls, letters and other forms of communication promptly, and clients will take note. ''Do not screen calls,'' he said, adding that staff at his office never asks callers who they are. Instead, he said, he takes all calls if he is available.

VOTE EXPLANATION

Ms. CANTWELL. Mr. President, due to the funeral of former Washington State Governor Rossellini, I was unable to attend yesterday's session to vote on the nomination of Cathy Bissoon to be a U.S. district judge for the Western District of Pennsylvania. Had I not been in Washington State, I would have supported the nomination.

ADDITIONAL STATEMENTS

AMERICAN RUSSIAN CULTURAL COOPERATION FOUNDATION EXHIBIT

• Mrs. MCCASKILL. Mr. President, I wish to congratulate and commend the Honorable James W. Symington and the American Russian Cultural Cooperation Foundation on the success of their exhibit ''The Czar and the President, Alexander II and Abraham Lincoln.'' Housed in the magnificent Palace of Catherine the Great in St. Petersburg, Russia, and the State Archives of the Russian Federation in Moscow, the display included an impressive collection of documents, art, and personal artifacts of Czar Alexander II and President Lincoln.

The exhibit debuted in St. Petersburg with great fanfare on April 26, 2011, with representatives from the American Russian Cultural Cooperation Foundation, ARCCF, and Russian government officials in attendance. Russian Minister of Culture, Mr. Alexander Avedyev, and ARCCF chairman James W. Symington, presided over the ribbon cutting, while the Kremlin's Presidential Band provided entertainment. The exhibit was widely covered by the Russian media, and featured in the Washington Post and the New York Times.

Timed to correspond with the 150th anniversary of the emancipation of the serfs and the beginning of the Civil War, the exhibit explored the commonality of Czar Alexander II and President Lincoln as liberators who ultimately met a tragic end. Although they never met personally, they exchanged warm correspondence, and shared a somewhat unexpected friendship. Through a study of these two leaders, visitors became acquainted with the often unexplored history of mutual respect and friendship during the Civil War era.

''The Czar and the President'' closed on July 31 after receiving rave reviews. Reviews of the exhibit can be read below. I hope my colleagues will join me in congratulating Mr. Symington and the ARCCF, and thank them for their continued dedication in preserving the cultural and historical ties between the United States and Russia.

Mr. President, I ask to have printed in the RECORD a copy of the text of the guest book.

The material follows.

THE GUEST BOOK FROM THE EXHIBITION, THE CZAR AND THE PRESIDENT, ALEXANDER II AND ABRAHAM LINCOLN, THE LIBERATOR AND THE EMANCIPATOR

FOREWORD

Years ago I came across an obscure amount of US-Russia relations during our Civil War. Tsar Alexander II's favorable disposition toward our Union and his friendly correspondence with President Lincoln were pages missing from my school and college textbooks. Even the goodwill visits Russian fleets in 1863 to New York and San Francisco during our time of trial had been erased from memory to say nothing of the eloquent dispatch sent in 1861 by Russia's Chancellor, Prince Gorchakov to his Minister in Washington, Gustav Stoekl which reads in part:

''For the more than eighty years that it has existed the American Union owes its independence, its towering rise, and its progress, to the concord of its members, consecrated under the auspices of its illustrious founder, by institutions which have been able to reconcile order with liberty . . . In our view, this Union is not only a substantial element of the world political equilibrium, but additionally, it represents the nation towards which our Sovereign and Russia as a whole, display the friendliest interest. . .

In all cases the American Union may count on the most heartfelt sympathy on the part of the Sovereign in the course of the serious crisis which the Union is currently going through . . . ''

These sentiments*, made manifest by the good will visits of Russian fleets to New York and San Francisco in 1863, had to be reassuring to a President rightly concerned over the possibility of foreign intervention inimical to his cause.

It was the purpose of our Tsar and President exhibit to acquaint Russian citizenry and officialdom with this vivid history of accord and mutual respect. I trust the attached citizen reaction warrants the claim, ''mission accomplished''.

James W. Symington
Chairman
American Russian Cultural Cooperation Foundation

*Translated from Russian by Dr. Jay Strickland Ryfa, Counselor to the American Russian Cultural Cooperation Foundation

A wonderful exhibition from an educational point of view and as a general idea. The parallel between the Czar and the President is quite unexpected. It was very interesting with a lot of wonderful exhibition items. Thank you from the press.

Editorial staff of Rossiyskie Vesti
Editorial staff of Min Novostey

A wonderful and a very interesting exhibition! Thank you very much for a subtle approach toward these two individuals! Many thanks to the organizers of the exhibition.
S.M. Yemelyanova, the Museum of the Moscow Kremlin

A remarkable idea of the exhibition and its realization.
With gratitude, the Kokoshkin family
Very Educational!
Thank you!

A very good exhibition, especially for our time, when anti-Americanism is on the rise.
The exhibition is informative and well organized! It helped us to compare what seemed to be different historical events and filled the gaps in our knowledge of history. Thank you.
The Kryuchkov family

Thank you to the organizers of the exhibition. The best gift one can think of in honor of the February 23 holiday is not only to men but also to women, the Muscovites and the guests of our capital city. To all of us who love history.
February 23, the Timoshevsky family

Thank you to the organizers if the exhibition and congratulations on the day of Defenders of the Fatherland. Everything was organized splendidly. I saw many new documents, exhibits, and copies. Pity that the genius like that of Alexander II and Abraham Lincoln is rare these days; while a socio-political mechanism capable of removing tyrants like Saddam Hussein and Muammar Gaddafi has not been invented. Picturesque canvasses, sculptures, and photographs are works of art. Thank you very much!
Sincerely,
S.I. Manuylov, engineer. February 23, 2011

Thank you very much for this very interesting and informative exhibition. The organizers succeeded in arranging the exhibits in a very logical manner. Thank you for the idea of comparing these two remarkable individuals.
Yulia and Tatiana. February 23, 2011

Thank you so much for an interesting and unusual exhibit!
Bulat and Marina Guzairov

A very informative exhibition.
Sincerely, Anna and Victor Shakhmatov

A splendid exhibition. Very informative. Thank you!
Retired

A unique exhibition. It is very informative and tastefully executed. Thank you very much.
A Candidate of Technical Sciences

Very informative and interesting exhibition. Thank you very much. 02.24.2011

Thank you for the informative exhibition! I hope that the links between Russia and the United States will continue to grow, and historical parallels will be justified! 02.24.2011

Thank you very much for the exhibition. I felt as if I had visited another dimension, a different world. I felt proud for once great Russia. Will we be able to bring it back one day?
Svetlana, a homemaker, 02.24.2011

Thank you to the organizers of the exhibition for a huge work. The exhibition is very enriching and instructive.
Staff of the Museum of History of the Moscow State University, 02.25.2011

It was interesting to see personal belongings of Abraham Lincoln.
A student of the Sholokhov Moscow State Humanitarian University

A splendid exhibition!!! Thank you!
Students of the 10th Grade, School No.: 875

Thank you very much from a colleague, a graduate student at the Department of History of the Moscow State University. February 25, 2011

Instructive, informative, professional! Deep gratitude to the colleagues from the State Archives of the Russian Federation and the museums participating in this project. The exhibition is interesting, enriching, and timely. 02.25.2011

I enjoyed the exhibition immensely. Once again I came in close touch with Russian history. Thank you very much and further successes! 02.25.2011

A wonderful project and very timely for contemporary Russia. 02.25.2011

The exhibition is unique and emotional. It makes one think about history of both countries, which one should know and should not forget. Thank you to the State Archive and the Museum of History.
Tiutchev Museum in Moscow, February 27, 2011

It would be nice if our stately rulers paid a visit to the exhibition. Perhaps they might learn lessons from history and hopefully understand it. 02.26.2011

I completely agree with your statement.
A wonderful exhibition! Excellent staff. They deserve bonuses.

It is interesting to note that ever since then until today the Americans and the Russians never fought each other with guns. Let it be like this in the future! 02.27.2011

I learnt many new things. I was impressed with the exhibited items. The exhibition is interesting and expert. Thank you.

Thank you for expertly executed exhibition, rich, and instructive. We examined the exhibition with great pleasure. Thank you very much!
I.P. Dobysh, G.
Yu. Geatsintova

02.27.2011 Thank you very much to the organizers of the exhibition.

Dear organizers of the exhibition! I would like to thank you wholeheartedly for great pleasure to get in touch with history. I feel privileged to write these lines into the book created by true historians.
Sincerely yours, F. Melentyev

02.27.2011 To the organizers of the exhibition. It is very interesting and informative.

March 2, 2011. Thank you for the exhibition. Did they show it in the United States?

March 2, 2011. An interesting exhibition. I learnt a lot of new things. What complicated lives! High professionalism of the organizers of the exhibition. Thank you. It is strange that the exhibition is free of charge—the Archive could have used the money.
Sincerely, Zvonareva

March 2. The exhibition is interesting and informative. What a pity that our contemporary czars in contrast to the former do not treat Americans well, as well as their own people.
A. Kolokoltsev

Thank you very much to the organizers of the exhibition. It is a splendid idea to compare the lives of two remarkable men and to demonstrate the role of an individual in history.
A student of the Lomonosov Moscow State University
03.02. Thank you very much for this exhibition. Many genuine historical items. I liked it very much.
Natalya

03.02.11. While looking at this exhibition, one cannot help feeling a special sympathy toward the world history of humanity. This sentiment is caused by this wonderful exhibition.

03.02.2011. Thank you very much to the staff of the State Archives of the Russian Federation and their American colleagues for a wonderful and informative exhibition. Let the relations between our countries be always friendly as they were in the nineteenth century, thanks to the efforts of the Emperor Alexander II and President Lincoln.

Thank you for an interesting exhibition and the guided tour by Tatyana Fedorovna.
—Students

A bow to all who care about history and glory of the Fatherland. Thank you! 03.05.11.

The exhibition is quite modest. Too many accents were made by Mme. Zakharova on the so-called ''liberalism'' and ''liberal idea.'' Down with them! A slave's collar is a pinnacle of the exhibition. A replica for multimillion guest workers. Hail to Russia! Carthage will be destroyed!

Thank you very much! A very interesting, rich, and informative exhibition. 03.05.2011

The exhibition is well prepared and rich in content. I have seen many items for the first time. The texts were very helpful. Pity that the exhibition booklets were not available. I wish the exhibition was covered by the central TV and by the press so that more people would learn about it. 03.05.2011.

Thank you very much! A very interesting exhibition. Especially the display of items of the Russian Emperor Alexander II.
03.06.2011 Smirnov

An interesting and well-presented historical exhibition. Something to remember. 03.06.2011.

Thank you very much for a wonderful exhibition. It is very well arranged. The exhibition turned out to be rich and memorable.
Sincerely, Ylya and Irma 2011.03.05

The exhibition is ''super''! I loved absolutely everything. And very important, it was free. Thank you very much. =)

The exhibition was so-so, but I liked it even though I hadn't read anything. I like the best the saber, the cartridge, and the rifle. 10 years. 03.03.2011
''You are a young fool! Study more and get smarter!''

A good exhibition. It would be nice to exhibit the entire correspondence between Lincoln and Alexander II. 03.06.2011.

The fate of both A. Lincoln and Alexander II was tragic. Russia and the United States do not have friendship that the President and the Czar Liberator were dreaming of.

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Unfortunately, state people of this scale do not exist. And the liberated people are engulfed in wars, hypocrisy, avarice and godlessness. Help them Lord, to wake up and be worthy of the life on Earth!

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March 6, 2011

In his speech in St. Petersburg in 1865, the Ambassador of the United States to Russia, Cassius Clay, said remarkable words: ''I want peace for the whole world and peace between Russia and the United States for the longest time.''

It would be nice for leaders and the government of the United States to remember this ''precept of the ancestors'' and adhere to it in today's policy. They should not interfere in the internal affairs of other countries on other continents and not impose their will to bring their ''democracy'' on the bayonets. The bombardment of Yugoslavia was a war crime. In Iraq peaceful people are dying even today, and thousands and thousands are victims thanks to US interference. Now they are bringing their ships to the shores of Africa. Lincoln would have been ashamed of America today.

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The exhibition is wonderful, deep gratitude to its organizers

79 years old. March 6, 2011

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Deep gratitude and admiration to the authors of the project and the organizers of the exhibition.

Members of the Union of Friends of Bulgaria. 03.09.2011

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03.10.2011. A surprising exhibition about our history. I wish it taught something to our ruling elite. We lost so much, poor Russia! Thank you very much to all who had worked on it.

G.V. Guseva

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03.10.2011. Thank you very much for an interesting exhibition to dear staff of the State Archives of the Old Acts (and the State Archive of the Russian Federation). I was especially impressed by the Emperor's signature, ''So Be It,'' the nautical maps of the depths of New York Bay, and the ''sand box'' of Lincoln's secretary.

Thank you!

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A splendid exhibition! I cannot find words to express my enthusiasm. Marvelous! Many thanks to all organizers of the exhibition! All items are simply wonderful. We would not have been able to see it anywhere else! So much knew and previously unknown was revealed in these rooms. A deep bow to all staff of the State Archives. I wish everyone good health and happiness so that you would always bring us joy with such exhibitions.

Frequent visitor L.V. 03.10.2011

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One recommendation: the descriptions of the items are printed in a very small font. Please, take these small flaws into account for future exhibitions.

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03.11.2011.

The staff of the Russian State Archive of the Photo Document expresses deep gratitude to the organizers of the exhibition and a wonderful guided tour.

Sincerely,

The Archive Deputy

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03.11.2011. Thank you for the exhibition, for knowledge, and for your efforts to pass it to the visitors.

State Archive

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Thank you to the organizers for the idea of the exhibition and its implementation. Many interesting things, but the historians love dates. The first stands lack the dates of birth and death of Alexander II and Abraham Lincoln.

Thank you, Kilmov

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Thank you for a wonderful exhibition, for your high professionalism, and love toward history and great people. A lot of interesting documents. I learnt a lot of new things.

Thank you. Sincerely. . .

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Thank you very much to American and Russian organizers of the exhibition for the opportunity to familiarize myself with priceless relics of the dramatic period in history of the United States and Russia, when the relations between two great nations were so friendly.

Sincerely,

I.S. Kuryanova

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March 13, 2011. Thank you very much for the exhibition! Very interesting and informative.

O.V. Lipina

L.I. Borzova

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Thank you very much for an informative and well-organized exhibition!

A. Ignatov

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The originals! I am very happy to see them here. I received aesthetic pleasure. Thank you! 03.13.11.

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Many thanks for such a remarkable exhibition.

Elena, Dmitry.

March 13, 2011

The Anniversary of the death of Alexander III

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''Yes, there used to be people in our time. . .''

Retired. Moscow. 03.13.11.

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We are grateful to the Exhibition Hall of the Federal Archives for the opportunity to get acquainted with the history of Russian and American relations. A remarkable exhibition, very informative.

O.I Likhomanova

M.V. Klochkov

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03.13.2011. One of the best exhibitions held by the Archives. Thank you very much.

Philatova, retired.

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Thank you for a well prepared exhibition and the opportunity to refresh in our memory the great history of Russia.

Oleg and Olga Mikhaylov

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I would like to express big gratitude to the organizers of the exhibition. The very idea of the exhibition is brilliant, and its implementation opens for the visitors a plethora of interesting facts from history of two great nations.

E.M. Spirina

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Let the foundations of cooperation and friendship built by these two great leaders of our countries live and strengthen despite all. Thank you to the State Archives and the American side for the contribution to this noble affair.

Yu. F. Blochkarev,

retired in 1967–70

USA Department of the Ministry of Foreign Trade

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The exhibition once again confirms the Universal Mission of Russia and the inevitable retribution for the sin of regicide.

With gratitude and respect to the organizers, E.A. Rusanov, 03.16.11

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Thank you for a very good exhibition.

03.16.2011, Atlanta, GA, USA

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A very interesting exhibition. Thank you very much! 03.17.2011.

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I am a frequent visitor of your exhibitions. I leave this exhibition with a feeling of deep gratitude to the organizers of this exhibition. It is splendid and arranged with great taste. Carry on!

I.K. March 17, 2011

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I liked everything. It was very interesting!

Thank you for an interesting exhibition!

Students of the Lomonosov Moscow State University express their gratitude to the organizers of the exhibition for the opportunity to get familiar with the heritage of two key figures in the history of the United States and Russia.

03.19.11

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A wonderful exhibition!

The US Club at the Moscow State University, 03.19.11

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I learnt a lot. Thank you!

Student from Kazakhstan, Moscow State University

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Thank you very much for the exhibition. It was interesting to learn about such outstanding state figures. I am looking forward to future exhibitions!

Svetlana Abashina

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Thank you very much for such an interesting and well-organized exhibition, for your contribution.

Sincerely . . .

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I am grateful to the staff of the Archives, and the organizers of such monumental historical tours into the history of our country, including world history. ''The Revolution always devours its children. New progressive ideas and the practical steps toward new life meet the resistance of reactionaries with the personal imperative of a master. A Russian person is always looking for a master. . .''

A.M. Gorsky ''Master''

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A very remarkable exhibition! Unique items from American Museums that rarely come to Russia. Interesting parallels between two statesmen. Thank you to the organizers for pleasure!

03.11.11.

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Interesting! 03.20.2011

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A staggering exhibition! I am used to good exhibitions at the State Archives, but this one is above all praise. One should bring here all schoolchildren. It is an exhibition like this that one should teach civil pride and not at phony classes at schools that teach patriotism. Having seen the exhibit, I understand that the United States and Russia have nothing to fight over; we are destined to peace and friendship by the historic destiny. If only everyone understood this! I will use the catalog of this exhibition in my classes. Thank you very much!

03.20.2011

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Thank you very much for an interesting and informative exhibition. Pity that the catalog is too expensive. I wish there was one less expensive. Good luck and have more visitors!

03.20.2011

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Thank you. As always, everything is very interesting and lucid. I wish there was an exhibition dedicated to Russian Empresses, beginning with Catherine the Great and ending

with Alexandra Fedorovna and the Great Duchess Elizaveta Fedorovna, the wife of Great Duke Sergei Alexandrovich assassinated by a terrorist.

They were all from the European royal families, German, Danish.

Where does this tradition come from? Why? In the end, it did not bring prosperity to the Russian royal family, or the country.

Retired

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Many interesting unknown data that slightly changed my opinions about the Northern States for the better. Thank you.

P.S. I would like to visit the Federal Archives to see more documents about it.

V.V. Smirnov

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Thank you very much for the exhibition! As soon as I heard about it, I wanted to come and see it at once. I was not disappointed. I learnt a lot of new things. And I not only learnt but also felt of these two heroes as human beings. I felt that they lived not a long time ago, next to us. It turns out that even czars thought of people. I was surprised to find out that the Manifesto was being prepared by a whole team. It was not just a gesture. Thank you for bringing history alive.

03.24.2011, M.V. Zvereva

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We need more exhibitions like this one!!! 03.24.2011

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No words how tastefully and tactfully this exhibition is presented. Brilliant. Thank you very much.

R.D., 03.24.2011

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Thank you very much for a wonderful exhibition! 03.24.2011

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We express our sincere gratitude for this small, but bright and informative exhibition. We saw and learnt something new that we had not known before.

Chritina, 03.24.2011

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Thank you very much for this exhibition!

Students of the Department of History of the Sholokhov Moscow State Humanitarian University

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We express our gratitude for the interesting and informative exhibition!

Students of the Moscow Institute of International Relations, 03.24.2011

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Accept my gratitude for a wonderful exhibition. 03.24.2011

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Thank you very much for the exhibition and a guided tour.

V.A. Deyneka, Chief Curator of the Exhibition Hall of the Moscow Archives, 03.24.2011

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I pass my gratitude to staff member Larisa (that is how she introduced herself) who knew the material well and gracefully presented it. Special thanks to the organizers for their skillful arrangement of exhibits and documents, for the elegant design, not to mention the precise choice of the material for the exhibition.

Sincerely, Alekhina, the Moscow State Archive

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The students of School No. 169 express gratitude for the guided tour and the wonderful exhibition!

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The staff of RGANMD thank the tour guide Anna Sidorova for an informative and warm guided tour of this very interesting exhibition. 03.25.2011

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I have already seen it three times. Well done! Great pleasure. Thank you very much. 03.25.2011, V.N. Akinin

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A wonderful and noble idea, a timely exhibition. Maybe it will plant seeds of reason in our souls. Thank you.

Pokrovskaya

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I attended the ceremonial opening of this remarkable exhibition in February, but resolved to return to visit it again to be able to spend as much time as possible examining the priceless exhibits and documents that have been collected here in one place. My sincere congratulations to the Russian and American organizers and curators, whose cooperation in this is a contemporary illustration of the spirit of common cause that the relationship between Lincoln and Aleksander exemplified. All of this is an inspiration to me in my daily work to forge a more constructive and productive relationship between our two great nations.

John Beyrle, U.S. Ambassador to Russia

12 March 2011●

RECOGNIZING PALMYRA STATE BANK

● Mr. KOHL. Mr. President, I wish to recognize the 100th anniversary of Palmyra State Bank. I am honored to have the opportunity to celebrate this extraordinary milestone.

The Bank of Palmyra, founded in 1893, was the first lending institution to be established in the town of Palmyra, followed soon after by the chartering of the Farmers State Bank in 1911. In 1931, following the turmoil of the Great Depression, the town's two banks merged to form the Palmyra State Bank.

For over a century, Palmyra State Bank has dedicated itself to providing its customers with the highest quality banking services. As a locally owned institution, Palmyra State Bank has been a tremendous asset in helping promote economic growth throughout the community and the region. Even in the face of today's difficult economic times, Palmyra State Bank continues to flourish and has achieved a well-earned reputation for providing their customers with financial security and highly personalized service.

As you know, I have long held both personal and professional admiration for independent banks that are focused on strengthening communities in both the best and worst economic times. For more than 100 years, Palmyra State Bank has done just that and embodied the importance of building strong local connections.

It is for this commitment to providing every customer with the highest quality banking services, and for this bank's crucial role in community development, that I am proud to recognize 100 years of service that Palmyra State Bank has provided to the people of the State of Wisconsin.●

REMEMBERING GOVERNOR ALBERT D. ROSELLINI

● Mrs. MURRAY. Mr. President, I would like to pay tribute to a great American Governor, dedicated public servant, and community leader from the State of Washington, Governor Albert D. Rosellini.

Governor Rosellini has the kind of classic American story that so many of us can tell about our parents and grandparents. The son of Italian immigrants, he was born Jan. 21, 1910, in Tacoma, WA. His father, Giovanni, opened a saloon but was forced to close it during Prohibition. The family then moved to Seattle's Rainier Valley.

Rosellini was a graduate of the University of Washington law school in the early 1930s and was hired by King County prosecutor Warren G. Magnuson. He was elected to the State senate in 1938 and served for 18 years, during which time he championed the creation of the medical and dental schools at the University of Washington.

Rosellini was elected Governor of Washington in 1956 and reelected in 1960. His first term has been praised as one of the most effective and progressive in our State's history. In particular, he was credited with improving conditions in State prisons, mental hospitals, and juvenile homes. Rosellini fought for more modern facilities, training of staff members, jobs for inmates, and forestry camps for low-risk offenders. He also helped push for the creation of the SR 520 floating bridge across Lake Washington, from Seattle to Medina, WA, that bears his name today.

Governor Rosellini passed away on October 10, 2011, in Seattle at the age of 101. Rosellini's wife of 64 years, the former Ethel McNeil, passed away in 2002. Survivors include five children and 15 grandchildren. He will be missed dearly.

In addition to his many years serving the people of Washington State, Governor Rosellini also used his time and energy to mentor a new generation that wanted to get involved in government. He was one of the first supporters in my corner when I got into politics, and I know there are countless others across our State who benefitted from his advice and support over the years.

While the legacy Governor Rosellini leaves will be forever engrained in the State he loved so much, it will also be preserved through the men and women he boosted and supported who will continue building on his great work for Washington State families and communities.

I would like to ask my colleagues to join me in paying homage to Governor Albert D. Rosellini. He lived a long and full life and the people of Washington State will always be indebted to him for his role in shaping the future of our State. Our thoughts are with his loved ones at this time of great loss.●

RECOGNIZING NORTHAMPTON COMMUNITY COLLEGE

● Mr. TOOMEY. Mr. President, I am proud to recognize the growth of Northampton Community College as

they break ground on a new 200,000-square-foot campus in Monroe County. In the past 40 years, Northampton Community College has grown into a public, comprehensive community college, matriculating 36,000 students through their credit programs, workforce training, adult literacy, and youth classes.

The new campus will nearly double the capacity of its current Monroe County campus and enable Northampton to continue offering degree programs specifically targeted to meet the needs of the local community. For example, the new campus will house the Workforce Development and Training Center, which is projected to train more than 1,000 new, incumbent and displaced workers within five years of completion. Additionally, the expanded campus will serve the needs of the community by providing greater public meeting spaces and athletic fields for youth sports.

Furthermore, this project will assist in helping the community weather tough economic times by spurring economic growth, creating hundreds of new jobs for Pennsylvanians and generating millions in economic revenue activity.

I would like to congratulate Northampton Community College on reaching a great milestone and look forward to hearing of future achievements.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1720. A bill to provide American jobs through economic growth.

S. 1723. A bill to provide for teacher and first responder stabilization.

S. 1726. A bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

H.R. 2250. An act to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

H.R. 2273. An act to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

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–3589. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Tomatoes With Stems From the Republic of Korea Into the United States'' ((RIN0579–AD33) (Docket No. APHIS–2010–0020)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3590. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Plastic Parts and Business Machines Coatings'' (FRL No. 9479–6) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC–3592. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Drum and Pail Coatings'' (FRL No. 9479–4) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC–3593. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Transportation Conformity Rule: MOVES Regional'' (FRL No. 9478–1) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC–3594. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Miscellaneous Metal Plastic Parts Surface Coating Rules'' (FRL No. 9478–4) received in the Office of the President of the Senate on October 11, 2011; to the Committee on Environment and Public Works.

EC–3595. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio and Indiana; Redesignation of the Ohio and Indiana Portions Cincinnati-Hamilton Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter'' (FRL No. 9480–6) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC–3596. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adhesives and Sealants Rule'' (FRL No. 9480–5) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC–3597. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations'' (FRL No. 9480–8) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC–3598. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Special Rules Governing Certain Information Obtained Under the Clean Air Act: Technical Correction'' (FRL No. 9479–8) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC–3599. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference; Correction'' (FRL No. 9480–3) received during adjournment of the Senate in the Office of the President of the Senate on October 14, 2011; to the Committee on Environment and Public Works.

EC–3600. 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 ''Keller v. Commissioner, T.C. Memo 2006–131'' (AOD–2011–44) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Finance.

EC–3601. 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 ''2011 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2011–23) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Finance.

EC–3602. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–155 ''Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3603. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–156 ''Saving D.C. Homes from Foreclosure Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–3604. A communication from the 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, including, technical data, and defense services to Belgium, France, Germany, Spain, Turkey and the United Kingdom for A400M Aircraft Oxygen Systems in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–3605. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut Fisheries; CDQ Program; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Recordkeeping and Reporting'' (RIN0648–AX97) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3606. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Head of the Cuyahoga, Cuyahoga River, Cleveland, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0825)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3607. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; TriRock Triathlon, San Diego Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2011–0789)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3608. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Giannangeli Wedding Fireworks, Lake St. Clair, Harrison Township, MI'' ((RIN1625–AA00) (Docket No. USCG–2011–0721)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3609. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Corporate Party on Hornblower Yacht, San Francisco, CA'' ((RIN1625–AA00) (Docket No. USCG–2011–0690)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3610. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; August and September Fireworks and Swimming Events in Captain of the Port Boston Zone'' ((RIN1625–AA00) (Docket No. USCG–2011–0671)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3611. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Myrtle Beach Triathlon, Atlantic Intracoastal Waterway, Myrtle Beach, SC'' ((RIN1625–AA00) (Docket No. USCG–2011–0001)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3612. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Revolution 3 Triathlon, Sandusky Bay, Lake Erie, Cedar Point, OH'' ((RIN1625–AA00) (Docket No. USCG–2011–0775)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3613. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Fireworks Displays and Surfing Events in Captain of the Port Long Island Sound Zone'' ((RIN1625–AA00) (Docket No. USCG–2011–0786)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3614. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ryder Cup Captain's Duel Golf Shot, Chicago River, Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2011–0847)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3615. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; M/V DAVY CROCKETT, Columbia River'' ((RIN1625–AA00) (Docket No. USCG–2010–0939)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3616. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; East Coast Drag Boat Bucksport Blowout Boat Race, Waccamaw River, Bucksport, SC'' ((RIN1625–AA00) (Docket No. USCG–2011–0672)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3617. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Thunder on the Gulf, Gulf of Mexico, Orange Beach, AL'' ((RIN1625–AA00) (Docket No. USCG–2011–0734)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3618. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, John H. Kerr Reservoir, Clarksville, VA'' ((RIN1625–AA08) (Docket No. USCG–2011–0545)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3619. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Chesapeake Bay Workboat Race; Back River, Messick Point, Poquoson, Virginia'' ((RIN1625–AA08) (Docket No. USCG–2011–0741)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3620. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District; Wrightsville Channel; Wrightsville Beach, NC'' ((RIN1625–AA08) (Docket No. USCG–2011–0629)) received in the Office of the President of the Senate on October 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3621. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0917)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3622. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1310)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3623. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0471)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3624. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0216)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3625. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0218)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3626. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (31); Amdt. No. 3445'' (RIN2120–AA65) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3627. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (75); Amdt. No. 3444'' (RIN2120–AA65) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3628. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 767 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0957)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3629. 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; Lycoming Engines Model IO–720–A1B Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0604)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3630. 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; WYTWORNIA SPRZETU KOMUNIKACYJNEGO (WSK) ''PZL–RZESZOW''–SPOLKA AKCYJNA (SA) PZL–10W Turboshaft Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0760)) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC–3631. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Restrictions on Operators Employing Former Flight Standards Service Aviation Safety Inspectors; Correction'' (RIN2120–AJ36) received in the Office of the President of the Senate on October 12, 2011; to the Committee on Commerce, Science, and Transportation.

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. HELLER (for himself, Mr. BOOZMAN, Mr. BLUNT, and Mrs. MCCASKILL):

S. 1727. A bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Massachusetts:

S. 1728. A bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. CRAPO, Mr. MORAN, Mr. ISAKSON, Mr. LUGAR, Mr. CHAMBLISS, and Mr. RISCH):

S. 1729. A bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to clarify that manure is not considered a hazardous substance, pollutant, or contaminant under that Act; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1730. A bill to permit Mexican nationals who legally enter the United States with a valid border Crossing Card through specific ports of entry in New Mexico to remain in southern New Mexico for up to 30 days; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):

S. 1731. A bill to improve the prohibitions on money laundering, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 1732. A bill to amend section 552a of title 5, United States Code, (commonly referred to as the Privacy Act), the E-Government Act of 2002 (Public Law 107–347), and chapters 35 and 36 of title 44, United States Code, and other provisions of law to modernize and improve Federal privacy laws; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself and Mrs. HUTCHISON):

S. 1733. A bill to establish the Commission on the Review of the Overseas Military Facility Structure of the United States; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. CARPER):

S. Res. 296. A resolution commemorating the 50th anniversary of the Combined Federal Campaign; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself and Mr. PORTMAN):

S. Res. 297. A resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. LEVIN, Mr. AKAKA, and Mr. BROWN of Ohio):

S. Res. 298. A resolution expressing support for the designation of October 20, 2011, as the ''National Day on Writing''; considered and agreed to.

By Mr. BINGAMAN:

S. Con. Res. 32. A concurrent resolution to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 296

At the request of Ms. KLOBUCHAR, the names of the Senator from Nevada (Mr. REID) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 390

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 390, a bill to ensure that the right of an individual to display the Service Flag on residential property not be abridged.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 506

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 652

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 1133

At the request of Mr. WYDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1203

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1203, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 1212

At the request of Mr. WYDEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1212, a bill to amend title 18, United States Code, to specify the circumstances in which a person may acquire geolocation information and for other purposes.

S. 1217

At the request of Ms. SNOWE, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 1217, a bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, and for other purposes.

S. 1350

At the request of Mr. COONS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1385

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1385, a bill to terminate the $1 presidential coin program.

S. 1392

At the request of Ms. COLLINS, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1407

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1407, a bill to amend title XVIII of the Social Security Act to establish accreditation requirements for suppliers and providers of air ambulance services, and for other purposes.

S. 1427

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1427, a bill to amend the Food, Conservation, and Energy Act of 2008 to authorize producers on a farm to produce fruits and vegetables for processing on the base acres of the farm.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1527

At the request of Mrs. HAGAN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1527, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1539

At the request of Mr. CORNYN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1539, a bill to provide Taiwan with critically needed United States-built multirole fighter aircraft to strengthen its self-defense capability against the increasing military threat from China.

S. 1568

At the request of Mr. ALEXANDER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1568, a bill to amend section 9401 of the Elementary and Secondary Education Act of 1965 with regard to waivers of statutory and regulatory requirements.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1593

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1593, a bill to amend the Food and Nutrition Act of 2008 to require State electronic benefit transfer contracts to treat wireless program retail food stores in the same manner as wired program retail food stores.

S. 1615

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1615, a bill to require enhanced economic analysis and justification of regulations proposed by certain Federal banking, housing, securities, and commodity regulators, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1666

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1666, a bill to prohibit the implementation of certain rules of the National Labor Relations Board relating to the posting of notices on unionization.

S. 1676

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1680

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1707

At the request of Mr. BURR, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1707, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 1720

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1720, a bill to provide American jobs through economic growth.

S. 1723

At the request of Mr. MENENDEZ, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1723, a bill to provide for teacher and first responder stabilization.

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1723, supra.

S.J. RES. 28

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S.J. Res. 28, a joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Bahrain.

S. RES. 291

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 291, a resolution recognizing the religious and historical significance of the festival of Diwali.

AMENDMENT NO. 749

At the request of Mr. MCCAIN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Massachusetts (Mr. KERRY), the Senator from Idaho (Mr. CRAPO), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of amendment No. 749 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 757

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was withdrawn as a cosponsor of amendment No. 757 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 757 intended to be proposed to H.R. 2112, supra.

AMENDMENT NO. 758

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 758 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 759

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 759 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 774

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 774 intended to be proposed to H.R. 2112, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1730. A bill to permit Mexican nationals who legally enter the United States with a valid border Crossing Card through specific ports of entry in New Mexico to remain in southern New Mexico for up to 30 days, to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation, along with Senator TOM UDALL, aimed at increasing economic activity in New Mexico communities situated along the U.S.-Mexico border.

Currently, Mexican nationals holding biometric Border Crossing Cards, also known as Laser Visas, may travel up to 25 miles into the United States for a period of up to 30 days. The purpose of this initiative is to promote border commerce by allowing frequent, low-risk visitors to travel to U.S. border communities to conduct business, visit family, and shop.

Unfortunately, New Mexico has not benefited under this program to the extent that other border states have. The three largest cities along the New Mexico border—Las Cruces, Lordsburg, and Deming—are all outside of the current 25-mile geographical limit, and Mexican nationals with BCCs must acquire additional permits to visit these cities.

In order to address a similar situation, an exception was made for Arizona in 1999 to allow BCC holders to travel to Tucson. This change resulted in increased economic activity without in any way jeopardizing security. Tailoring the program to maximize its impact in the respective border states is the right approach, and I fail to see why a similar modification should not be made for New Mexico.

The legislation we are introducing today, the Southern New Mexico Economic Development Act, would expand the geographic limit from 25 miles to 75 miles to permit visitors coming to New Mexico to reach the larger cities in the southern part of the state. This change would facilitate economic activity at a crucial time as border communities are looking to increase tourism and create growth.

Changing this regulation wouldn't cost taxpayer money, it will increase economic activity in communities that have been hit hard by the economic downturn, and will do so in a manner consistent with our border security efforts.

I look forward to working with my colleagues to pass this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1730

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 ''Southern New Mexico Economic Development Act''.

SEC. 2. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary of Homeland Security shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

Mr. UDALL of New Mexico. Mr. President, I rise today to join Senator BINGAMAN in introducing the Southern New Mexico Economic Development Act, legislation that will bring additional business from Mexico to cities and towns in southern New Mexico.

Our bill would increase economic opportunities for southern New Mexico businesses by extending the distance that Mexicans who are issued Border Crossing Cards, BCC, by the U.S. State Department can travel in New Mexico without the need to obtain a Form I–94 and pay an additional fee.

The BCC is a credit card-style document with many security features and 10-year validity. BCCs are only issued to applicants who are citizens and residents of Mexico. Applicants must meet the eligibility standards for B1/B2 visas and undergo fingerprinting and an interview at the U.S. Consulate and they must demonstrate that they have ties to Mexico that would compel them to return after a temporary stay in the United States.

Currently, BCC holders who are authorized to enter into the United States can remain up to 30 days and travel no more than 25 miles beyond the border, except in Arizona where they can travel up to 75 miles. Those who wish to travel farther or remain longer must request an I–94 form, arrival/departure record, at the port of entry and pay a small fee. Our bill would extend the distance BCC holders who enter the United States from New Mexico ports of entry can travel within the State from 25 miles to 75 miles.

Arizona provides a precedent for making this change. In 1999, the border zone in Arizona was extended from 25 miles to 75 miles because there were no large Arizona cities within 25 miles of the border. This was done through the Federal rulemaking process. The extension was designed to specifically include Tucson within the zone so that it could get the economic benefit of BCC holders entering Arizona. Tucson conducted a study indicating that, after implementation of this rule, the commercial gain from Mexican visitors was estimated to reach $56.3 million a year.

However, in Texas, New Mexico, and California, the border zone limit remains 25 miles. This doesn't hurt Texas and California since El Paso, San Diego, and many smaller towns in those states are within the 25 mile zone. However, like Arizona, New Mexico does not have a city within 25 miles of the border. This means BCC holders cannot travel to southern New Mexico cities like Las Cruces, Deming, and Lordsburg without additional paperwork and paying a fee. Because of this, many visitors face the inconvenience

of having to drive all the way to Juarez and enter the U.S. at an El Paso port of entry, despite living closer to a port of entry in New Mexico.

Extending the zone can be done through rulemaking, as it was with Arizona, and I am happy to work with Secretary Napolitano and CBP Commissioner Bersin to make that happen. However, if we are unable to resolve this issue through rulemaking, I believe it will be necessary to push for passage of the legislation we are introducing today.

There is strong support from elected officials and the business community in southern New Mexico for extending the border zone to 75 miles. Just recently, Luna County Commissioner Jay Spivey worked with State Senator John Arthur Smith and Representative Dona Irwin to introduce a Joint Memorial calling on DHS to extend the border zone to 75 miles. The Memorial unanimously passed both houses of the New Mexico state legislature in September.

This is fundamentally an issue of fairness—New Mexico should have the same opportunities the other three Border States enjoy because of the economic benefits of BCC holders visiting their cities.

By Mr. AKAKA:

S. 1732. A bill to amend section 552a of title 5, United States Code (commonly referred to as the Privacy Act), the E-Government Act of 2002 (Public Law 107–347), and chapters 35 and 36 of title 44, United States Code, and other provisions of law to modernize and improve Federal privacy laws; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I am introducing the Privacy Act Modernization for the Information Age Act of 2011.

In 1974, Congress enacted the Privacy Act to protect Americans' personal information from improper disclosure by the Federal government. Broadly, the Privacy Act requires that government agencies allow individuals to see any records an agency keeps on him or her, with some exceptions for security and law enforcement, limits the extent to which the government may share data with and agencies and third parties, allows individuals to access and correct their records, requires agencies to provide notice of what data is collected and how it is used and to keep records of disclosures, and provides individuals the ability to enforce their rights under the act.

With the expansion of technology and the proliferation of personally identifiable information in the hands of government agencies, the risk of losing, abusing, or misusing information has grown exponentially. In particular, over the last 10 years security needs have created pressure on agencies to use existing personal information in new ways, not contemplated when the information was collected. The growth in the business of buying and selling individuals' information also raises new questions about the extent to which the Privacy Act applies to these sources of data on individuals used by the government. Meanwhile, there have been few updates to the Privacy Act, leaving it better suited to file cabinets and clunky 30 year old databases than the modern information technology systems in use at agencies today.

In 2008, the Government Accountability Office, GAO, released a report that I requested entitled, ''Privacy: Alternatives Exist for Enhancing Protection of Personally Identifiable Information'', GAO–08–536. GAO later testified about its findings at a Homeland Security and Governmental Affairs Committee hearing where it identified issues in three main areas that could be enhanced: applying privacy protections consistently to all Federal collection and use of personal information; ensuring that collection and use of personally identifiable information is limited to a stated purpose; and establishing effective mechanisms for informing the public about privacy protections.

After examining these recommendations and consulting with outside privacy experts, working groups, and privacy and civil liberties advocates, I am introducing the Privacy Act Modernization for the Information Age Act of 2011. This bill addresses the issues raised by GAO, adds stronger privacy leadership at the Office of Management and Budget to ensure effective execution of the Privacy Act, and extends authority for privacy officers to investigate possible violations of privacy laws.

This bill updates the Privacy Act in several ways. It simplifies some of the definitions to apply them to modern information technology management ideas that were in their infancy in 1974. It also tightens requirements for agency controls and maintenance of records to ensure their use is authorized, and that personally identifiable information is not misused.

Agencies would also be more accountable to the public in protecting information. Notifications of systems with personally identifiable information would be more relevant, transparent, and accessible, allowing Americans to know which agencies may have what information about them and in what systems. Importantly, the bill would create a centralized privacy website containing System of Records Notices and other related privacy information.

If civil or criminal violations of the Privacy Act do occur, the penalties have been updated to reflect similar penalties in other laws. The bill would also clarify Congress's intent in the statutory damages provision in the Privacy Act by overturning Doe v. Chao, in which the Supreme Court, I believe wrongly, held that an individual has to show actual damages resulted from an intentional or willful improper disclosure of personal information in order to receive an award.

My bill also builds on important new privacy protections introduced in the E-Government Act of 2002, which established a requirement for a Privacy Impact Assessment on certain new systems developed at agencies that contain personally identifiable information. It also codifies the term ''personally identifiable information,'' which has been defined by the Office of Management and Budget, OMB, for years in conjunction with the Privacy Act. This will let us focus on protecting personally identifiable information rather than defining it.

The Privacy Act Modernization for the Information Age Act of 2011 would expand a successful tool given to the Department of Homeland Security, DHS, Chief Privacy Officer, CPO, to other major agency CPOs. In 2008, I championed the POWER Act, which gave the DHS CPO the authority to investigate possible violations of privacy laws if an Inspector General declines to investigate. I am pleased to say this authority has not been abused, and in fact has been used only once at DHS where its Inspector General inadvertently experienced a minor data breach, and the CPO investigated the issue. This is a useful tool that I believe other privacy offices overseeing massive amounts of personally identifiable information could benefit from.

Finally, my bill would create a strong Federal Chief Privacy Officer, FCPO, at OMB as well as a government-wide Chief Privacy Officers Council, to fill the wide gaps in government-wide privacy leadership and ensure consistent development of policies and guidance on the Privacy Act across agencies. The FCPO position existed under President Clinton, but it has not been replicated by subsequent administrations. I have been impressed with DHS's leadership on privacy issues, thanks to tools we have put into law and the resources we have provided. It is equally important to enhance government-wide leadership through the FCPO and the Chief Privacy Officers Council, which will create a better environment to share ideas across agencies.

This bill would be an important step forward in modernizing how government agencies execute their obligations to protect the personal information provided to them by all Americans. With the proliferation of data about every one of us online, and possibly creeping into government databases, we need more transparency so the average person has a place to go to learn about what information the government is keeping and how they can access that information. I urge my colleagues to support this effort and to continue to work with me and the Homeland Security and Governmental Affairs Committee to produce legislation to improve Federal privacy before this Congress adjourns.

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. 1732

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 ''Privacy Act Modernization for the Information Age Act of 2011''.

SEC. 2. AMENDMENTS TO THE PRIVACY ACT.

(a) DEFINITIONS.—Section 552a (a) of title 5, United States Code, (commonly referred to as the Privacy Act), is amended—

(1) in paragraph (4), by striking ''that is maintained by an agency, including, but not limited to, his'' and inserting '', including'';

(2) by striking paragraph (5) and inserting the following:

''(5) the term 'system of records' means a group of any records maintained by, or otherwise under the control of any agency that is used for any authorized purpose by or on behalf of the agency;''.

(3) by striking paragraph (7) and inserting the following:

''(7) the term 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which, as determined by the agency, is compatible with the purpose for which it was collected and is appropriate and reasonably necessary for the efficient and effective conduct of Government;''.

(4) in paragraph (8)(A)(i)—

(A) by striking ''two or more automated systems of records or a system of records with non-Federal records'' and inserting ''data from a system of records'';

(B) in subclause (I), by inserting ''or State'' after ''Federal''; and

(C) in subclause (II), by inserting ''or State'' after ''Federal''.

(b) CONDITIONS OF DISCLOSURE.—Section 552a(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''that is consistent with, and related to, any purpose described under subsection (e)(2)(D) of this section'' before the semicolon;

(2) in paragraph (3), by striking ''(e)(4)(D)'' and inserting ''(e)(2)(D)(iv) or subsection (v)'';

(3) in paragraph (6), by inserting ''or for records management inspections authorized by statute'' before the semicolon;

(4) in paragraph (7), by inserting '', notwithstanding any requirements of a routine use as defined under subsection (a)(7),'' before ''to another agency'';

(5) in paragraph 8, by striking ''upon such disclosure notification is transmitted to the last known address of such individual'' and inserting ''a reasonable attempt to notify the individual is made promptly after the disclosure''; and

(6) by striking paragraph (9) and inserting the following:

''(9)(A) to either House of Congress;

''(B) to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee; or

''(C) to the office of a Member of Congress when that office is requesting records about a specific individual on behalf of that individual in response to a written request for assistance by that individual;''.

(c) ACCOUNTING OF CERTAIN DISCLOSURES.—Section 552a(c) of title 5, United States Code, is amended by inserting ''whether in an electronic or other format'' after ''system of records under its control''.

(d) AGENCY REQUIREMENTS.—Section 552a of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

''(e) AGENCY REQUIREMENTS.—

''(1) AUTHORIZED PURPOSE.—No agency shall use a record except for an authorized purpose and as maintained in a system of records under this section.

''(2) REQUIREMENTS.—Each agency shall—

''(A) maintain in its records only such information about an individual as is relevant and necessary to accomplish any specified purpose of the agency required to be accomplished by statute or by executive order of the President, and only retain such information as long as is necessary to fulfill that purpose or as otherwise required by law;

''(B) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges;

''(C) inform each individual whom it asks to supply information creating a record, at the time the information is requested—

''(i) the authority (whether granted by statute or by executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is voluntary or required to receive a right, benefit, or privilege;

''(ii) the principal purpose or purposes for which the information is intended to be used;

''(iii) the routine uses which may be made of the information, as published under subparagraph (D)(iv);

''(iv) any effects on that individual of not providing all or any part of the requested information;

''(v) the procedures and contact information for accessing or correcting such information; and

''(vi) a reference to learning how such information will be used or disclosed, including the simplest access to the current system of records notice;

''(D) subject to the provisions of subparagraph (K), publish in the Federal Register, make broadly accessible to the public through a centralized website maintained by the Office of Management and Budget, and link to such centralized website from each agency's website, upon establishment or revision a notice of the existence and character of the system of records, which notice shall include—

''(i) the name and location of the system;

''(ii) the categories of individuals on whom records are maintained in the system;

''(iii) the categories of records maintained in the system;

''(iv) any purpose for which the information is intended to be used, including each routine use;

''(v) the legal authority for any purpose for which the information is utilized granted by statute, executive order, or other authorization;

''(vi) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

''(vii) the title and business address of the agency official who is responsible for the system of records;

''(viii) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him, how he can gain access to such a record, or contest its content; and

''(ix) the sources of records in the system;

''(E) to the greatest extent practicable, ensure that all records, including records from a third party source, which are used by the agency in making any determination about an individual are of such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination, and upon request of the individual, provide documentation of the same;

''(F) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;

''(G) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to, and within the scope of, an authorized law enforcement activity;

''(H) make reasonable efforts to notify an individual as promptly as practicable after the agency receives compulsory legal process for any record on the individual, unless that notification is prohibited by law or court order;

''(I) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;

''(J) establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;

''(K) in regards to the establishment or revision of a system of records under subparagraph (D)—

''(i) at least 30 days prior to creation or modification of a system of records, publish the entire text of the proposed system of records notice in the Federal Register and on the centralized website established under subparagraph (D);

''(ii) provide an opportunity for interested persons to submit written or electronic data, views, or arguments to the agency regarding the proposed system of records notice;

''(iii) within 180 days after publication of a proposed system of records notice, publish on the centralized website established under subparagraph (D), a response to the comments received, along with notice of whether the system of records notice as published has taken effect; and

''(iv) provide a link to the centralized website from the website of the agency,

unless the Director of the Office of Management and Budget, through the Federal Chief Privacy Officer grants an exception, and that exception is published promptly in the Federal Register and on the centralized website established under subparagraph (D), including a link from the agency's website;

''(L) if such agency is a recipient agency or a source agency in a matching program with a non-Federal agency, with respect to any establishment or revision of a matching program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision;

''(M) shall—

''(i) maintain an inventory on the number and scope of the systems of records of that agency in a manner that clearly and fairly describes activities of the agency to individuals; and

''(ii) ensure that the inventory—

''(I) is annually updated and published in the Federal Register, on the website established under subparagraph (D), and on the agency's website; and

''(II) does not contain any information that would be exempted from disclosure under this section or section 522 of this title; and

''(N) make reasonable efforts to limit disclosure from a system of records to minimum information necessary to accomplish the purpose of the disclosure.''.

(e) AGENCY RULES.—Section 552a(f) of title 5, United States Code, is amended in the last sentence—

(1) by striking ''biennially'' and inserting ''annually'';

(2) by striking ''subsection (e)(4)'' and inserting ''subsection (e)(2)(D)(iv)''; and

(3) by striking ''at low cost'' and inserting ''electronically, or at low cost physically''.

(f) CIVIL REMEDIES.—Section 552a(g)(4) is amended—

(1) by inserting ''and in which the complainant has substantially prevailed'' after ''the agency acted in a manner which was intentional or willful''; and

(2) in subparagraph (A), by striking '', but in no case shall a person entitled to recovery receive less than the sum of $1,000'' and inserting ''or the sum of $1,000, whichever is greater, except that in a class action the minimum for each individual shall be reduced as necessary to ensure that the total recovery in any class action or series of class actions arising out of the same refusal or failure to comply by the same agency shall not be greater than $10,000,000''.

(g) CRIMINAL PENALTIES.—Section 552a(i) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' before ''Any officer or employee''; and

(B) by adding at the end the following:

''(B) A person who commits the offense described under subparagraph (A) with the intent to sell, transfer, or use an agency record for commercial advantage, personal gain, or malicious harm shall be fined not more than $250,000, imprisoned for not more than 10 years, or both.''; and

(2) in paragraph (3), by striking ''misdemeanor and fined not more than $5,000'' and inserting ''felony and fined not more than $100,000, imprisoned for not more than 5 years, or both''.

(h) GENERAL EXEMPTIONS.—Section 552a(j) of title 5, United States Code, is amended by striking ''The head of any agency'' and inserting ''Notwithstanding any requirements of a routine use as defined under subsection (a)(7), the head of any agency''.

(i) SPECIFIC EXEMPTIONS.—Section 552a(k) of title 5, United States Code, is amended by striking ''The head of any agency'' and inserting ''Notwithstanding any requirements of a routine use as defined under subsection (a)(7), the head of any agency''.

(j) ARCHIVAL RECORDS.—Section 552a(l) of title 5, United States Code, is amended in paragraphs (2) and (3) by striking ''National Archives of the United States'' each place that term appears and inserting ''National Archives and Records Administration''.

(k) GOVERNMENT CONTRACTORS.—Section 552(m)(1) of title 5, United States Code, is amended by striking ''for the operation by or on behalf of the agency of a system of records to accomplish an agency function'' and inserting ''or other agreement, including with another agency, for the maintenance of a system of records to accomplish an agency function on behalf of the agency''.

(l) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—Section 552a(v) of title 5, United States Code, is amended—

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

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

(3) by adding at the end the following:

''(3) establish and update a list of recommended standard routine uses.''.

SEC. 3. AMENDMENTS TO THE E-GOVERNMENT ACT OF 2002.

Section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking clause (i) and inserting the following:

''(i) developing, procuring, or otherwise making use of information technology that collects, maintains, or disseminates personally identifiable information; or'';

(ii) in clause (ii)(II)—

(I) by striking ''information in an identifiable form'' and inserting ''personally identifiable information''; and

(II) by striking '', other than agencies, instrumentalities, or employees of the Federal Government.'' and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) using personally identifiable information purchased, or subscribed to for a fee, from a commercial data source.''; and

(B) in paragraph (2)(B)—

(i) in clause (i), by striking ''information that is in an identifiable form'' and inserting ''personally identifiable information''; and

(ii) in clause (ii)—

(I) in subclause (VI), by striking ''and'' at the end;

(II) in subclause (VII), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(VIII) to what extent risks to privacy protection are created by the use of the information and what steps have been taken to mitigate such risks.''; and

(2) by striking subsection (d) and inserting the following:

''(d) DEFINITION.—In this section, the term 'personally identifiable information' means any information about an individual maintained by an agency, including—

''(1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; or

''(2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.''.

SEC. 4. AMENDMENTS TO CHAPTERS 35 AND 36 OF TITLE 44, UNITED STATES CODE.

(a) OFFICE OF MANAGEMENT AND BUDGET.—Section 3504 of title 44, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iv), by inserting ''and'' after the semicolon;

(B) by striking clause (v); and

(C) by redesignating clause (vi) as clause (v);

(2) by striking subsection (g); and

(3) by redesignating subsection (h) as subsection (g).

(b) FEDERAL INFORMATION PRIVACY POLICY.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL INFORMATION PRIVACY POLICY

''§ 3561. Purposes

''The purposes of this subchapter are to—

''(1) ensure the consistent application of privacy protections to personally identifiable information collected, maintained, and used by all agencies;

''(2) strengthen the responsibility and accountability of the Office of Management and Budget for overseeing privacy protection in agencies;

''(3) improve agency responses to privacy breaches to better inform and protect the public from the misuse of personally identifiable information;

''(4) strengthen the responsibility and accountability of agency officials for ensuring effective implementation of privacy protection requirements; and

''(5) ensure that agency use of commercial sources of information and information system services provides adequate information security and privacy protections.

''§ 3562. Definitions

''(a) IN GENERAL.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—In this subchapter—

''(1) the term 'Council' means the Chief Privacy Officers Council established under section 3567;

''(2) the term 'personally identifiable information' means any information about an individual maintained by an agency, including—

''(A) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and

''(B) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information; and

''(3) the term 'data broker' means a person or entity that for a fee regularly engages in the practice of collecting, transmitting, or providing access to personally identifiable information concerning more than 5,000 individuals who are not the customers or employees of that person or entity (or an affiliated entity) primarily for the purposes of providing such information to non-affiliated third parties on an interstate basis.

''§ 3563. Authority and functions of the Director

''(a) In fulfilling the responsibility to administer the functions assigned under subchapter I, the Director of the Office of Management and Budget shall comply with this subchapter with respect to the specific matters covered by this subchapter.

''(b) The Director shall oversee agency privacy protection policies and practices, including by—

''(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on privacy protection;

''(2) providing direction and overseeing privacy, confidentiality, security, disclosure, and sharing of information;

''(3) overseeing agency compliance with laws relating to privacy protection, including the requirements of this subchapter, section 552a of title 5 (commonly referred to as the Privacy Act), and section 208 of the E-Government Act of 2002;

''(4) coordinating privacy protection policies and procedures with related information resources management policies and procedures, including through ensuring that privacy protection considerations are taken into account in managing the collection of information and the control of paperwork as provided under subchapter I; and

''(5) appointing a Federal Chief Privacy Officer under section 3564.

''§ 3564. Specific responsibilities of the Federal Chief Privacy Officer

''(a) FEDERAL CHIEF PRIVACY OFFICER.—

''(1) DEFINITIONS.—In this section—

''(A) the term 'Senior Executive Service position' has the meaning given under section 3132(a)(2) of title 5; and

''(B) the term 'noncareer appointee' has the meaning given under section 3132(a)(7) of title 5;

''(2) ESTABLISHMENT.—There is established the position of the Federal Chief Privacy Officer within the Office of Management and Budget. The position shall be a Senior Executive Service position. The Director shall appoint a noncareer appointee to the position. The primary responsibilities of the position shall be the responsibilities under subsection (b).

''(3) QUALIFICATIONS.—The individual appointed to be the Federal Chief Privacy Officer shall posses demonstrated expertise in privacy protection policy and Government information.

''(b) RESPONSIBILITIES.—The Federal Chief Privacy Officer shall—

''(1) carry out the responsibilities of the Director under this subchapter;

''(2) provide overall direction, consistent with the Office of Management and Budget guidance, section 552a of title 5 (commonly referred to as the Privacy Act), and section 208 of the E-Government Act of 2002, of privacy policy governing the Federal Government's collection, use, sharing, disclosure, transfer, storage, security, and disposition of personally identifiable information;

''(3) to the extent that the Federal Chief Privacy Officer considers appropriate, establish procedures to review and approve privacy documentation before public dissemination;

''(4) serve as the principal advisor for Federal privacy policy matters to the Executive Office of the President, including the President, the Director, the National Security Council, the Homeland Security Council, and the Office of Science and Technology Policy;

''(5) coordinate with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and

''(6) every 2 years submit a report to Congress on the protection of privacy by the United States Government, including the status of implementation of requirements under this subchapter and other privacy related laws and policies.

''§ 3565. Privacy breach requirements

''The Director shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information and for which harm to an individual could reasonably be expected to result, including—

''(1) a requirement for timely notice to be provided to those individuals whose personally identifiable information could be compromised as a result of such breach, except no notice shall be required if the breach does not create a reasonable risk of identity theft, fraud, or other unlawful conduct regarding such individual;

''(2) guidance on determining how timely notice is to be provided;

''(3) guidance regarding whether additional actions are necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services; and

''(4) requirements for timely reporting by the agencies of such breaches to the director and the Federal information security incident center referred to in section 3546.

''§ 3566. Agency responsibilities

''(a) IN GENERAL.—In addition to requirements under section 1062 of the National Security Intelligence Reform Act of 2004, and in fulfilling the responsibilities under section 3506(g), the head of each agency shall ensure compliance with laws relating to privacy protection, including the requirements of this subchapter, section 552a of title 5 (commonly referred to as the Privacy Act), and section 208 of the E-Government Act of 2002.

''(b) CHIEF PRIVACY OFFICERS.—In the case of an agency that has not designated a Chief Privacy Officer under section 522 of the Transportation, Treasury, Independent Agencies and General Government Appropriations Act, 2005 (42 U.S.C. 2000ee–2), the head of each agency shall—

''(1) designate a senior official to be the chief privacy officer of that agency; and

''(2) provide to the chief privacy officer such information as the officer considers necessary.

''(c) RESPONSIBILITIES OF AGENCY CHIEF PRIVACY OFFICER.—Each chief privacy officer shall have primary responsibility for assuring the adequacy of privacy protections for personally identifiable information collected, used, or disclosed by the agency, including—

''(1) ensuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information, including through the conduct of privacy impact assessments as provided by section 208 of the E-Government Act of 2002;

''(2) ensuring that personal information is handled in full compliance with fair information practices under section 552a of title 5 (commonly referred to as the Privacy Act) and other applicable laws and policies;

''(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information;

''(4) coordinating with the chief information officer to ensure that privacy is adequately addressed in the agency information security program, established under section 3544;

''(5) coordinating with other senior officials to ensure programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations addressed in an integrated and comprehensive manner; and

''(6) reporting periodically to the head of the agency on agency privacy protection activities.

''§ 3567. Chief Privacy Officers Council

''(a) ESTABLISHMENT.—There is established in the executive branch a Chief Privacy Officers Council.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Council shall be as follows:

''(A) The Federal Chief Privacy Officer, who shall serve as chairperson of the Council.

''(B) Chief Privacy Officers established under section 522 of division H of the Consolidated Appropriations Act, 2005 (42 U.S.C. 2000 ee–2; Public Law 108–447).

''(C) The chairperson of the Privacy and Civil Liberties Oversight Board.

''(D) As designated by the chairperson of the Council, any senior agency official designated to be a chief privacy officer under section 3566.

''(E) The Administrator of the Office of Electronic Government, as an ex-officio member.

''(F) The Administrator of the Office of Information and Regulatory Affairs, as an ex-officio member.

''(G) Any other officer or employee of the United States designated by the chairperson.

''(2) EX-OFFICIO MEMBERS.—An ex-officio member may not vote in Council proceedings.

''(c) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services shall provide administrative and other support for the Council.

''(d) FUNCTIONS.—The Council shall—

''(1) be an interagency forum for establishing best practices for agency privacy policy;

''(2) share, and promote the development of, best practices to assure that the use of technologies sustains, and does not erode, privacy protections relating to the use, collection, and disclosure of personal information; assure that personal information contained in systems of records are handled in full compliance with fair information practices; and evaluate legislative and regulatory proposals involving collection, use, and disclosure of personal information by the Federal Government; and

''(3) submit proposed improvements to privacy practices to the Director.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER IV—FEDERAL INFORMATION PRIVACY POLICY

(c) ELECTRONIC GOVERNMENT.—Section 3602(d) of title 44, United States Code, is amended by inserting ''and the Federal Chief Privacy Officer'' after ''Information and Regulatory Affairs''.

SEC. 5. AMENDMENTS TO SECTION 1062 OF THE NATIONAL INTELLIGENCE REFORM ACT OF 2004.

Section 1062 of the National Intelligence Reform Act of 2004 (42 U.S.C. 2000ee–1) is amended—

(1) by redesignating subsection (d) through (h) as subsections (e) through (i); and

(2) by striking subsection (c) and inserting the following:

''(c) AUTHORITY TO INVESTIGATE.—

''(1) IN GENERAL.—Each privacy officer or civil liberties officer described under subsection (a) or (b) may—

''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department, agency, or element of the executive branch that relate to programs and operations with respect to the responsibilities of the senior official under this section;

''(B) make such investigations and reports relating to the administration of the programs and operations of the Department, agency, or element of the executive branch as are, in the senior official's judgment, necessary or desirable;

''(C) subject to the approval of the Secretary or head of the agency or element of the executive branch, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and

''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.

''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.

''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken

under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.

''(d) SUPERVISION AND COORDINATION.—

''(1) IN GENERAL.—Each privacy officer or civil liberties officer described under subsection (a) or (b) shall—

''(A) report to, and be under the general supervision of, the Secretary; and

''(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.

''(2) COORDINATION WITH THE INSPECTOR GENERAL.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the senior official appointed under subsection (a) may investigate any matter relating to possible violations or abuse concerning the administration of any program or operation of the Department, agency, or element of the executive branch relevant to the purposes under this section.

''(B) COORDINATION.—

''(i) REFERRAL.—Before initiating any investigation described under subparagraph (A), the senior official shall refer the matter and all related complaints, allegations, and information to the Inspector General of the Department, agency, or element of the executive branch.

''(ii) DETERMINATIONS AND NOTIFICATIONS BY THE INSPECTOR GENERAL.—Not later than 30 days after the receipt of a matter referred under clause (i), the Inspector General shall—

''(I) make a determination regarding whether the Inspector General intends to initiate an audit or investigation of the matter referred under clause (i); and

''(II) notify the senior official of that determination.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 296—COMMEMORATING THE 50TH ANNIVERSARY OF THE COMBINED FEDERAL CAMPAIGN

Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. LEVIN, and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 296

Whereas the Combined Federal Campaign was established pursuant to Executive Order 10927 (26 Fed. Reg. 2383) signed by President John F. Kennedy on March 18, 1961;

Whereas the Combined Federal Campaign is the only authorized charitable fundraising campaign for Federal employees, employees of the United States Postal Service, and members of the armed forces;

Whereas the Combined Federal Campaign operates in more than 119 localities throughout the United States, Puerto Rico, the United States Virgin Islands, and overseas military installations;

Whereas more than 20,000 nonprofit charitable organizations participate annually in the Combined Federal Campaign;

Whereas the men and women of the Federal Government, the United States Postal Service, and the Armed Forces have contributed approximately $7,000,000,000 to local, national, and international charities over the past 50 years, making the Combined Federal Campaign the largest and most successful workplace charitable drive in the world; and

Whereas commemorating the 50th anniversary of the Combined Federal Campaign will thank public servants whose generous contributions over the years have helped to feed hungry children, cure disease, comfort the sick and dying, protect the environment and natural resources of the United States, and offered hope to people and communities across the United States and worldwide: Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the 50th anniversary of the Combined Federal Campaign;

(2) commends public servants of the United States for their unyielding dedication, generosity, and spirit of charitable giving;

(3) calls upon the new generation of Federal employees, employees of the United States Postal Service, and members of the Armed Forces to participate annually in the Combined Federal Campaign;

(4) encourages all Federal employees, employees of the United States Postal Service, and members of the Armed Forces to continue their philanthropic efforts for the betterment of the less fortunate; and

(5) urges the people of the United States to observe the 50th anniversary of the Combined Federal Campaign with appropriate ceremonies and activities.

Mr. AKAKA. Mr. President, I rise today to commemorate the 50th anniversary of the Combined Federal Campaign, CFC. In 1961, President John F. Kennedy established the CFC, which has grown over the last 50 years to become the world's largest and most successful workplace charity campaign. Pledging to donate through the CFC gives charities steady streams of revenue throughout the next year, lowers overhead costs so more money goes directly to the charity's work, and is a convenient way for Federal employees to donate to their charities of choice.

Federal employees have dedicated their lives to serving and protecting the American people, and that call to service extends far beyond their professional lives. Each year, Federal employees together give millions of dollars through the CFC to help support the work of over 20,000 non-profit, charitable organizations in the United States and around the world. Since 1961, Federal civilian, military, and Postal employees have donated nearly $7 billion through the CFC, including $282 million in 2010.

In today's economy, contributions through the CFC are essential to many organizations that receive them. A great number of these organizations have seen an increase in the need for the important services they provide, while fewer Americans are able to give the financial support on which these organizations rely. I applaud the generosity of our Federal community and encourage each of you to consider what you can pledge to give in the upcoming year. Our combined efforts can ensure that Americans and others across the globe have access to the important support and services that these charities provide. The 50th anniversary CFC campaign season has already begun and runs until December 15.

I thank my colleagues Senators LIEBERMAN, LEVIN and CARPER for cosponsoring this legislation and I encourage my colleagues to join me in celebrating the 50th anniversary of the CFC and highlighting the support these contributions bring to non-profit, charitable organizations throughout the world.

SENATE RESOLUTION 297—CONGRATULATING THE CORPORATION FOR SUPPORTIVE HOUSING ON THE 20TH ANNIVERSARY OF ITS FOUNDING

Mr. MENENDEZ (for himself and Mr. PORTMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 297

Whereas the Corporation for Supportive Housing was founded in 1991 with a mission of ending homelessness through the creation of permanent housing connected to quality supportive services;

Whereas the Corporation for Supportive Housing has been an industry leader in advancing the supportive housing model;

Whereas supportive housing is a proven solution for ending homelessness among various populations including individuals, families, veterans, youth aging out of foster care, Native Americans, those re-entering communities following incarceration, and the chronically homeless;

Whereas targeting supportive housing to frequent users of publicly funded emergency systems is a highly cost-effective use of public funds;

Whereas the Corporation for Supportive Housing is a Community Development Financial Institution approved by the Treasury Department;

Whereas the Corporation for Supportive Housing has committed more than $300,000,000 in grants and low-interest loans to support the development of supportive housing;

Whereas the Ohio office of Corporation for Supportive Housing has invested more than $11,000,000 to further the development of approximately 1,500 units of supportive housing in the State of Ohio and the New Jersey office of Corporation for Supportive Housing has invested more than $40,000,000 to further the development of approximately 3,800 units of supportive housing in the State of New Jersey;

Whereas the Corporation for Supportive Housing has engaged in lending, grant making, and project-specific assistance resulting in approximately 50,000 new units of supportive housing for the homeless that have either been developed since the founding of the Corporation for Supportive Housing, or are in development;

Whereas approximately 32,727 formerly homeless adults and children live in supportive housing units directly supported by the Corporation for Supportive Housing; and

Whereas the Corporation for Supportive Housing has staff located in 14 States and has worked in every State in the United States to help further the creation of supportive housing to prevent and end homelessness: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Corporation for Supportive Housing on the 20th anniversary of its founding;

(2) supports the Corporation for Supportive Housing's mission of preventing and ending homelessness in the United States; and

(3) encourages the staff of the Corporation for Supportive Housing to continue their tireless efforts on behalf of the people in the United States without a home.

SENATE RESOLUTION 298—EXPRESSINIG SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2011, AS THE ''NATIONAL DAY ON WRITING''

Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. LEVIN, Mr. AKAKA, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to:

S. RES. 298

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2011, as the ''National Day on Writing'';

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Galley of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

SENATE CONCURRENT RESOLUTION 32—TO AUTHORIZE THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 470, AN ACT TO FURTHER ALLOCATE AND EXPAND THE AVAILABLITY OF HYDROELECTRIC POWER GENERATED AT HOOVER DAM, AND FOR OTHER PURPOSES

Mr. BINGAMAN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike ''General'' and insert ''Conformed General''.

(2) In section 2(e), strike ''as redesignated as'' and insert ''as redesignated by''.

(3) In section 2(f), strike ''as redesignated as'' and insert ''as redesignated by''.

(4) In section 2(g), strike ''as redesignated as'' and insert ''as redesignated by''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 785. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 786. Mr. BEGICH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 787. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 750 proposed by Mr. REID (for Mr. WEBB) to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 788. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 789. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 790. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 791. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 792. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 793. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 794. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 795. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 796. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 797. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 798. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 799. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 800. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 802. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 803. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 804. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 805. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 807. Mr. ROBERTS (for himself, Mr. JOHANNS, Mr. BOOZMAN, Mr. LUGAR, Mr. CHAMBLISS, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. BARRASSO, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 808. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 809. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 810. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 812. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 813. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 814. Mr. CRAPO (for himself, Mr. JOHANNS, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 815. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 816. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra.

SA 817. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 818. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 819. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 820. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 821. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 822. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 823. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 824. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 825. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 826. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 827. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 828. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 829. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 830. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 831. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 832. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 833. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 834. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 835. Mr. PAUL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 836. Mr. LAUTENBERG (for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 837. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 838. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 839. Mr. CONRAD (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 840. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 841. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 842. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 843. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 844. Mr. HATCH (for himself, Mr. MORAN, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. NELSON of Nebraska, and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 845. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 846. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 847. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 848. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 849. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 850. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 851. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 852. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 853. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 854. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 855. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 856. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, supra; which was ordered to lie on the table.

SA 857. Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 785. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ___. FOOD DONATION PROGRAM.

Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

''(1) FOOD DONATION PROGRAM.—

''(1) IN GENERAL.—Each school and local educational agency participating in the school lunch program under this Act may donate any food not consumed under such program to eligible local food banks or charitable organizations.

''(2) GUIDANCE.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall develop and publish guidance to schools and local educational agencies participating in the school lunch program under this Act to assist such schools and local educational agencies in donating food under this subsection.

''(B) UPDATES.—The Secretary shall update such guidance as necessary.

''(3) LIABILITY.—Any school or local educational agency making donations pursuant to this subsection shall be exempt from civil

and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791).

''(4) DEFINITION.—In this subsection, the term 'eligible local food banks or charitable organizations' means any food bank or charitable organization which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).''.

SA 786. Mr. BEGICH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. _____. AUTHORITY TO CONDUCT INTERSTATE FIREARMS TRANSACTIONS.

(a) FIREARMS DISPOSITIONS.—Section 922(b)(3)(A) of title 18, United States Code, is amended—

(1) by striking ''rifle or shotgun'' and inserting ''firearm'';

(2) by striking ''located'' and inserting ''located or temporarily located''; and

(3) by striking ''both such States'' and inserting ''the State in which the transfer is conducted and the State of residence of the transferee''.

(b) DEALER LOCATION.—Section 923 of such title is amended—

(1) in subsection (j)—

(A) in the first sentence, by striking '', and such location is in the State which is specified on the license''; and

(B) in the last sentence—

(i) by inserting ''transfer,'' after ''sell,''; and

(ii) by striking all that follows ''Act'' and inserting a period; and

(2) by adding at the end the following:

''(m) Nothing in this chapter shall be construed to prohibit the sale, transfer, delivery, or other disposition of a firearm or ammunition—

''(1) by a person licensed under this chapter to another person so licensed, at any location in any State; or

''(2) by a licensed importer, licensed manufacturer, or licensed dealer to a person not licensed under this chapter, at a temporary location described in subsection (j) in any State.''.

(c) RESIDENCE OF UNITED STATES OFFICERS.—Section 921 of such title is amended by striking subsection (b) and inserting the following:

''(b) For purposes of this chapter:

''(1) A member of the Armed Forces on active duty is a resident of—

''(A) the State in which the member maintains legal residence;

''(B) the State in which the permanent duty station of the member is located; and

''(C) the State in which the member maintains a place of abode from which the member commutes each day to the permanent duty station.

''(2) An officer or employee of the United States (other than a member of the Armed Forces) stationed outside the United States for a period exceeding one year is a resident of the State in which the member maintains legal residence.''.

SA 787. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 750 proposed by Mr. REID (for Mr. WEBB) to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

(i) ADDITIONAL REVIEW.—The review required by subsection (c) shall include an examination of all grant programs administered by the Department of Justice, Department of Homeland Security, Department of Health and Human Services, Department of Labor, and the Department of Education that are related to criminal justice, corrections, drug prevention, rehabilitation, and treatment to—

(1) examine the extent to which the grant programs administered by these agencies could be consolidated to ensure that taxpayer dollars are not wasted administering similar programs among different Federal agencies; and

(2) analyze the potential benefits of consolidating programs administered by these agencies.

(j) TERRORISM EXPENSES.—The Commission shall have no authority to recommend a reduction, modification, or other adjustment to the sentence of any Federal or state prisoner serving a criminal sentence for a terrorism offense.

SA 788. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. The Office of Professional Responsibility at the Department of Justice and the Office of Professional Responsibility at the Federal Bureau of Investigation (referred to in this section as the ''Office'') shall issue a report to Congress, annually, that includes the following:

(1) A factual summary of each individual action taken by the Office against an employee.

(2) A summary of the allegations of wrongdoing, and the findings of the Office.

(3) Any action taken against an employee, including punishments, terminations, demotions, letters of reprimand, or any dismissal of a complaint of allegation of wrongdoing.

(4) Any appeal of an action and whether the finding of the Office was upheld on appeal or overturned.

(5) A summary of the reason any appeal is upheld or overturned.

(6) A breakdown of the costs associated with investigating and adjudicating complaints.

SA 789. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) OVERSIGHT OF DEPARTMENT OF JUSTICE PROGRAMS.—All grants awarded by the Attorney General using funds made available under this Act shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2012, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct an audit of not fewer than 10 percent of all recipients of grants using funds made available under this Act to prevent waste, fraud, and abuse of funds by grantees.

(2) MANDATORY EXCLUSION.—A recipient of a grant awarded by the Attorney General using funds made available under this Act that is found to have an unresolved audit finding shall not be eligible to receive any grant funds under a grant program administered by the Attorney General during the 2 fiscal years beginning after the 6-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants using funds made available under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds by the Attorney General using funds made available under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this subsection, the term ''unresolved audit finding'' means an audit report finding, statement, or recommendation that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 6-month period beginning on the date of an initial notification of the finding or recommendation.

(6) MATCHING REQUIREMENT.—

(A) IN GENERAL.—Unless otherwise explicitly provided in authorizing legislation, no funds may be expended for grants to non-federal entities until a 25 percent non-Federal match has been secured by the grantee to carry out this subsection.

(B) CASH REQUIREMENT.—Not less than 60 percent of the matching requirement described in subparagraph (A) shall be in cash.

(C) IN-KIND CONTRIBUTIONS.—No more than 40 percent of the matching requirement described in subparagraph (A) may be in-kind contributions. In this subparagraph, the term '''in-kind contributions''' means legal or other related professional services and office space that directly relate to the purpose for which the grant was awarded.

(7) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term ''nonprofit organization'' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant using funds made available under this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant using funds made available under this Act and uses the

procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(8) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 8 percent of the amounts appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(9) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts appropriated to the Department of Justice under title II of division B of this Act may be used by the Attorney General, or by any individual or organization awarded funds under this Act, to host or support any expenditure for conferences, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that the funds may be expended to host a conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) may not be delegated and shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved and denied.

(10) PROHIBITION ON LOBBYING ACTIVITY.—

(A) IN GENERAL.—Amounts appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of the Federal Government or a State, local, or tribal government regarding the award of grant funding.

(B) PENALTY.—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(11) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of the enactment of this Act, the Assistant Attorney General for the Office of Justice Programs, the Director of the Office on Violence Against Women, and the Director of the Office of Community Oriented Policing Services shall submit, to Committee on the Judiciary of the Senate , the Committee on Appropriations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the Assistant Attorney General for the Office of Justice Programs;

(B) all mandatory exclusions required under paragraph (2) have been issued;

(C) all reimbursements required under paragraph (4) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2) from the previous year.

(b) LIMITATION ON USE OF FUNDS; TRANSFER OF FUNDS.—Notwithstanding any other provision of this Act—

(1) none of the funds made available under title II of division B of this Act may be used for the Office of Legal Policy;

(2) of the amount appropriated—

(A) under the heading ''SALARIES AND EXPENSES'' under the heading ''GENERAL ADMINISTRATION'' under title II of division B of this Act, $5,000,000 shall be transferred to the Office of the Inspector General; and

(B) under the heading ''RESEARCH, EVALUATION, AND STATISTICS'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under title II of division B of this Act, $5,000,000 shall be transferred to the Office of the Inspector General; and

(3) amounts transferred to the Office of the Inspector General under paragraph (2) shall be used to conduct the audits described in subsection (a).

SA 790. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. (a) CAP ON DEPARTMENT OF JUSTICE CONFERENCE SPENDING.—Of the amounts made available to the Department of Justice under this Act, not more than $45,000,000 may be used by the Department of Justice for the purpose of hosting, funding, or otherwise facilitating any conference held by the Department of Justice or any other entity.

(b) LIMITATION.—None of the funds made available to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded funds made available under this Act, to host or support any expenditure for a conference, unless the Deputy Attorney General or the appropriate Assistant Attorney General provides prior written authorization that such funds may be expended to host the conference.

(c) WRITTEN AUTHORIZATION.—

(1) AUTHORITY.—The authority to provide a written authorization described in subsection may not be delegated.

(2) CONTENTS.—A written authorization described in subsection (b) shall include a written estimate of all costs associated with the conference being approved, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(d) ANNUAL REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures that are approved and denied during the fiscal year covered by the report.

SA 791. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to any person or legal entity that has an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a)) in excess of $1,000,000.

SA 792. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. The Secretary of Housing and Urban Development may not make a payment to any person or entity with respect to a property assisted or insured under a program of the Department of Housing and Urban Development that—

(a) on the date of enactment of this Act, is designated as ''troubled'' on the Online Property Integrated Information System for ''life threatening deficiencies'' or ''poor'' physical condition; and

(b) has been designated as ''troubled'' on the Online Property Integrated Information System at least once during the 5-year period ending on the date of enactment of this Act.

SA 793. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, after line 2 insert the following:

SEC. _____. The provisions of sections 517(c), 531, and 538 shall apply to all agencies and departments funded by divisions A, B, and C.

SA 794. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Each fiscal year, for purposes of the report required by subsection (b), the head of each agency shall—

(1) identify and describe every program administered by the agency;

(2) for each such program—

(A) determine the total administrative expenses of the program;

(B) determine the expenditures for services for the program;

(C) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(D) estimate—

(i) the number of full-time employees who administer the program; and

(ii) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant, contract, subaward of a grant or contract, cooperative agreement, or other form of financial award or assistance) who assist in administering the program; and

(3) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(b) With respect to the requirements of subsections (a)(1) and (a)(2)(B), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(c) Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(1) The information required under subsection (a) with respect to the preceding fiscal year.

(2) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under subsection (a)(1), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(3) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(4) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(A) held as of the beginning of the fiscal year in which the report is submitted; and

(B) held for five fiscal years or more.

(5) Such recommendations as the head of the agency considers appropriate—

(A) to consolidate programs that are duplicative or overlapping;

(B) to eliminate waste and inefficiency; and

(C) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(d) In this section:

(1) The term ''administrative costs'' has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111–85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(A) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and other recipients of funds from a grant program or other program administered by the agency; and

(B) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(2) The term ''services'' has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(3) The term ''agency'' has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch other than the Government Accountability Office.

(4) The terms ''performance indicator'', ''performance goal'', ''output measure'', and ''program activity'' have the meanings provided by section 1115 of title 31, United States Code.

(5) The term ''program'' has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, cooperative agreements, compacts loans, leases, technical support, consultation, or other guidance.

(e)(1)(A) Section 6101 of title 31, United States Code, is amended by adding at the end the following:

''(7) The term 'international assistance' has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, compacts, loans, leases, and other financial and technical support to—

''(A) foreign nations;

''(B) international organizations;

''(C) services provided by programs administered by any agency outside of the territory of the United States; and

''(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

''(8) The term 'assistance program' means each of the following:

''(A) A domestic assistance program.

''(B) An international assistance program.''.

(B)(i) Section 6102 of title 31, Untied States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking ''domestic'' both places it appears; and

(II) in subsection (b), by striking ''domestic''.

(ii) Section 6104 of title 31, United States Code, is amended—

(I) in subsections (a) and (b), by inserting ''and international assistance'' after ''domestic assistance'' each place it appears; and

(II) in the section heading, by inserting ''**and international**'' after ''**domestic**''.

(f) Section 6104(b) of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(4) the information required in paragraphs (1) through (4) of section 419(a) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012;

''(5) the budget function or functions applicable to each assistance program contained in the catalog;

''(6) with respect to each assistance program in the catalog, an electronic link to the annual report required under section 419(b) of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2012, by the agency that carries out the assistance program; and

''(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.''.

(g) Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

''(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

''(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

''(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.''.

(h) Section 6103 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.''.

(i) Section 6101(2) of title 31, United States Code, is amended by inserting before the period at the end the following: ''except such term also includes offices in the legislative branch other than the Government Accountability Office''.

(j)(1) Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

SA 795. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. The Secretary of Housing and Urban Development—

(1) shall cancel any funding obligated for a construction or renovation project for which the Department of Housing and Urban Development committed to provide $50,000 or more that—

(A) commenced before the date that is 5 years before the date of enactment of this Act;

(B) is not complete;

(C) did not draw funds against a Department of Housing and Urban Development account during the 18-month period ending on the date of enactment of this Act;

(D) on the date of enactment of this Act, is vacant and has not been sold or leased; or

(E) has not drawn funds against a Department of Housing and Urban Development account, if, on the date of enactment of this Act, funds have been obligated for the project for more than 1 year;

(2) may not provide any funding on or after the date of enactment of this Act for a project described in paragraph (1); and

(3) shall transfer any funds deobligated under paragraph (1) or made available to carry out a project described in paragraph (1) to the general fund of the Treasury and are hereby rescinded.

SA 796. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. A person or entity that receives a Federal loan using amounts made available under division A, division B, or division C of this Act may not repay the loan using a Federal grant or other award funded with amounts made available under division A, division B, or division C of this Act; *Provided further*, a grant or other award funded with amounts made available under division A, division B, or division C of this Act may not be used to repay a Federal loan.

SA 797. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Except as provided in subsection (b), none of the funds made available by this Act or an amendment made by this Act may be used to pay for renovation projects that have not commenced as of the date of enactment of this Act (including renovation projects for which plans have been created, but for which physical renovation has not begun) to any Federal building or office space in existence on the date of enactment of this Act, or for the purchase, execution of a leasing agreement, or construction of any Federal building or office space that has not commenced as of the date of enactment of this Act (including construction or purchase or lease agreements for which plans have been established, but for which physical construction has not begun or an agreement has not been executed).

(b) Subsection (a) shall not apply to the renovation of, purchase of, leasing agreement for, or construction of (including renovation, construction, or purchase or leasing agreements for which plans have been established, but for which physical renovation or construction has not begun or an agreement has not been executed) any Federal building or office space needed to address a safety or national security issue.

SA 798. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding section 701, none of the funds made available by this Act may be used to purchase new passenger motor vehicles.

SA 799. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. None of the funds made available under this Act may be used to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107): *Provided further*, any funds appropriated by this Act for this purpose are hereby rescinded.

SA 800. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. Notwithstanding any other provision of this Act, the total amount of funds made available under this title to the Rural Development Agency are reduced by $1,000,000,000, to be applied proportionally to each budget activity, activity group, and subactivity group and each program, project, and activity of the Rural Development Agency carried out under this title.

SA 801. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, strikes lines 1 through 5, and insert ''and not less than $29,250,000 shall be for Airport Technology Research: Provided further, no funds made available under this Act may be used to carry out the Small Community Air Service Development Program.''

SA 802. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. _____. RESCISSION OF UNOBLIGATED BALANCES.

(a) IN GENERAL.—

(1) RESCISSION.—Any unobligated balances of discretionary appropriations made prior to fiscal year 2010 for accounts in divisions A, B, or C are rescinded effective October 1, 2012 and shall be used to reduce the deficit.

(2) EXCEPTION.—Paragraph (1) shall not apply to appropriation accounts or subgroup accounts that are designated as emergencies.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine which appropriation accounts the rescission under subsection (a) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(2) REPORT.—Not later than 60 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in subsection (a) and the amounts rescinded from each such account.

SA 803. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE _____—NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the ''No Budget, No Pay Act''.

SEC. 02. DEFINITION.

In this title, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative

Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

SA 804. Ms. COLLINS (for herself, Mr. UDALL of Colorado, Mr. CRAPO, Mr. RISCH, Ms. SNOWE, Ms. AYOTTE, Mr. JOHANNS, Mr. NELSON of Nebraska, Mr. HOEVEN, Ms. MURKOWSKI, Mr. JOHNSON of Wisconsin, and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; as follows:

At the end of title VII of division A, add the following:

SEC. __. None of the funds made available by this Act may be used to implement an interim final or final rule that—

(1) sets any maximum limits on the serving of vegetables in school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

(2) is inconsistent with the recommendations of the most recent Dietary Guidelines for Americans for vegetables.

SA 805. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 15, before the period at the end insert ''*: Provided*, That up to $2,000,000,000 shall be used for the construction, acquisition, or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon sequestration systems''.

SA 806. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, line 8, strike ''10,000'' and insert ''20,000''.

SA 807. Mr. ROBERTS (for himself, Mr. JOHANNS, Mr. BOOZMAN, Mr. LUGAR, Mr. CHAMBLISS, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. BARRASSO, Mr. CRAPO, and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7___. (a) USE OF AUTHORIZED PESTICIDES.—Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of the pesticide.''.

(b) DISCHARGES OF PESTICIDES.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of such a pesticide, resulting from the application of the pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

SA 808. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 8, strike ''$28,165,000'' and insert ''$20,165,000''.

On page 7, line 14, strike ''$8,105,000'' and insert ''$7,105,000''.

On page 7, line 18, strike ''$84,121,000'' and insert ''$83,121,000''.

On page 76, line strike lines 13 through 15 and insert the following:

(2) The Watershed Rehabilitation program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), in excess of $10,000,000;

SA 809. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 251, strike line 8 and insert ''agreement, shall not be required to repay grant amounts received in error under such sections and, in addition, shall be reimbursed for core or expanded deployment expenditures such States made before the date of the enactment of this Act in reliance on a grant awarded in error under such sections.''.

SA 810. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division A, add the following:

SEC. __. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) in any manner that permits a household or individual to qualify for benefits under that program without qualifying under the specific eligibility standards (including income and assets requirements) of the program, regardless of the participation of the household or individual in any other Federal or State program.

SA 811. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations to Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. NO CHANGES IN MANDATORY PROGRAMS IN APPROPRIATION BILLS.

Section 302(f)(2) of the Congressional Budget Act of 1974 is amended to read as follows:

''(2) IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill or joint resolution, amendment, motion, or conference report that—

''(A)(i) in the case of any committee except the Committee on Appropriations, would cause the applicable allocation of new budget authority or outlays under subsection (a) for the first fiscal year or the total of fiscal years to be exceeded; or

''(ii) in the case of the Committee on Appropriations, would cause the applicable suballocation of new budget authority or outlays under subsection (b) to be exceeded; or

''(B) includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of

the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in legislation other than appropriations legislation, if such provision does not result in net outlay savings over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.''.

SA 812. Mr. SESSIONS (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. No funds appropriated, or otherwise made available, under this Act may be used by the Director of the United States Patent and Trademark Office to carry out section 37 of the Leahy-Smith America Invents Act (35 U.S.C. 156 note), including the flush sentence added to section 156(d)(1) of title 35, United States Code, by such section 37.

SA 813. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, line 7, strike the period at the end and insert '': *Provided further*, That no jurisdiction shall receive compensation from the amount made available by this paragraph if the jurisdiction has a custom, practice, policy, legislative provision, or ordinance that results in the jurisdiction failing or refusing to comply with immigration detainers issued by U.S. Immigration and Customs Enforcement.''.

SA 814. Mr. CRAPO (for himself, Mr. JOHANNS, Mr. SHELBY, Mr. TOOMEY, Mr. MORAN, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Commodity Futures Trading Commission—

(1) to promulgate any final rules under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) (including under any law amended by that Act) or the Commodity Exchange Act (7 U.S.C. 1 et seq.), until the Commodity Futures Trading Commission, jointly with the Securities and Exchange Commission and the prudential regulators (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a))—

(A) has, pursuant to the notice and comment provisions of section 553 of title 5, United States Code, adopted an implementation schedule for title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8301 et seq.) (including amendments made by that title) (referred to this section as ''the title'') that sets forth a schedule for the publication of final rules required by the title that—

(i) begins with the publication of the rules required under section 712(d)(1) of that Act (15 U.S.C. 8302); and

(ii) includes provisions that require a rulemaking and provisions that do not require a rulemaking; and

(B) has completed and submitted to Congress an analysis that includes—

(i) a quantitative analysis of the effects of the title on United States economic growth and job creation;

(ii) an assessment of the implications of the title for cross-border activity by, and international competitiveness of, United States financial institutions, companies, and investors;

(iii) an assessment of whether and how the definitional, clearing, trading, reporting, recordkeeping, real-time reporting, registration, capital, margin, business conduct, position limits, and other requirements of the title work together, and how those requirements affect market depth and liquidity;

(iv) an assessment of the implications of any lack of harmonization by the Securities and Exchange Commission, the Commodity Futures Trading Commission, and the prudential regulators with respect to the timing and the substance of the rules of those entities; and

(v) an analysis of the progress of members of the Group of 20 and other countries toward implementing derivatives regulatory reform, including material differences in the schedule for implementation (as well as material differences in definitions, clearing, trading, reporting, registration, capital, margin, business conduct, and position limits) and the possible and likely effects on United States competitiveness, market liquidity, and financial stability; or

(2) to further define the terms—

(A) ''swap'' and ''security-based swap'' to include—

(i) for purposes of section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) and section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–10(e)), an agreement, contract, or transaction that would otherwise be a swap or security-based swap, in which 1 of the counterparties is not—

(I) a swap dealer or major swap participant;

(II) an investment fund that—

(aa) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

(bb) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3)) but for paragraph (1) or (7) of subsection (c) of that section; and

(cc) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

(III) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

(IV) a commodity pool that is predominantly invested in any combination of commodities, commodity swaps, commodity options, or commodity futures;

(ii) an agreement, contract, or transaction that would otherwise be a swap or security-based swap, and that is entered into by a party that is controlling, controlled by, or under common control with its counterparty; or

(iii) except with respect to any law (including rules and regulations) prohibiting fraud or manipulation, an agreement, contract, or transaction that would otherwise be a swap or security-based swap and—

(I) is entered into outside of the United States between counterparties established under the laws of any jurisdiction outside of the United States (including a non-United States branch of a United States entity licensed and recognized under local law outside of the United States);

(II) has a valid business purpose;

(III) is not structured with the sole purpose of evading the requirements of the title; and

(IV) is not reasonably expected to have a serious adverse effect on the stability of the United States financial system; and

(B) ''major swap participant'' and ''major security-based swap participant'' in a manner that does not distinguish between—

(i) net and gross exposures; and

(ii) collateralized and uncollateralized positions.

SA 815. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 17, insert '': *Provided further*, That $8,000,000 of the amount made available by this heading shall be transferred to carry out the program authorized under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012)'' before the period at the end.

SA 816. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, line 21, insert '', of which $1,000,000 shall be for economic adjustment assistance grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to support innovative, utility-administered energy efficiency programs for small businesses'' before the period at the end.

SA 817. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 319, line 8, strike ''$57,000,000'' and insert ''$62,398,750''.

On page 319, line 14, strike ''$35,000,000'' and insert ''$40,398,750''.

On page 336, line 1, strike ''$199,035,000'' and insert ''$193,636,250''.

SA 818. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr.

INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, line 12, after ''including'' insert the following: ''long-term accrued leave,''.

SA 819. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 8 of the amendment, insert ''or Mexico'' after ''Canada''.

SA 820. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 8 though line 10 and insert the following: ''381(g))) from importing a prescription drug from Canada, or from a permitted country designated by the Secretary of Health and Human Services, that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the Secretary shall designate a permitted country as a country from which an individual may import a prescription drug in accordance with this section if the Secretary determines that (1) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to the training of pharmacists, the practice of pharmacy, and the protection of the privacy of personal medical information, and (2) the importation of drugs to individuals in the United States from the country will not adversely affect public health: *Provided further*, That the term 'permitted country' means—

''(1) Australia;

''(2) a member country of the European Union, but does not include a member country with respect to which—

''(A) the country's Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

''(B) the Secretary determines that the requirements described in subparagraphs (A) and (B) of paragraph (6) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

''(3) Japan;

''(4) New Zealand;

''(5) Switzerland; and

''(6) a country in which the Secretary determines the following requirements are met:

''(A) The country has statutory or regulatory requirements—

''(i) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

''(ii) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

''(iii) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

''(iv) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

''(v) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

''(B) The valid marketing authorization system in the country is equivalent to the systems in the countries described in paragraphs (1) through (5).

''(C) The importation of drugs to the United States from the country will not adversely affect public health.''.

SA 821. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, line 13, insert '': *Provided further*, That notwithstanding section 133(d)(2) of title 23, United States Code, none of the funds made available under this heading may be used to implement or execute transportation enhancement activities: *Provided further*, That at least 10 percent of the funds made available under this heading shall be made available for the highway bridge program authorized under section 144 of title 23, United States Code'' before the period at the end.

SA 822. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 231, lines 13 through 16, strike ''$41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the $41,107,000,000'' and insert ''$27,000,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2012: *Provided*, That within the $27,000,000,000''.

SA 823. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 84, strike line 8 and all that follows through page 108, line 24.

SA 824. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follow:

At the appropriate place, insert the following:

DIVISION ____—CORPS OF ENGINEERS REFORM

SECTION 1. SHORT TITLE.

This division may be cited as the ''Corps of Engineers Reform Act of 2011''.

TITLE I—HARBOR MAINTENANCE REFORM

SEC. 101. PURPOSE.

The purpose of this title is to establish a harbor maintenance block grant program to provide the maximum flexibility to each State to carry out harbor maintenance and deepening projects in the State.

SEC. 102. DEFINITIONS.

Except as otherwise specifically provided, in this title:

(1) HARBOR MAINTENANCE.—The term ''harbor maintenance'' means any project directly related to the operations and maintenance of a harbor, including additional development of a harbor.

(2) LEAD AGENCY.—The term ''lead agency'' means the agency designated under section 106(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 103. FUNDING.

The harbor maintenance block grant program established under section 104 shall be funded from the State Harbor Maintenance Block Grant Account established under section 9505 of the Internal Revenue Code of 1986.

SEC. 104. ESTABLISHMENT OF HARBOR MAINTENANCE BLOCK GRANT PROGRAM.

The Secretary shall establish a program to make grants to States in accordance with this title to carry out harbor maintenance and deepening projects located in participating States in accordance with the priorities determined by each participating State, including operations and maintenance, investigations, site infrastructure improvements, and new construction projects at harbors.

SEC. 105. REPORTS.

(a) IN GENERAL.—To be eligible to receive and expend amounts for a fiscal year under this title, a State shall prepare and submit to the Secretary a report describing the activities that the State intends to carry out using amounts received under this title, including information on the types of activities to be carried out.

(b) AVAILABILITY AND COMMENT.—A report under subsection (a) shall be made public within the State in such a manner as to facilitate comment by any person (including any Federal or other public agency) during the development of the report and after the completion of the report.

(c) REVISION.—

(1) IN GENERAL.—The report shall be revised throughout the year as may be necessary to reflect substantial changes in the activities assisted using amounts provided under this title.

(2) AVAILABILITY AND COMMENT.—Any revision in the report shall be subject to subsection (b).

(d) NO ADDITIONAL REPORTS.—The Secretary may not impose any reporting requirements on States to carry out this title that are in addition to the reports specifically required under this title.

SEC. 106. LEAD AGENCY.

(a) DESIGNATION.—The chief executive officer of a State that seeks to receive a grant under this title shall designate, in an application submitted to the Secretary under section 107, an appropriate State agency that complies with subsection (b) to act as the lead agency for the State.

(b) DUTIES.—

(1) IN GENERAL.—The lead agency shall—

(A) administer, directly or through other State agencies, the financial assistance received under this title by the State;

(B) develop the State plan to be submitted to the Secretary under section 107(a)(2);

(C) in conjunction with the development of the State plan, hold at least 1 hearing in the State to provide to the public an opportunity to comment on the State plan; and

(D) coordinate the implementation of harbor maintenance projects under this title with applicable Federal, State, and local agencies.

(2) DEVELOPMENT OF PLAN.—In the development of the State plan described in paragraph (1)(B), the lead agency shall consult with appropriate representatives of units of general purpose local government on issues relating to the State plan.

SEC. 107. APPLICATION AND PLAN.

(a) APPLICATION.—To be eligible to receive assistance under this title, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by rule require, including—

(1) an assurance that the State will comply with the requirements of this title; and

(2) a State plan that meets the requirements of subsection (b).

(b) REQUIREMENTS OF A PLAN.—

(1) LEAD AGENCY.—The State plan shall identify the lead agency.

(2) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this title to carry out harbor maintenance and deepening projects.

(c) APPROVAL OF APPLICATION.—The Secretary shall approve an application that satisfies the requirements of this section.

SEC. 108. EFFECT ON ENVIRONMENTAL LAWS.

Nothing in this title affects, alters, or modifies any provisions of applicable Federal environmental laws (including regulations).

SEC. 109. ADMINISTRATION AND ENFORCEMENT.

(a) ADMINISTRATION.—The Secretary shall—

(1) coordinate all activities of the Department of Defense relating to harbor maintenance activities, and, to the maximum extent practicable, coordinate the activities with similar activities of other Federal entities; and

(2) provide technical assistance to assist States in carrying out this title, including assistance on a reimbursable basis.

(b) ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall—

(A) review and monitor State compliance with—

(i) this title; and

(ii) the plan approved under section 107(c) for the State; and

(B) have the power to terminate payments to the State in accordance with paragraph (2).

(2) NONCOMPLIANCE.—

(A) IN GENERAL.—

(i) APPLICATION.—This subparagraph applies if the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

(I) there has been a failure by the State to comply substantially with any provision or requirement set forth in the plan approved under section 107(c) for the State in a manner that constitutes fraud or abuse; or

(II) in the operation of any program or activity for which assistance is provided under this title, there is a failure by the State to comply substantially with any provision of this title in a manner that constitutes fraud or abuse.

(ii) NOTICE.—If the Secretary makes the finding described in subclause (I) or (II) of clause (i), the Secretary shall notify the State of the finding and that no further payments will be made to the State under this title (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

(B) ADDITIONAL SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of funds improperly expended for purposes prohibited or not authorized by this title, and disqualification from the receipt of financial assistance under this title.

(C) NOTICE.—The notice required under subparagraph (A) shall include specific identification of any additional sanction being imposed under subparagraph (B).

(3) PROCEDURES.—The Secretary shall establish by regulation procedures for—

(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this title; and

(B) imposing sanctions under this section.

SEC. 110. PAYMENTS.

(a) IN GENERAL.—

(1) PAYMENTS.—A State that has an application approved by the Secretary under section 107(c) shall be entitled to a payment under this section for each fiscal year in an amount that is equal to the allotment of the State under section 113 for the fiscal year.

(2) STATE ENTITLEMENT.—Subject to the availability of funds under section 103, this title—

(A) constitutes budget authority in advance of appropriations Acts; and

(B) represents the obligation of the Federal Government to provide for the payment to States of the amount described in paragraph (1).

(b) METHOD OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make payments to a State in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(2) LIMITATION.—The Secretary may not make the payments in a manner that prevents the State from complying with section 107.

SEC. 111. AUDITS.

(a) REQUIREMENT.—After the close of each program period covered by an application approved under section 107(c), a State shall audit—

(1) the expenditures of the State during the program period from amounts received under this title; and

(2) the maintenance by the State of unexpended amounts received by the State under this title.

(b) INDEPENDENT AUDITOR.—An audit under this section shall be conducted—

(1) by an entity that is independent of any agency administering activities that receive assistance under this title; and

(2) in accordance with generally accepted auditing principles.

(c) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

(d) REPAYMENT OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State shall repay to the United States any amounts made available to the State under this title and determined through an audit under this section—

(A) to have been expended in a manner that constitutes fraud or abuse; or

(B) to remain unexpended as a result of fraud or abuse.

(2) OFFSET TO AMOUNTS.—As an alternative to requiring repayment of amounts under paragraph (1), the Secretary may offset the amounts required to be repaid against any other amounts to which the State is or may be entitled under this title.

SEC. 112. REPORT BY SECRETARY.

Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains—

(1) a summary and analysis of the data and information provided to the Secretary in the State audits submitted under section 111; and

(2) an assessment, and if appropriate, recommendations for Congress concerning efforts that should be undertaken to improve harbor maintenance in the United States.

SEC. 113. ALLOTMENTS.

(a) IN GENERAL.—For each fiscal year, the Secretary shall allot to each participating State an amount that is equal to the proportion that—

(1) the amounts collected in the State for deposit in the State Harbor Maintenance Block Grant Account for that fiscal year in accordance with section 9505 of the Internal Revenue Code of 1986; bears to

(2) the total amount of funds in the State Harbor Maintenance Block Grant Account in that fiscal year.

(b) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subsection (a) will exceed the amount of funds available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.

SEC. 114. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Subsection (c) of section 9505 of the Internal Revenue Code of 1986 is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (d), amounts''.

(b) STATE BLOCK GRANTS.—Section 9505 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) ESTABLISHMENT OF STATE BLOCK GRANT ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Harbor Maintenance Trust Fund a separate account to be known as the 'State Harbor Maintenance Block Grant Account' consisting of such amounts as may be transferred or credited to the State Harbor Maintenance Block Grant Account as provided in this section or section 9602(b).

''(2) TRANSFERS TO STATE HARBOR MAINTENANCE BLOCK GRANT ACCOUNT.—The Secretary shall transfer to the State Harbor Maintenance Block Grant Account the electing State amount of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b).

''(3) EXPENDITURES FROM ACCOUNT.—Except as provided in paragraph (4), amounts in the State Harbor Maintenance Block Grant Account shall be available for making expenditures to fund the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011. The Secretary shall, from time to time, transfer such amounts to such accounts as are identified by the Secretary of the Army, acting through the Chief of Engineers, for the purpose of making such expenditures.

''(4) LIMITATIONS.—

''(A) NON-ELECTING STATES.—Amounts in the State Harbor Maintenance Block Grant Account shall not be used for making any payment to a State, or for making expenditures within a State, unless such State is an electing State.

''(B) RESERVATION OF ADMINISTRATIVE COSTS.—

''(i) IN GENERAL.—The expenditures under subsection (c)(3) shall be borne by the State Harbor Maintenance Block Grant Account and the General Account in proportion to the respective amounts of the revenues transferred under this section to the State Harbor Maintenance Block Grant Account and the General Account (after the application of paragraph (2)).

''(ii) RESERVATION.—The amounts required to bear the State Harbor Maintenance Block Grant Account's share of the expenditures under clause (i) shall be reserved for such purpose and shall not be used to make any other expenditures.

''(iii) GENERAL ACCOUNT.—For purposes of this subparagraph, the term 'General Account' means the portion of the Harbor Maintenance Trust Fund which is not the State Harbor Maintenance Block Grant Account.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) ELECTING STATE AMOUNT.—The term 'electing State amount' means the portion of the amounts appropriated to the Harbor Maintenance Trust Fund under subsection (b) which is equivalent to the taxes received in the Treasury under section 4461 which are collected from ports in electing States.

''(B) ELECTING STATE.—The term 'electing State' means a State that has elected (by submission of the application required under section 107 of the Corps of Engineers Reform Act of 2011) to participate in the harbor maintenance block grant program authorized by the Corps of Engineers Reform Act of 2011.

''(6) COORDINATION WITH TRUST FUND EXPENDITURES.—Expenditures under paragraphs (1) and (2) of subsection (c) shall not be made to, or for projects located within, any State which is an electing State.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts appropriated or transferred to the Harbor Maintenance Trust Fund under section 9505 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

TITLE II—WATER RESOURCES DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Water Resources Commission established by section 203.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

SEC. 202. CORPS TRANSPARENCY.

(a) ANNUAL PUBLICATION OF AUTHORIZED PROJECTS.—

(1) IN GENERAL.—The Secretary shall publish annually a list describing each authorized water resources project of the Corps of Engineers in the Federal Register and on a publically available website.

(2) CONTENTS.—For each authorized water resources project, the list described in paragraph (1) shall include—

(A) the date on which the water resources project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources project during the 5 years immediately preceding the date on which the list described in paragraph (1) is published.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(b) PUBLICATION OF DEAUTHORIZED PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after date of the enactment of this Act, the Secretary shall publish a list describing each water resources study or project of the Corps of Engineers that is no longer authorized.

(2) CONTENTS.—For each water resources study or project described in paragraph (1), the list described in paragraph (1) shall include—

(A) the date on which the water resources study or project was authorized; and

(B) the amount of Federal funds, if any, provided to the water resources study or project for the 5 years immediately following the date on which that study or project was authorized.

(3) REPORT TO CONGRESS.—The Secretary shall submit the list described in paragraph (1) to—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SEC. 203. WATER RESOURCES COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission, to be known as the ''Water Resources Commission'', to prioritize water resources projects in the United States.

(2) MEMBERSHIP.—

(A) COMPOSITION.—

(i) IN GENERAL.—The Commission shall be composed of 11 members, of whom—

(I) 1 member shall be appointed by the President;

(II) 1 member shall be appointed by the Speaker of the House of Representatives;

(III) 1 member shall be appointed by the majority leader of the Senate; and

(IV) 8 members shall be appointed in accordance with clause (ii) by the Speaker of the House of Representatives and the majority leader of the Senate, in consultation with the minority leader of the House of Representatives and the minority leader of the Senate.

(ii) RESTRICTIONS.—

(I) IN GENERAL.—Subject to subclause (II), each of the 8 members appointed under clause (i)(IV) shall represent 1 of the following Corps of Engineers geographical divisions:

(aa) Great Lakes & Ohio River Division.

(bb) Mississippi Valley Division.

(cc) North Atlantic Division.

(dd) Northwestern Division.

(ee) Pacific Ocean Division.

(ff) South Atlantic Division.

(gg) South Pacific Division.

(hh) Southwestern Division.

(II) GEOGRAPHICAL REPRESENTATION.—Not more than 2 of the members appointed under clause (i)(IV) shall represent the same Corps of Engineers geographical division described in subclause (I).

(B) QUALIFICATIONS.—

(i) IN GENERAL.—Subject to clause (ii), members shall be appointed to the Commission from among individuals who—

(I)(aa) are knowledgeable in the fields of navigation, water infrastructure, or natural resources; or

(bb) are recognized as having expertise in project management or cost-benefit analysis; and

(II) while serving on the Commission, do not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(ii) REQUIREMENT.—At least 1 of the members under subparagraph (A) shall have knowledge of safety issues relating to water resources projects carried out by the Corps of Engineers.

(C) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under subparagraph (A) not later than 90 days after the date of enactment of this Act.

(3) TERM; VACANCIES.—

(A) TERM.—A member shall be appointed for the life of the Commission.

(B) VACANCIES.—A vacancy in the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) the majority of the members of the Commission.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(b) DUTIES OF COMMISSION.—

(1) PRIORITIZATION OF WATER RESOURCES PROJECTS.—

(A) IN GENERAL.—In accordance with this section, the Commission shall make recommendations for the means by which to prioritize water resources projects of the Corps of Engineers and prioritize water resources projects of the Corps of Engineers that are not being carried out under a continuing authorities program.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the recommendations and

prioritization method required under this paragraph.

(C) RECOMMENDATIONS.—The report shall include recommendations for—

(i) a process of regularized prioritization assessments that ensures continuity in project prioritization rankings and the inclusion of newly authorized projects;

(ii) a process to prioritize water resources projects across project type; and

(iii) a method of analysis, with respect to the prioritization process, of recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects.

(D) PROJECT INCLUSIONS.—The report shall include, at a minimum, each water resources project authorized for study or construction on or before the date of enactment of this Act.

(E) PRIORITIZATION REQUIREMENTS.—

(i) IN GENERAL.—Each project described in the report shall be categorized by project type and be classified into a tier system of descending priority, to be established by the Commission, in a manner that reflects the extent to which the project achieves project prioritization criteria established under subparagraph (F).

(ii) MULTIPURPOSE PROJECTS.—Each multipurpose project described in the report shall be classified—

(I) by the project type that best represents the primary project purpose, as determined by the Commission; and

(II) into the tier system described in clause (i) within that project type.

(iii) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under clause (i), the Commission shall ensure that each tier—

(I) is limited to total authorized project costs of $5,000,000,000; and

(II) includes not more than 100 projects.

(iv) BALANCE.—The Commission shall seek, to the maximum extent practicable, a balance between the water resource needs of all States, regardless of the size or population of a State.

(F) PROJECT PRIORITIZATION CRITERIA.—In preparing the report, the Commission shall prioritize each water resources project of the Corps of Engineers based on the extent to which the project meets at least the following criteria and such additional criteria as the Commission may fully explain in the report:

(i) For flood damage reduction projects, the extent to which such a project—

(I) addresses critical flood damage reduction needs of the United States, including by reducing the risk of loss of life;

(II) avoids increasing risks to human life or damages to property in the case of large flood events; and

(III) avoids adverse environmental impacts or produces environmental benefits.

(ii) For navigation projects, the extent to which such a project—

(I) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(II) avoids adverse environmental impacts.

(iii) For environmental restoration projects, the extent to which such a project addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat, while being, to the maximum extent practicable, self-sustaining.

(2) AVAILABILITY.—The report prepared under this subsection shall be—

(A) published in the Federal Register; and

(B) submitted to—

(i) the Committees on Environment and Public Works and Appropriations of the Senate; and

(ii) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

(c) POWERS OF COMMISSION.—

(1) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this section.

(e) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the final report of the Commission is submitted under subsection (b).

SEC. 204. FUNDING.

(a) FUNDING.—

(1) IN GENERAL.—In carrying out this title, the Commission shall use funds made available for the general operating expenses of the Corps of Engineers.

(2) PRIORITY WATER RESOURCES PROJECTS.—In carrying out the water resources projects prioritized by the Commission under section 203(b), the Secretary shall use funds made available to the Corps of Engineers.

(b) USE OF COMMISSION REPORT BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall use the priority recommendations described in the report under section 203(b) as a means of allocating amounts appropriated under subsection (a)(2).

(2) EXCEPTION.—The Secretary may deviate from the priority recommendations in the report under section 203(b) by advancing the priority of a project only if the Secretary determines that—

(A) the project is vital to the national interest of the United States; and

(B) failure to complete the project would cause significant harm and expense to the United States.

(c) REPORTS.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall submit to the committees described in paragraph (2), and make available to the public on the Internet, a report that lists, for the year covered by the report—

(A) the water resources projects that receive funding and are carried out in accordance with section 203(b); and

(B) the water resources projects that receive funding and are carried out on a project-by-project basis through line items contained in appropriations Acts.

(2) COMMITTEES.—The committees referred to in paragraph (1) are—

(A) the Committees on Environment and Public Works and Appropriations of the Senate; and

(B) the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives.

SA 825. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 209, between lines 2 and 3, insert the following:

SEC. 542. All reports, written requests, and other communications required to be submitted to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives under this Act shall be simultaneously posted in a prominent place on the website of the submitting agency.

SA 826. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for a State unless the Governor of the State provides written consent for such planning.

SA 827. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 7___. ASIAN CARP.

(a) DEFINITIONS.—In this section:

(1) CAWS.—The term ''CAWS'' means the Chicago Area Water System.

(2) DIRECTOR.—The term ''Director'' means the Director of the United States Geological Survey.

(3) HYDROLOGICAL SEPARATION.—The term ''hydrological separation'' means a physical separation on the CAWS that—

(A) would disconnect the Mississippi River from Lake Michigan; and

(B) shall be designed to be adequate in scope to prevent the transfer of aquatic species between each of those bodies of water.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(5) STUDY.—The term ''study'' means the feasibility study described in subsection (b)(1).

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, pursuant to section 206 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 317), shall initiate a study of the watersheds of the following rivers (including the tributaries of the rivers) that drain directly into Lake Michigan:

(A) The Illinois River, at and in the vicinity of Chicago, Illinois.

(B) The Chicago River in the State of Illinois.

(C) The Calumet River in the States of Illinois and Indiana.

(2) PURPOSE OF STUDY.—The purpose of the study shall be to determine the feasibility and best means of implementing the hydrological separation of the Great Lakes and Mississippi River Basins to prevent the introduction or establishment of populations of aquatic nuisance species between the Great Lakes and Mississippi River Basins through the CAWS and other aquatic pathways.

(3) REQUIREMENTS OF STUDY.—

(A) OPTIONS.—The study shall include options to address—

(i) flooding;

(ii) Chicago wastewater and stormwater infrastructure;

(iii) waterway safety operations; and

(iv) barge and recreational vessel traffic alternatives, which shall include—

(I) examining other modes of transportation for cargo and CAWS users; and

(II) creating engineering designs to move canal traffic from 1 body of water to another body of water without transferring aquatic species.

(B) COST-BENEFIT ANALYSIS.—The study shall contain a detailed analysis of the environmental benefits and costs of each option described in subparagraph (A).

(C) ASSOCIATION WITH OTHER STUDY.—The study shall be conducted in association with the study required under section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1121).

(D) CONSULTATION.—In conducting the study, the Secretary shall consult with any relevant expert or stakeholder knowledgeable on the issues of hydrological separation and aquatic nuisance species.

(4) DEADLINE.—The Secretary shall complete the study by not later than the date that is 18 months after the date of enactment of this Act.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall prepare a report on the waterways described in subsection (b)(1) in accordance with—

(A) the purpose described in subsection (b)(2); and

(B) each requirement described in subsection (b)(3).

(2) DEADLINES.—The Secretary shall submit to Congress and the President—

(A) not later than 180 days after the date of enactment of this Act, an initial report under this subsection;

(B) not later than 1 year after the date of enactment of this Act, an interim report under this subsection; and

(C) not later than 18 months after the date of enactment of this Act, a final report under this subsection.

(d) FEDERAL EXPENSE REQUIREMENT.—The Secretary shall carry out this section at full Federal expense.

(e) PRESIDENTIAL OVERSIGHT.—The President, or the Council on Environmental Quality, acting as a designee of the President, shall oversee the study to ensure the thoroughness and timely completion of the study.

(f) RESPONSE TO ADDITIONAL THREATS.—

(1) MONITORING CONNECTING WATERS.—To identify additional threats that could allow Asian Carp to enter the Great Lakes Basin, the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall monitor and survey all waters that connect to the Great Lakes Basin or could connect to the Great Lakes Basin due to—

(A) flooding;

(B) underground hydrological connection; or

(C) human-made diversion.

(2) RESPONSE TO ADDITIONAL THREATS.—As soon as practicable after the date of identification of a threat under paragraph (1), the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall—

(A) prioritize each threat; and

(B) help identify means to impede the passage of Asian Carp to the Great Lakes Basin.

(3) CONSULTATION WITH OTHER ACTORS.—In carrying out paragraphs (1) and (2), the Director, in cooperation with the Director of the United States Fish and Wildlife Service, shall consult with each relevant—

(A) Federal agency;

(B) State; and

(C) stakeholder.

SA 828. Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, strike ''$265,987,000'' and insert ''$261,987,000''.

On page 15, line 12, strike ''$25,948,000'' and insert ''$29,948,000''.

On page 15, line 25, strike ''$5,988,000'' and insert ''$9,988,000''.

SA 829. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. (a) Notwithstanding the amount made available under the heading ''NATIVE AMERICAN HOUSING BLOCK GRANTS'' under the heading ''PUBLIC AND INDIAN HOUSING'' under the heading DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT under this division, there shall be available for the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996, $705,300,000, to remain available until expended.

(b) Notwithstanding any other provision of this Act, the amount made available or authorized to be appropriated for fiscal year 2012 for each program, project, or activity authorized under this division and the amendments made by this division (except the program described in subsection (a)) shall be reduced on a pro rata basis by a total of $55,300,000.

SA 830. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, after line 7 add the following:

SEC. 237. (a) Notwithstanding the amount made available under the heading ''NATIVE AMERICAN HOUSING BLOCK GRANTS'' under the heading ''PUBLIC AND INDIAN HOUSING'' under the heading DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT under this division, there shall be available for the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996, $705,300,000, to remain available until expended.

(b) Notwithstanding any other provision of this Act, the amount made available or authorized to be appropriated for fiscal year 2012 for each program, project, or activity authorized under this division and the amendments made by this division (except the program described in subsection (a)) shall be reduced on a pro rata basis by a total of $55,300,000.

SA 831. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: ''Act: *Provided*, That notwithstanding other any provision of law, the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.''.

SA 832. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 53, strike line 9 and all that follows through page 54, line 8, and insert the following:

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $71,173,308,000, of which $3,000,000,000, to remain available through September 30, 2013, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That of the funds made available under this heading, $1,000,000 may be used to provide nutrition education services to state agencies and Federally recognized tribes participating in the Food Distribution Program on Indian Reservations: *Provided further*, That funds made available under this heading may be available to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

SA 833. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. None of the funds made available by this Act may be used by the Secretary of Agriculture to provide direct payments under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

SA 834. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to take any action (including any administrative, civil, criminal, or other action) that would prohibit, interfere with, regulate, or otherwise restrict the interstate traffic of milk, or a milk product, that is unpasteurized and packaged for direct human consumption, if the restriction is based on the determination that, solely because the milk or milk product is unpasteurized, the milk or milk product is adulterated, misbranded, or otherwise in violation of Federal law.

SA 835. Mr. PAUL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. Notwithstanding any other provision of law, no funds appropriated under any division of this Act shall be used to implement or enforce Executive Order 13502 (issued February 6, 2009).

SA 836. Mr. LAUTENBERG (for himself, Mr. SANDERS, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 8 and 9, insert the following:

For an additional amount for ''Economic Development Assistance Programs'' for expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation in 2011 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), $365,000,000, to remain available until expended: Provided, That such amount is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

SA 837. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. _____. ASSISTANCE FOR DISASTER-AFFECTED PRODUCERS.

(a) DEFINITIONS.—In this section:

(1) DISASTER COUNTY.—The term ''disaster county'' means—

(A) a county included in the geographical area covered by a qualifying natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(2) DISASTER-AFFECTED PRODUCER.—The term ''disaster-affected producer'' means an eligible producer on a farm (as defined in section 531(a) of the Federal Crop Insurance Act (7 U.S.C. 1531(a))) that suffered losses in a disaster county in an insurable commodity or noninsurable commodity during the 2011 crop year due to damaging weather or other conditions relating to a natural disaster.

(3) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a major disaster or emergency designated by the President in 2011 due to damaging weather or other conditions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAM.—In the case of a disaster-affected producer that does not meet the requirements of paragraph (1) of section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)), the Secretary of Agriculture shall waive that paragraph if the disaster-affected producer—

(1) pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under that paragraph for the 2011 crop year to the Secretary not later than 90 days after the date of enactment of this Act; and

(2)(A) in the case of each insurable commodity of the disaster-affected producer, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm; and

(B) in the case of each noninsurable commodity of the disaster-affected producer, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the next year for which a policy is available.

(c) EMERGENCY SPENDING.—

(1) DISASTER RELIEF.—The amount made available under this section for major disaster counties (within the meaning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)).

(2) EMERGENCY REQUIREMENT.—Amounts made available under this section for emergency presidential declarations (within the meaning of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) or contiguous counties are designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

(d) EFFECTIVE DATE.—This section takes effect on the date of enactment of this Act.

SA 838. Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30,

2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 10, strike ''$78,000,000'' and insert ''$155,700,000''.

On page 83, line 11, strike ''$31,000,000'' and insert ''$188,200,000''.

SA 839. Mr. CONRAD (for himself, Mr. LEAHY, Mr. SANDERS, Mrs. GILLIBRAND, Mr. HOEVEN, Mr. MENENDEZ, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 316, after line 23 add the following:

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) in 2011, $600,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That the amount provided under this heading is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended: *Provided further*, That such additional amount shall be subject to the same terms and conditions as any other amounts provided under this heading.

SA 840. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 769 proposed by Mr. VITTER to the amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 10 and insert the following: ''Act: *Provided*, That notwithstanding any other provision of law, the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect with respect to such importation by individuals from countries other than Canada.''.

SA 841. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 25, insert ''in excess of $5,000,000'' before the semicolon at the end.

On page 83, between lines 20 and 21, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, each amount provided by this Act to administration accounts of the Department of Agriculture is reduced by the pro rata percentage required to reduce the total amount provided to those accounts by $5,000,000.

SA 842. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to provide to a person or legal entity (as defined in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) any benefit described in section 1001D(b)(1)(C) of that Act (7 U.S.C. 1308–3a(b)(1)(C)) during a crop, fiscal, or program year, as appropriate, if—

(1) the person is deceased; or

(2) the average adjusted gross income (as defined in section 1001D(a)(1) of that Act) of the person or legal entity exceeds $250,000.

SA 843. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

After section 217 of title II of division B, insert the following:

SEC. 218. None of the funds made available by this Act may be used to require a person licensed under section 923 of title 18, United States Code, to report information to the Department of Justice regarding the sale of multiple rifles or shotguns to the same person.

SA 844. Mr. HATCH (for himself, Mr. MORAN, Mr. INHOFE, Mr. ISAKSON, Mr. CHAMBLISS, Ms. AYOTTE, Mr. HOEVEN, Mr. SHELBY, Mr. NELSON of Nebraska, and Mr. HELLER) submitted an amendment to be proposed to amendment SA 738 proposed by Mr. INOUYE ot the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 17, insert ''or hereafter'' after ''herein''.

On page 121, line 23, insert ''or hereafter'' after ''herein''.

On page 122, line 11, insert '', hereafter,'' after ''That''.

On page 124, line 13, insert '', hereafter,'' after ''That''.

On page 124, line 17, insert '', hereafter,'' after ''That''.

On page 124, line 21, insert '', hereafter,'' after ''That''.

On page 179, line 13, strike ''None of'' and insert ''Hereafter, none of''.

On page 181, line 3, strike ''The Bureau'' and insert ''For fiscal year 2012 and thereafter, the Bureau''.

On page 184, line 14, insert ''hereafter,'' after ''treaty,''.

On page 186, line 19, insert ''hereafter,'' after ''law,''.

SA 845. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike '': *Provided*,'' on line 16 and all that follows through line 23 and insert a period.

SA 846. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, strike line 23 and all that follows through page 151, line 4.

SA 847. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, strike lines 5 through 9.

SA 848. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike '': *Provided*,'' on line 16 and all that follows through line 23 and insert a period.

On page 150, strike line 23 and all that follows through page 151, line 4.

On page 176, strike lines 5 through 9.

SA 849. Mr. RUBIO (for himself, Mr. WICKER, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, after line 24, add the following:

SEC. 218. EVALUATION OF GULF COAST CLAIMS FACILITY.

The Attorney General shall identify an independent auditor to evaluate the claims determination methodologies of the Gulf Coast Claims Facility.

SA 850. Mr. DURBIN submitted an amendment intended to be proposed by

him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ____. Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall conduct an assessment, and submit to Congress a report on the results of such assessment, of the effectiveness and utility of the adverse event reporting system since 2007, including—

(1) the actions being taken, if any, by the Food and Drug Administration to ensure that dietary supplement manufacturers are reporting adverse events;

(2) how the adverse event reporting system informs the public of the efforts of the Food and Drug Administration to protect consumers; and

(3) to what extent the Food and Drug Administration has implemented the recommendations made by the Government Accountability Office in its 2009 report on dietary supplements.

SA 851. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 264, between lines 9 and 10, insert the following:

SEC. 153. BUYING GOODS PRODUCED IN THE UNITED STATES.

(a) COMPLIANCE.—None of the funds made available for freight rail transportation projects under this title may be expended by any entity unless the entity agrees that such expenditures will comply with the requirements under this section.

(b) PREFERENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation may not obligate any funds appropriated for a freight rail transportation project under this title or provide direct loans or loan guarantees under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) unless all the steel, iron, and manufactured products used in the project are produced in the United States.

(2) WAIVER.—The Secretary of Transportation may waive the application of paragraph (1) in circumstances in which the Secretary determines that—

(A) such application would be inconsistent with the public interest;

(B) such materials and products produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality; or

(C) inclusion of domestic material would increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—For purposes of this subsection (b)(2)(C), labor costs involved in final assembly shall not be included in calculating the cost of components.

(d) MANUFACTURING PLAN.—The Secretary of Transportation shall prepare, in conjunction the Secretary of Commerce, a manufacturing plan that—

(1) promotes the production of products in the United States that are the subject of waivers granted under subsection (b)(2)(B);

(2) addresses how such products may be produced in a sufficient and reasonably available amount, and in a satisfactory quality, in the United States; and

(3) addresses the creation of a public database for the waivers granted under subsection (b)(2)(B).

(e) WAIVER NOTICE AND COMMENT.—If the Secretary of Transportation determines that a waiver of subsection (b)(1) is warranted, the Secretary, before the date on which such determination takes effect, shall—

(1) post the waiver request and a detailed written justification of the need for such waiver on the Department of Transportation's public website;

(2) publish a detailed written justification of the need for such waiver in the Federal Register; and

(3) provide notice of such determination and an opportunity for public comment for a reasonable period of time not to exceed 15 days.

(f) STATE REQUIREMENTS.—The Secretary of Transportation may not impose any limitation on amounts made available for freight rail transportation projects under this title that—

(1) restricts a State from imposing requirements that are more stringent than the requirements under this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries, in projects carried out with such assistance; or

(2) prohibits any recipient of such amounts from complying with State requirements authorized under paragraph (1).

(g) CERTIFICATION.—The Secretary of Transportation may authorize a manufacturer or supplier of steel, iron, or manufactured goods to correct, after bid opening, any certification of noncompliance or failure to properly complete the certification (except for failure to sign the certification) under this section if such manufacturer or supplier attests, under penalty of perjury, and establishes, by a preponderance of the evidence, that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.

(h) REVIEW.—Any entity adversely affected by an action by the Department of Transportation under this section is entitled to seek judicial review of such action in accordance with section 702 of title 5, United States Code.

(i) MINIMUM COST.—The requirements under this section shall only apply to contracts for which the costs exceed $100,000.

(j) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with United States obligations under international agreements.

(k) FRAUDULENT USE OF ''MADE IN AMERICA'' LABEL.—An entity is ineligible to receive a contract or subcontract made with amounts appropriated for freight rail transportation projects under this title or under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) if a court or department, agency, or instrumentality of the Government determines that the person intentionally—

(1) affixed a ''Made in America'' label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this section applies, but were not produced in the United States; or

(2) represented that goods described in paragraph (1) were produced in the United States.

SA 852. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. None of the funds made available by this Act may be used for coastal and marine spatial planning (as defined by Executive Order 13547 (33 U.S.C. 857-19 note; relating to stewardship of the ocean, coasts, and Great Lakes)) for an ocean area adjacent to a State that does not have an approved coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

SA 853. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 108, between lines 22 and 23, insert the following:

SEC. 114. AMERICA'S CUP.

(a) SHORT TITLE.—This section may be cited as the ''America's Cup Act of 2011''.

(b) IN GENERAL.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an eligible vessel, operating only in preparation for, or in connection with, the 34th America's Cup competition, may position competing vessels and may transport individuals and equipment and supplies utilized for the staging, operations, or broadcast of the competition from and around the ports in the United States.

(c) DEFINITIONS.—In this section:

(1) 34TH AMERICA'S CUP.—The term ''34th America's Cup''—

(A) means the sailing competitions, commencing in 2011, to be held in the United States in response to the challenge to the defending team from the United States, in accordance with the terms of the America's Cup governing Deed of Gift, dated October 24, 1887; and

(B) if a United States yacht club successfully defends the America's Cup, includes additional sailing competitions conducted by America's Cup Race Management during the 1-year period beginning on the last date of such defense.

(2) AMERICA'S CUP RACE MANAGEMENT.—The term ''America's Cup Race Management'' means the entity established to provide for independent, professional, and neutral race management of the America's Cup sailing competitions.

(3) ELIGIBILITY CERTIFICATION.—The term ''Eligibility Certification'' means a certification issued under subsection (d).

(4) ELIGIBLE VESSEL.—The term ''eligible vessel'' means a competing vessel or supporting vessel of any registry that—

(A) is recognized by America's Cup Race Management as an official competing vessel, or supporting vessel of, the 34th America's Cup, as evidenced in writing to the Administrator of the Maritime Administration of the Department of Transportation;

(B) transports not more than 25 individuals, in addition to the crew;

(C) is not a ferry (as defined under section 2101(10b) of title 46, United States Code;

(D) does not transport individuals in point-to-point service for hire; and

(E) does not transport merchandise between ports in the United States.

(5) SUPPORTING VESSEL.—The term ''supporting vessel'' means a vessel that is operating in support of the 34th America's Cup by—

(A) positioning a competing vessel on the race course;

(B) transporting equipment and supplies utilized for the staging, operations, or broadcast of the competition; or

(C) transporting individuals who—

(i) have not purchased tickets or directly paid for their passage; and

(ii) who are engaged in the staging, operations, or broadcast of the competition, race team personnel, members of the media, or event sponsors.

(d) CERTIFICATION.—

(1) REQUIREMENT.—A vessel may not operate under subsection (b) unless the vessel has received an Eligibility Certification.

(2) ISSUANCE.—The Administrator of the Maritime Administration of the Department of Transportation is authorized to issue an Eligibility Certification with respect to any vessel that the Administrator determines, in his or her sole discretion, meets the requirements set forth in subsection (c)(4).

(e) ENFORCEMENT.—Notwithstanding sections 55102, 55103, and 55111 of title 46, United States Code, an Eligibility Certification shall be conclusive evidence to the Secretary of the Department of Homeland Security of the qualification of the vessel for which it has been issued to participate in the 34th America's Cup as a competing vessel or a supporting vessel.

(f) PENALTY.—Any vessel participating in the 34th America's Cup as a competing vessel or supporting vessel that has not received an Eligibility Certification or is not in compliance with section 12112 of title 46, United States Code, shall be subject to the applicable penalties provided in chapters 121 and 551 of title 46, United States Code.

SA 854. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. Prior to obligating or expending $118,178,100 of the funds made available under the heading ''SALARIES AND EXPENSES'' under the heading ''FARM SERVICE AGENCY'' in title I, the Secretary of Agriculture shall certify to Congress that the Farm Service Agency has enforced section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) by—

(1) reviewing information and documentation regarding the average adjusted gross income of the person or legal entity collected through procedures established by the Secretary under subsection (d)(1)(B) of that section, in cooperation with the Internal Revenue Service, in order to identify all payment recipients potentially in violation of income limitations established in that section;

(2) requiring a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity potentially in violation of income limitations does not exceed the applicable limitation;

(3) reclaiming any payments made in the 2009 or 2010 crop, fiscal, or program year, as appropriate, if the Secretary determines that a person or legal entity has failed to comply with that section and should have been denied the issuance of applicable payments and benefits under subsection (d)(2) of that section;

(4) establishing statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under that section in order to verify the accuracy of the certifications of compliance with average adjusted gross income limitations in that section; and

(5) in cases in which the Secretary believes that fraudulent or false claims have led to payments in violation of that section, referring cases to the Department of Justice for prosecution under section 1001 of title 18, United States Code.

SA 855. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. ____. Prior to obligating or expending $118,178,100 of the funds made available under the heading ''SALARIES AND EXPENSES'' under the heading ''FARM SERVICE AGENCY'' in title I, the Secretary of Agriculture shall certify to Congress that the Farm Service Agency has enforced section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) by reviewing information and documentation collected under subsection (d)(1)(B) of that section and conducting audits of farm payment recipients as required under subsection (d)(3) of that section.

SA 856. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 738 proposed by Mr. INOUYE to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 20 and 21, insert the following:

SEC. 734. Notwithstanding section 1619(b)(2) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8791(b)(2), none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator to prohibit the disclosure, on request, of the information described in that section to any State agency or any political subdivision of a State charged with implementing an agriculture or conservation program under Federal or State law.

SA 857. Mr. MENENDEZ (for himself, Mr. ISAKSON, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2112, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. HOUSING LOAN LIMIT EXTENSIONS.

(a) FEDERAL HOUSING ADMINISTRATION.—Notwithstanding any other provision of law, for mortgages for which a Federal Housing Administration case number has been assigned during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the dollar amount limitation on the principal obligation for purposes of section 203 of the National Housing Act (12 U.S.C. 1709) shall be considered to be, except for purposes of section 255(g) of such Act (12 U.S.C. 1715z-20(g)), the greater of—

(1) the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)); or

(2) the dollar amount limitation that was prescribed for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620).

(b) FANNIE MAE AND FREDDIE MAC LOAN LIMIT EXTENSION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for mortgage loans originated during the period beginning on the date of enactment of this Act and ending on December 31, 2013, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be the greater of—

(A) the limitation in effect at the time of the purchase of the mortgage loan, as determined pursuant to section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), respectively; or

(B) the limitation that was prescribed for loans originated during the period beginning on July 1, 2007 and ending on December 31, 2008, pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 619).

(2) PREMIUM LOAN FEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Federal Housing Finance Agency shall, by rule or order, impose a premium loan fee to be charged by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation with respect to mortgage loans made eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation by a higher limitation provided under paragraph (1)(B), annually during the life of the loan, of 15 basis points of the unpaid principal balance of the mortgage, to achieve an estimated $300,000,000 from the revenue raised from such fees.

(B) PREMIUM LOAN FEE STRUCTURE.—The premium loan fee is independent of any guarantee fees, upfront or ongoing, charged to the borrower, and the premium loan fee shall not be affected by changes in guarantee fees.

(3) USE OF FEES.—

(A) IN GENERAL.—The fees imposed under paragraph (2) by the Federal Housing Finance Agency shall be deposited in the fund established under subparagraph (C), and shall be used to pay for costs associated with maintaining loan limits established under this section.

(B) SUBJECT TO APPROPRIATIONS.—Amounts in the fund established under subparagraph

(C) shall be available only to the extent provided in a subsequent appropriations Act.

(C) FUND.—There is established in the United States Treasury a fund, for the deposit of fees imposed under paragraph (2), to be used to pay for costs associated with maintaining loan limits established under this section.

(4) FHFA REPORT ON FEES.—The Federal Housing Finance Agency shall include in each annual report required by section 1601 of the Housing and Economic Recovery Act of 2008 related to the period described in paragraph (2)(B) a section that provides the basis for and an analysis of the premium loan fee charged in each year covered by the report.

(c) DEPARTMENT OF VETERANS AFFAIRS LOAN LIMIT EXTENSION.—Section 501 of the Veterans' Benefits Improvement Act of 2008 (Public Law 110–389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended, in the matter before paragraph (1), by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m. in Dirksen 406 to conduct a hearing entitled, ''A Review of the 2011 Floods and the Condition of the Nation's Flood Control Systems.''

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

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform Options: Incentives for Charitable Giving.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''The Recession and Older Americans: Where Do We Go from Here'' on October 18, 2011, at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 18, 2011, at 10 a.m. to conduct a hearing entitled ''Ten Years After 9/11 and the Anthrax Attacks: Protecting Against Biological Threats.''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 17, 2011, at 10 a.m. to conduct a hearing entitled ''The Small Business Jobs Act of 2010, One Year Later.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 18, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on October 18, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''Pipeline Safety since San Bruno and Other Recent Incidents.''

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 429, 430, 431, 432, 433, 434, 435; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Dan W. Mozena, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Robert A. Mandell, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Thomas Charles Krajeski, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain.

Susan Denise Page, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Sudan.

Adrienne S. O'Neal, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

Mary Beth Leonard, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali.

Mark Francis Brzezinski, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Energy Subcommittee be discharged from further consideration of S. 925 and the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 129, S. 270; Calendar No. 132, S. 292; Calendar No. 133, S. 333; Calendar No. 134, S. 334; Calendar No. 136, S. 404; Calendar No. 184, H.R. 489; Calendar No. 185, H.R. 470; Calendar No. 186, H.R. 765; and S. 925.

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

Mr. REID. Mr. President, I ask unanimous consent that the committee amendments, where applicable, be agreed to, the bills, as amended, if amended, be read a third time and passed, and the motions to reconsider be laid upon the table.

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

The Senate proceeded to consider the bills en bloc, as follows:

LA PINE LAND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 270) to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

(Insert the part printed in italic)

S. 270

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 ''La Pine Land Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the City of La Pine, Oregon.

(2) COUNTY.—The term ''County'' means the County of Deschutes, Oregon.

(3) MAP.—The term ''map'' means the map entitled ''La Pine, Oregon Land Transfer'' and dated December 11, 2009.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCES OF LAND.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and the provisions of this Act, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the City or County, without consideration, all right, title, and interest of the United States in and to each parcel of land described in subsection (b) *for which the City or County has submitted to the Secretary a request for conveyance by the date that is not later than 1 year after the date of enactment of this Act*.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) consist of—

(1) the approximately 150 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel A'', to be conveyed to the County, which is subject to a right-of-way retained by the Bureau of Land Management for a power substation and transmission line;

(2) the approximately 750 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel B'', to be conveyed to the County; and

(3) the approximately 10 acres of land managed by the Bureau of Land Management, Prineville District, Oregon, depicted on the map as ''parcel C'', to be conveyed to the City.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—

(1) IN GENERAL.—Consistent with the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.), the land conveyed under subsection (a) shall be used for the following public purposes and associated uses:

(A) The parcel described in subsection (b)(1) shall be used for outdoor recreation, open space, or public parks, including a rodeo ground.

(B) The parcel described in subsection (b)(2) shall be used for a public sewer system.

(C) The parcel described in subsection (b)(3) shall be used for a public library, public park, or open space.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions for the conveyances under subsection (a) as the Secretary determines to be appropriate to protect the interests of the United States.

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the County to pay all survey costs and other administrative costs associated with the conveyances to the County under this Act.

(f) REVERSION.—If the land conveyed under subsection (a) ceases to be used for the public purpose for which the land was conveyed, the land shall, at the discretion of the Secretary, revert to the United States.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BERING STRAITS SETTLEMENT ACT

The Senate proceeded to consider the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Omit the part in bold faced brackets and insert the part printed in italic]

S. 292

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 ''Salmon Lake Land Selection Resolution Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the document between the United States, the State, and the Bering Straits Native Corporation that—

(A) is entitled the ''Salmon Lake Area Land Ownership Consolidation Agreement'';

(B) had an initial effective date of July 18, **[**2007, which was extended until January 1, 2011, by agreement of the parties to the Agreement effective January 1, 2009; and**]** *2007; and*

(C) is on file with Department of the Interior, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(2) BERING STRAITS NATIVE CORPORATION.—The term ''Bering Straits Native Corporation'' means an Alaskan Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Bering Straits region of the State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Alaska.

SEC. 4. RATIFICATION AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—Subject to the provisions of this Act, Congress ratifies the Agreement.

(b) EASEMENTS.—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) CORRECTIONS.—Beginning on the date of enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) AUTHORIZATION.—The Secretary shall carry out all actions required by the Agreement.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LITTLE WOOD RIVER RANCH HYDROELECTRIC PROJECT ACT

The bill (S. 333) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the Little Wood River Ranch, which had been reported from the Committee on Energy and Natural Resources, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 333

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING LITTLE WOOD RIVER RANCH.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12063, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section—

(1) extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act; or

(2) if the license for Project No. 12063 has been terminated, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

AMERICAN FALLS RESERVOIR HYDROELECTRIC PROJECT ACT

The bill (S. 334) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 334

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING AMERICAN FALLS RESERVOIR.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12423, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the

time period during which the licensee is required to commence the construction of project works to September 25, 2013.

LAND GRANT PATENT MODIFICATION ACT

The bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows.

S. 404

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

SECTION 1. FINDINGS.

Congress finds that—

(1) pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–516), the Secretary of the Interior, acting through the Bureau of Land Management, issued to the Great Lakes Shipwreck Historical Society located in Chippewa County of the State of Michigan United States Patent Number 61–98–0040 on September 23, 1998;

(2) United States Patent Number 61–98–0040 was recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan, on January 22, 1999, at Liber 757, on pages 115 through 118;

(3) in order to correct an error in United States Patent Number 61–98–0040, the Secretary issued a corrected patent, United States Patent Number 61–2000–0007, on March 10, 2000;

(4) after issuance of the corrected United States Patent Number 61–2000–0007, the original United States Patent Number 61–98–0040 was cancelled on the records of the Bureau of Land Management; and

(5) corrected United States Patent Number 61–2000–0007 should be modified in accordance with this Act—

(A) to effectuate—

(i) the Human Use/Natural Resource Plan for Whitefish Point, dated December 2002; and

(ii) the settlement agreement dated July 16, 2001, filed in Docket Number 2:00–CV–206 in the United States District Court for the Western District of Michigan; and

(B) to ensure a clear chain of title, recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

SEC. 2. MODIFICATION OF LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall modify the matter under the heading ''Subject Also to the Following Conditions'' of paragraph 6 of United States Patent Number 61–2000–0007 by striking ''Whitefish Point Comprehensive Plan of October 1992 or for a gift shop'' and inserting ''Human Use/Natural Resource Plan for Whitefish Point, dated December 2002''.

(b) EFFECT.—Each other term of the conveyance relating to the property that is the subject of United States Patent Number 61–2000–0007, including each obligation to maintain the property in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.) and any other appropriate law (including regulations), and the obligation to use the property in a manner that does not impair or interfere with the conservation values of the property, shall remain in effect.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The modification of United States Patent Number 61–2000–0007 in accordance with section 2 shall become effective on the date of the recording of the modification in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

(b) ENDORSEMENT.—The Office of the Register of Deeds of Chippewa County of the State of Michigan is requested to endorse on the recorded copy of United States Patent Number 61–2000–0007 the fact that the Patent Number has been modified in accordance with this Act.

C.C. CRAGIN DAM AND RESERVOIR JURISDICTION ACT

The bill (H. R. 489) to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes, was ordered to a third reading, was read the third time, and passed.

HOOVER POWER ALLOCATION ACT OF 2011

The bill (H. R. 470) to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, was ordered to a third reading, was read the third time, and passed.

SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

The bill (H. R. 765) 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 purposes, was ordered to a third reading, was read the third time, and passed.

MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

The bill (S. 925) to designate Mt. Andrea Lawrence was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 925

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 ''Mt. Andrea Lawrence Designation Act of 2011''.

SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(1) was born in Rutland County, Vermont, on April 19, 1932, where she developed a lifelong love of winter sports and appreciation for the environment;

(2) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d'Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California;

(3) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing;

(4) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25;

(5) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life;

(6) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra;

(7) served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra;

(8) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake;

(9) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much;

(10) testified in 2008 before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill that was enacted the day before she died;

(11) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren; and

(12) leaves a rich legacy that will continue to benefit present and future generations.

SEC. 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (which is located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as ''Mt. Andrea Lawrence''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to ''Mt. Andrea Lawrence''.

AUTHORIZING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE TECHNICAL CORRECTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res 32.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 32) to authorize the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 470, an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 32) was agreed to, as follows:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 470) an Act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In the second sentence of section 105(a)(2)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619(a)) (as added by section 2(d)), strike ''General'' and insert ''Conformed General''.

(2) In section 2(e), strike ''as redesignated as'' and insert ''as redesignated by''.

(3) In section 2(f), strike ''as redesignated as'' and insert ''as redesignated by''.

(4) In section 2(g), strike ''as redesignated as'' and insert ''as redesignated by''.

NATIONAL DAY ON WRITING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 298.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 298) expressing support for the designation of October 20, 2011, as the ''National Day on Writing.''

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

Mr. REID. I ask unanimous consent the resolution be agree to, the preamble be agreed to, and the motion to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 298) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 298

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of the people of the United States;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all people of the United States to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2011, as the ''National Day on Writing'';

(2) strongly affirms the purposes of the National Day on Writing;

(3) encourages participation in the National Galley of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of the people of the United States; and

(4) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of the members those organizations through individual submissions to the National Gallery of Writing.

ORDERS FOR WEDNESDAY, OCTOBER 19, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for up to 1 hour, 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 second half; that following morning business, the Senate resume consideration of H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, the first rollcall vote will occur at about noon tomorrow in relation to amendment No. 739.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator MURKOWSKI of Alaska.

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

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I ask to speak for up to 1 hour.

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

ALASKA DAY

Ms. MURKOWSKI. Today, there is a celebration in Alaska. Tonight is the 144th anniversary of Alaska Day. This is the day that commemorates the first raising of the Stars and Stripes over Lord Baranof's castle in Sitka, AK. At the time, Sitka was called New Archangel. Until that moment, it was the capital of Russian America.

We celebrate Alaska's statehood today, October 18, and we also celebrate our 52-year-old compact with the United States and its promise to grant Alaskans the opportunity to participate equally with the other States of the Union. Together with Hawaii, statehood for Alaska marked the last chapter in America's great westward expansion. Of course, that expansion began well before Alaska's statehood, well before the purchase from Russia. It goes back to Thomas Jefferson's Northwest Ordinance, which promised an equal footing for a State government to stand on its own and to make that leap out of territorial status. This resulted in States such as Ohio and Indiana forming as sovereign governments with the Federal Government, relinquishing almost all control over the lands within those borders. So people came to live, to build their lives in these new States; and with their new lives came the infrastructure—the roads, bridges, factories, and the industry.

That set things in motion for expansion into the Far West frontier States such as Wyoming, Nevada, Utah, and Montana. And then gold in California and Colorado brought an urgency to the expansion. We saw the railroads that helped accelerate and accommodate it.

In times past, the terms began to change. Precedents were increasingly set for vast Federal land withdrawals in the form of national forests, monuments, parks, and preserves. The promise and definition of ''equal footing'' changed during these times. Ultimately, more States had more of an equal footing than others, as we saw the newest western States would soon have to contend with Federal land managers.

None of this, though, took away from the hope that Alaskans felt when Secretary of State William Seward negotiated the purchase of Alaska from Tsar Nicholas, and he negotiated this purchase for $7.2 million. We are talking a lot about money nowadays, and usually we are talking in billions rather than millions. Think about it. The purchase of Alaska came at the price of $7.2 million. That is about 2 cents an acre, which is clearly a deal under anybody's terms.

Back in Sitka today, this day is always commemorated by the town's biggest parade of the year as a time of

celebration, when many Alaskans remember the hope they felt for a brighter future when we became the 49th State in the Union back in 1959. In 1959, I was only a year old, and so when President Eisenhower signed that statehood act into law, it didn't have much of an impression at that point in time. But I have felt—and I still feel—I have grown up with Alaska, that we have both matured over the years. Those who know me know I can go on and on extolling the virtues of my State—something as simple as potatoes. I will brag that while we might not have the biggest potatoes in the country, ours are germ free. We are bigger, better, and we have more sun, more darkness, and it is colder, and it is warmer. We are a land of extremes. We are an incredible place.

Alaska is unparalleled in its beauty and its potential. There has always been something that is very classically American about Alaska. It is truly our Nation's last frontier—a place where it is still possible for adventurous men and women to live the greatest version of the American dream. I think that is what draws so many people to our State. They still believe there is a place where you can live on the edge of a lot of possibility, and that continues to make us a remarkable place to be.

Statehood itself was a dream for many years among our pioneers and native people. It didn't come quickly and certainly not easily. Prior to statehood, we only had territorial status in the United States. That left us without any votes here in the Congress. We weren't entitled to receive funding for many programs, including highways. We were at the mercy of the generosity of the Federal Government. We were at the mercy of those out-of-State interests, which had locked in a foothold over many of our resources.

I was born and raised in southeastern Alaska. My grandparents raised their families there. I can remember the stories about the push for statehood, stemming from the desire to control our fisheries—the salmon wars that went on at that time.

Ultimately, statehood came about after 92 long years and only after heroic efforts from a great many individuals—too many to do justice this evening. But for purposes of my statement tonight, I want to invoke three names that some in this town and some in this Chamber may still remember.

The first is our former Governor and Senator Ernest Greuning, whose seat in this Chamber I am humbled to hold. Senator Gruening was an intellectual titan, the consummate public servant. He was an alumnus of Harvard Medical School, a prolific journalist who served as editor to both the New York Tribune and the magazine The Nation. He also contributed to the Atlantic Monthly.

In the epic novel ''Alaska,'' written by James Michener, he credited Senator Gruening with publicizing the cause for Alaskan statehood at the national level. He called him ''perceptive and gifted.'' As a testament to his legacy, Ernest Greuning's statue now stands just a few steps away from here in the Capitol Visitor Center.

Another individual, a man who truly built our State, was Wally Hickel, a former Governor. He was the man with whom President Nixon was so impressed that he named him as his Secretary of the Interior.

Wally was a former boxer from Kansas. He arrived in Alaska with—the legend goes—about 37 cents in his pocket. He rose to prominence in both business and politics. He was at the forefront of negotiating statehood. He understood the critical balance between the Federal interests and the State interests, between the corporate interests and the public interests.

Governor Hickel is important to this conversation because Alaska is where he saw and realized the American dream, all the while with a clear eye and vision toward the future of our State. We lost Wally Hickel last spring, but his writings and his vision clearly continue to guide our State.

A third name I want to bring up this evening is a man I was privileged to work for and to serve with, and that is the late Senator Ted Stevens.

I hold Senator Stevens—or Uncle Ted, as many in the State referred to him—in great personal and professional regard. He was a World War II pilot, a Harvard lawyer, who served as prosecutor in the territorial days. He was a congressional liaison to President Eisenhower. He was an attorney for the Interior Department. Much of the leg work that is associated with statehood was Ted's, and much of what Alaska has become is directly attributable to his work here in this Chamber.

Ted's work and his influence carried so much farther beyond Alaska. His work in matters of national defense, telecom, and fisheries shaped national and global politics. He was truly larger than life. He made Alaska matter in a way that nobody could have imagined. Without him, it is indisputable that we would not have the opportunities we have now.

The reason I invoke these names is to remind my colleagues about the consequential nature, the gravitas of great men and women who made sure that Alaska became our 49th State. These were exceptional Americans with an exceptional vision. They qualified as the founding fathers of my home State. They knew what Thomas Jefferson knew at the time of the Northwest Ordinance—that the new State of Alaska didn't have the population at the time and wasn't likely to get the population; that they didn't have the infrastructure to support an economy, and that it would not succeed without open access to this huge natural resource base. This is why they negotiated 104 million acres of pure State land and a 90-percent share of revenues from resource development on Federal lands, compared to the 50 percent that is enjoyed by the rest of the States.

There was no clear path to Alaska's self-sufficiency without these terms. As a matter of fact, there still isn't. In 1958, the U.S. Senate's official committee report on the Alaska Statehood Act promised Alaska that it would be given great latitude to develop its resources. It read:

> Some of the additional costs connected with statehood will be met by granting the State a reasonable return from Federal exploitation of resources within the new State. In the past, the United States has controlled the lion's share of resources and, in some instances, retained the lion's share of the proceeds. This situation, though, has not proved conducive to development of the Alaskan economy. The committee deems it only fair that when the State relieves the United States of most of its expense burden, the State should receive a realistic portion of the proceeds from resources within its borders.

There is more to this. Secretary of Interior Fred Seaton, while in Alaska in the summer of 1958, said that the statehood compact ''reaffirms Alaska's preferential treatment in receiving 90 percent of all revenues from oil, gas, and coal leasing on public domain.'' In Fairbanks, he went further, promising ''since early this year, the territory has received 90 percent of all these oil lease revenues, and the State of Alaska will continue to do so.''

These statements are remarkably clear. Alaska would be allowed to develop these resources and receive most of the revenues from that development. I truly wish I could stand here tonight, all these years later, and say these promises have been upheld. I wish I could go to sleep tonight or any night knowing the Federal Government had kept its promises to the people of Alaska and that my children and their children will surely see our State continue to prosper and come into its own.

But the reality is that Alaska's relationship with the Federal Government has become strained. The Federal Government has always had a significant presence in the last frontier, from the first Alaska Day to this one. But today, at a time when Alaskans need the Federal Government to act as our partner, it has become an obstacle. Its default position is no longer to enable prosperity for Alaskans. More often than not, the Federal Government now delays or denies those opportunities.

That leaves me concerned about the future of my State, not because of the global economy, not because of high unemployment levels, but because of the treatment we receive at the hands of our own Federal Government.

I am here today to say that this treatment cannot go on like this. I want to ensure that my colleagues in the Senate understand why.

I have asked for a large block of time tonight, and I don't usually take a lot of floor time, particularly to go back into history. But this is important to not only my State's past but my State's future.

I wish to explain some of what we are dealing with. Some of this may not be

easy for some to see. Some believe that Alaska—and the rest of the country, for that matter—is past the point where we need to develop our resources. Many of our newer Members may not understand the promises that were made to Alaska upon statehood. Therefore, they don't understand what has been happening since then.

Adding to the complication is that our resource options have been greatly restricted over the course of decades, not individual months or even years. So to understand what has changed, we can't look back to the start of this administration.

I will not single out the President and the administration and say you are not letting us do something. The fact is that we have to go back many administrations. We have to go all the way back to the late 1970s, a time when much of Alaska had already been withdrawn into Federal wilderness status. President Carter and his Interior Secretary had decided that, well, that wasn't enough. They designated over 56 million more acres of new national monuments, 40 million more acres of wildlife refuges, and 11 million more acres of restricted national forest. Now that in and of itself would have been unprecedented, unprecedented in terms of the amount of land for the Federal Government to unilaterally withdraw if it were nationwide, but this land was all in Alaska. Every acre of it was in Alaska. So, not surprisingly, this came over the State's objection.

Congress reacted to this tremendous Federal overreach so that Alaska's Senators and lone Congressman, together with a few sympathetic colleagues, could at least try to control that impact. That negotiated truce was the Alaska National Interest Lands Conservation Act. We call it ANILCA for short. In no uncertain terms, ANILCA was a compromise. It was clearly a compromise.

For his part, when he signed ANILCA into law, President Carter stated:

> 100 percent of the offshore areas and 95 percent of the potentially productive oil and mineral areas will be available for exploration or for drilling.

Again, that is President Carter saying that 100 percent of offshore areas and 95 percent of potentially productive oil and mineral areas will be available for exploration or for drilling—a pretty strong statement, and it seemed pretty clear and very reassuring at the time of this compromise. But today it stands as probably the worst broken promise the Federal Government has ever made to the State of Alaska. As the Department of the Interior reported just this past spring, less than 1 percent—less than 1 percent—of Federal lands in Alaska is currently producing oil or natural gas. I would suggest that is an indictment. A significant portion of our lands have been placed off limits, and then where development is allowed, it is often stalled by Federal redtape. That is wrong. It is wrong, it is unacceptable, and it is to the detriment of both Alaska and our Nation as a whole.

Alaska is nearly 4,000 miles from where we are here in Washington, DC. I know because I log that trip on Alaska Airlines quite frequently. I know that what makes news back home doesn't always make news here. So I would like to use part of my time tonight to provide the Senate with some of the many examples of how resource development in my home State is being held back. Let's start with mining.

Back in 2009, the EPA attempted to halt the Kensington Gold Mine from proceeding in southeast Alaska, and this happened after two decades—two decades—of agency review and legal challenges. It happened even though the Supreme Court had ruled that a crucial permit for the mine was indeed valid. But the EPA was so unhappy with this decision, it jumped back in. It sought to nullify the plan that had just held up to the scrutiny of the Supreme Court. This was not the Alaska Supreme Court, this was the U.S. Supreme Court. This was not an effort to protect the environment by the EPA. The EPA proposal was demonstrably worse for the environment. This was an effort to stop the mine at all costs, regardless of the consequences for the local economy or the hundreds of Alaskans who were depending on jobs from this particular mine.

More recently, we have seen Senators within this body from other States challenge a mine that could one day be located in southwest Alaska. Those Senators have asked the EPA to consider a preemptive veto of the mine. This is even before a plan has been proposed. I have said that a preemptive veto makes no more sense than a preemptive approval and that we should provide a robust environmental review when and if a permit application is going to be submitted.

I will remind everyone here that we don't have a habit of hastily approving mines in this country. In fact, we rank dead last—dead last—among all the countries in the world in the amount of time it takes to review permits. This mine will have to secure at least 67 different permits, approvals, and authorizations from Federal, State, and local governments. That represents about 67 chances for the mine to be delayed, modified, or halted. But some apparently believe that process is still not sufficient.

Now let's talk about timber and the wholesale destruction of the timber industry in southeast Alaska. At this point, I feel once again as though I need to put my Alaska bona fides out there and remind everybody how big Alaska is. We are more than twice the size of Texas. People forget that. We have a lot of room up there. We could produce a tremendous portion of our Nation's timber and pulp if we were only allowed to do so. We could do that while leaving the vast majority of our lands untouched. But that hasn't been possible. Southeast Alaska is nearly all Federal lands, so our ability to conduct logging there is very heavily dependent on the Federal Government's willingness to grant access.

When ANILCA passed, the timber industry, in return for accepting the creation of more than 5 million acres of new national monuments closed to timber harvesting, was assured that the Forest Service would make 450 million board feet of timber available in the future—half of what was being produced prior to the bill's passage. We accepted that as a compromise. ANILCA also guaranteed $40 million worth of funding each year for road building, for precommercial thinning to allow the existing industry to survive on a smaller land base.

So you might ask the question, what happened? Alaska's timber industry has not thrived. It struggles. Go down to the southeast and talk to people in Ketchikan or out in Thorne Bay, and it is worse than struggling. They are on life support. They are struggling to survive as outside forces repeatedly attempt to shut it down. At the urging of the Washington, DC, environmental community, the funding within ANILCA was repealed and the allowable harvest level was cut in half again over the following decade. But even that reduced amount of logging seems expansive today because the Forest Service has made far less than 50 million board feet available for timber harvest within the past 3 years. So far this year, the Forest Service has amazingly sold just 2 million board feet of new timber offerings. This is a dramatic decline for an industry that once provided thousands of well-paying jobs for residents in southeast Alaska, as well as the revenue that came in and, by the way, some really world-class quality wood and pulp resources for the rest of our country.

Given these restrictions, it probably comes as no surprise that employment in the industry has plummeted from about 6,000 total jobs in 1980 to where we are today, which is about 450, and that includes all of the support structure as well. So for those of us who grew up in the Tonkas—I was born in Ketchikan and raised in places such as Juneau and Wrangell—to see an economy be truly just cut off to the point that it is no longer existent because of Federal policies is very difficult to deal with.

Then, of course, we can take a look at Alaska's oil and gas industry, which currently provides nearly 90 percent of the revenues for Alaska's State budget and historically as much as 20 percent of our Nation's petroleum supply. We are pretty proud of this. We feel as though we have done a pretty good job. Here more than anywhere else we see the scope and the consequences of Federal decisions to restrict resource development.

Just to put things in context so that people know what I am talking about—and I don't have the rest of the country on here, Mr. President, because that

chart is coming later—in understanding where Alaska's resources lie, I think it helps to understand the management and the division within our State in terms of our lands. I don't expect most can see this map, but it is kind of a jumble of colors. What I will direct your attention to—and those who are looking at this—is all of the green areas, which are Forest Service, and the orange and tan areas are our BLM parklands. The areas that are in blue are the State lands. The small areas where you have red are areas held in private lands, whether it is Native lands or whether it is held in private lands.

Up here, in the National Petroleum Reserve at the top of the State, is an area that Congress explicitly designated—they have singled out and explicitly designated—for producing oil. But Federal regulators will not allow a simple bridge to be built over a remote river, and without this bridge, it is not possible or it is exceptionally difficult to begin commercial production. So you have production within a National Petroleum Reserve that is remaining off limits at this moment.

I have asked the question—and it is not a rhetorical question but one clearly worth repeating—if we can't get petroleum from the National Petroleum Reserve, from where can we get it? This is an area that was specifically designated by the Congress. Yet we are being held up from accessing this because we cannot get approval to place a bridge over the Colville River. So we continue to work this because it is extraordinary that we would be held up these many years.

Offshore, in the Beaufort and the Chukchi, are areas estimated to contain more than 20 billion barrels of oil. Production in these areas could help us refill our pipeline, which is running dangerously low, and create many thousands of good-paying jobs. But Federal regulators have held this up over really, of all things, air permits needed for exploratory operations to begin miles offshore in the Arctic Ocean. We have seen some steps in the right direction, and that is good. But the fact is, drilling has been canceled each of the last four seasons, and next year is still uncertain.

I had an opportunity to quiz Director Bromwich today. He is trying to give me the assurance that this might be on track for next season. But it has been almost 5 years and cost almost $4 billion, all in an effort to get to the point where we can proceed to begin exploration. Alaska has already lost hundreds of jobs and millions in revenues because of these federally imposed delays.

Of course, I cannot not talk about Alaska's oil and gas resources without discussing Alaska's coastal plain, which is this area right over here adjoining Canada. We have an area up north that is estimated to hold 10.4 billion barrels of oil. This is the mean estimate, so it is quite possibly much more than that. I have sponsored legislation to allow responsible development in the nonwilderness portion—not in the wilderness portion—of ANWR. We are not going to touch the wilderness portion, just the nonwilderness portion of ANWR. I have offered this for several Congresses now.

But even limiting that development to 0.1 percent of the refuge has proven unacceptable to many Members of this Chamber. We repeatedly hear from others that this area is too sensitive, despite Alaska's very strong record of environmental stewardship in nearby Prudhoe Bay. We repeatedly hear it is just going to take too long for this oil to come to market. They will say it is going to take 10 years to get ANWR oil. That is too long.

The ''10 years away'' argument has been made for over 20 years now. So instead of continuing to delay, let's figure out how we make this happen. But instead of any promotion in Congress and from the Fish and Wildlife Service, we face efforts to put all the Coastal Plain into permanent wilderness restriction.

To anyone who thinks the nonwilderness portion of ANWR was never meant for energy development, I would point you to President Eisenhower's original designation creating not a refuge but the Arctic Range. I would also remind you that President Eisenhower had both an assistant to the Secretary of the Interior Department and a congressional liaison, and that individual was named Ted Stevens. Ted was in the room with Interior Secretary Seaton, drafting the Executive order for the Arctic Range Conservation Program. If you think he would have considered locking up Alaska's resources, I don't think you know him as I did.

The order clearly provided that oil and gas development would be permitted so long as there were reasonable protections in place for the flora and the fauna. I would encourage any of my colleagues, look up this Executive order of December 6, 1960, if you have any further questions.

For all of its broken promises, ANILCA is still law, and it contains two very important provisions that were negotiated by Senator Stevens. The first is for an oil and gas exploratory program to occur in the 1002 Area. This is this small portion of the Coastal Plain that I have sought to open. But I wish to repeat this. Existing law provides for oil and gas exploration, and exploratory drilling has already occurred in ANWR. In fact, in the two winters in 1984 and 1985, seismic exploration was conducted along 1,400 miles of survey lines in ANWR. There were several companies that were also permitted to conduct other geologic studies, such as surface rock sampling and mapping and some geochemical testing. This resulted in a report from the Interior Department based on what it learned about the resource and the ability to develop it responsibly, recommending that Congress take the next step and authorize oil and gas leasing for the entire 1002 Area.

We have to ask the question: Why is this relevant? To begin with, it is worth noting that the current law already provides for exploratory drilling in ANWR. All that is prohibited is development leading to production. I doubt many people realize we have actually already authorized drilling in ANWR, and Congress's real decision is to decide whether we leave the oil in there or whether we let it come to market.

The second major provision in ANILCA is probably better known. It is called the ''no more'' clause, and we talk about it a lot in Alaska. It is an express prohibition on any more wilderness withdrawals in Alaska. Included is a congressional finding that Alaska has unequivocally contributed enough of its lands to conservation purposes. I am going to quote directly from this law. It has been upheld in court, it remains in place today, and it provides as follows:

> This act provides sufficient protection for the national interests in the scenic, natural, cultural, and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people. Accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition. And, thus, Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas has been obviated thereby.

I don't think it could be any more clear than that. It troubles me a great deal when people in Washington then take it upon themselves to look for more wilderness in Alaska.

In 2004, the General Services Administration reported that more than 60 percent of Alaska was owned by the Federal Government—about 250 million acres in total. Again, if we look at the map, outside of the blue areas, pretty much all that we are seeing the green, the kind of tan, the orange, these are all Federal areas. So about 250 million acres are owned by the Federal Government. Compare that with some of the other States.

I don't mean to pick on the smaller States, but Connecticut, 0.4 percent of Connecticut, about 14,000 Federal acres. New York is 0.8 percent, about 230,000 acres. Illinois is 1.8 percent. They have about 640,000 Federal acres. But, again, according to that report, the State of Alaska has about 250 million acres of land under Federal control.

So we would say: Where are their private lands? Less than 1 percent of Alaska's lands are privately held. People have a tough time with that because they think: They have so much land. They have so much acreage. It is so huge. Surely, they must have some of that in private land.

It is less than 1 percent. It begs the question, when we are looking to add more wilderness, how fair is it to look to Alaska for more wilderness, when we have some 250 million acres in Federal control already, more wilderness in Alaska, in one State, than in the rest of the Nation combined? It is an important question to be asked.

We would at least suppose that the vast areas where Alaska cannot develop our resources would give us a silver lining of more recreational access. I know the Chair enjoys the great outdoors, as do I, and we like to get out and hike and be part of what we have with the land. But with Alaska's land management, even access to our lands makes it complicated, and that promise too has been broken.

Under ANILCA, Alaska's outdoor recreational enthusiasts were promised access to the 120 million acres of new parks, refuges, and wilderness areas. Again, whether it is our Forest Service lands, our Park Service lands, our refuge lands, it was all promised that, OK, it is there. It is for all to enjoy. But as we feared, soon after the bill was passed, after ANILCA passed, Federal agencies closed access. They closed access by snow machines, they closed access by road, and they closed access by plane to some of the lands. In other words, we can enjoy access, we can enjoy this if we can walk there. That is good for those of us who are still able-bodied, and we are much stronger when we are going up those mountains. But the fact is, it is limited if we can't access it by any other means other than walking there.

The access further went when Glacier Bay was shut off to commercial fishing entirely. It especially hurt where Alaskans, whose property then became in-holdings within these new conservation areas, they faced regulations just 5 years after this law was passed that made permission for access into their lands much more difficult, clearly, much more expensive, and sometimes shutting them out altogether. To this day, I deal with constituents who are out here in the McCarthy area, a great park area, but there are in-holdings, private in-holdings. But in order to gain access to their property that is rightly theirs—and the Federal Government recognizes it—they say: They can be there, but we are going to make it extraordinarily difficult for them to gain access to their own property.

So the promise that we as Alaskans would be able to enjoy this incredible land we have, even that has been hindered.

I have chosen to speak about these broken promises today because I wish to make clear that both history and the law point squarely to Alaska's right to the use and enjoyment of its lands. While the law should be well enough, we can't forget why good public policy weighs in favor as well.

The decisions to block Alaskan development have come to a head at the worst possible time. We have high unemployment. We have record Federal debt. We have global financial distress. Alaska could help on all these fronts. We stand ready to create tens of thousands of jobs. We can create hundreds of billions of dollars in new Federal revenues. We can help relieve the staggering costs our Nation pays for foreign oil, but we need permission from the Federal Government.

At times it seems that many in this Chamber have forgotten why we need to produce our natural resources in the first place. The answer is pretty simple: It leads to economic growth, it leads to prosperity, and it helps us compete in a rapidly changing world. But because we have slowed down resource production, because we have locked down so much of our lands, our Nation is increasingly—and I believe needlessly—facing scarcity issues and dependency, dependent on foreign sources, for so many of the resources we depend upon. In terms of many of these crucial resources, whether it be energy, timber, minerals, Alaska is not just the last frontier; it is truly the best option.

I am not overstating the case to say that much of our Nation's competitiveness rests on our ability to access our resources. Right now, though, we are constantly blocked. Production is happening all around us. Just look at what is going on. We had a hearing today in the Energy Committee discussing what is happening offshore of Cuba. It is not just happening offshore of Cuba. It is offshore in Russia. It is offshore in Canada. It is down in Mexico. It is in Cuba. We can look to China for our rare earth elements, but why would we do that when we have the prospects in this country in Alaska? Alaska has these resources.

The positive benefits that would result if we reversed the current dynamic are not up for debate. Countless studies clearly show that development in Alaska, because of its grand scale and high resource values, will create jobs and economic benefits for literally every single State—for the Chair's State of Colorado, for all our States. This does not require clear-cutting the State or drilling every inch of our State or every acre or every region—not even close. We are asking to pursue development on a very small amount of land, especially when we consider Alaska's prolific standards.

To put it into context of the whole, and I hope everyone can see the outline of the lower 48 States here and Alaska is superimposed. I didn't put Alaska in the middle there because it looks better in the middle. What I am trying to show is, this is a proportionate picture of how Alaska, if it were superimposed over the lower 48—where we extend to: all the way in southeastern Ketchikan over here, which sits in Florida, to fully the furthest part of the west coast, which is the Aleutian Islands, all the way down here, going all the way up to the North and into the South.

The reality is, Alaska is a State the size of which can't easily be measured or even understood. As I mentioned, its most distant points stretch from Florida to California. Lay it across the continental United States like this, and people say we must be making it up.

Mr. President, you have had the opportunity to travel to my State. You appreciate that when you are flying in an airplane for hours and still looking down and realizing, I am still flying over the same State—you can appreciate the size and scope of what we are dealing with. Within this area lies a tremendous natural resource base, conventional and nonconventional, renewable and nonrenewable.

When you see Alaska on a map, you never see it represented in proportionate size. You never realize just how unbelievably large it is. Unfortunately, for years when I was in school, Alaska was always in a little box down off of California or off of Mexico, that little piece down there. Our kids did not know where the exact spot on the map was. They did not know the size. We are continuing to educate and educate in an important way because it does make a difference.

Before I go off this chart, I want to again put in context the management issues we deal with. Look at this green area. This would be about 64 percent of Alaska under Federal management. State management is about 24.5 percent, about 90 million acres; 10 percent is Native held; and then less than 1 percent, about 1 million acres, is in private hands. That gives you an appreciation of what it is we are dealing with.

Mr. President, you and I have had an opportunity to talk about some of the truly magical places you have enjoyed in Alaska. I appreciate your perspective and the special places you have been. There is no argument—you will not find argument from this Alaskan—that major portions of Alaska are truly worth protecting and should not be developed. Those are some pretty spectacular areas. You may see them advertised. Oftentimes you will have environmental groups that will advertise them. The photographs may or may not always reflect the actual proposed sites, but they are beautiful. We will not ever dispute that they are beautiful.

The current Deputy Secretary of the Interior has said we are not going to drill in our pristine wilderness any more than we are going to build a dam in the Grand Canyon. We are not proposing that, not by any legal or commonsense definition.

We have in our State five major oil-bearing regions that remain nonproducing. We have a pipeline that is dwindling at one-third of its capacity. This pipeline literally bisects the State of Alaska. It is the spinal cord of our State's economy. It is a critical artery for America's energy security. Right now, that pipeline is running low, it is running slow, and we are being prevented from accessing the resources to

build it up. We have negotiated, pleaded, and begged for access to our resources for more than a generation. We have even been willing to sacrifice some of the revenues Alaska is clearly entitled to by law, and it has fallen on positively deaf ears here in Washington, even at a time when those dollars would mean quite a lot in terms of avoiding painful tax hikes or program cuts. When you look back on the past 50 years, it is more than a little astonishing that opposition to development continues to be so just dug in.

I think what has been borne out from Alaska's resource development is a very strong record of environmental stewardship. We have produced our natural resources for generations. For my entire life there, we have been producing our resources, whether it is our timber, whether it is our fisheries, whether it is mining and now oil. We have produced them for generations, and we have preserved our pristine qualities and the natural beauty perfectly. We are a world-class vacation destination for everyone who wants to come up on the big cruise ships, to those who want to do the ecotourism. We are a genuine paradise for the trophy fisherman, for the hunters who want to come to Alaska. We have a fish and game management program that is the most productive, the most sustainable model for the entire world.

I have people tell me: The one thing I want to do before I die is go to Alaska and see it. So if we have been producing all of our resources for all these years, for all these generations—if we really had been doing that terrible of a job, why does everybody want to see this incredibly beautiful land we have? I suggest it is because we have been doing a pretty good job of resource development as we have gone along the course.

Resource production has yielded substantial social and economic benefits to the State. More than 16 billion barrels of oil have been sent to the lower 48, with minimal environmental impact. Our oil also supplies refineries near Fairbanks and Anchorage. It allows us to serve as an international cargo hub. Our refineries produce the fuel for fighter jets and other military needs at our four bases. The strategic value of Alaska's geographical position—we sit literally at the top of the world there—for military purposes alone is sufficient to justify access to the resource, even if we were to ignore the jobs, ignore the revenue and the energy security benefits that come along with it. Yet, as I stand here today, virtually every extractive industry in Alaska has been disrupted by the Federal Government. Mining, timber, oil and gas—all these productions are well below or well behind the levels that would best serve Alaska and our country. No matter the project, it seems we have to fight the Federal Government for access and permission every single step of the way.

Federal agencies are attempting to subvert Supreme Court decisions. Senators from other States are attempting to halt mines that have not even been proposed. Permits are delayed, they are withheld, and they are outright refused. Drilling cannot take place in places Congress has explicitly designated for drilling, including our National Petroleum Reserve.

At the root of these troubles really is Alaska's treatment by the Federal Government. Because we have so much land and because we do depend on the development of these lands to thrive as a State, Alaska's future truly rests in the Federal Government's hands. But at the very moment—at the time when we most need the Federal Government to be acting as our partner, it has become an obstacle to progress and to our prosperity. The promises that were made at statehood and under ANILCA seem to be remembered only by Alaskans.

So it is apparent to me that the system of Federal land management and land use that used to work has now turned against us. Instead of facilitating new development and working to ensure it is carried out responsibly, the Federal Government now routinely denies our opportunities and locks up Alaska's lands. No matter where we look, we face this gauntlet of land use and environmental statutes that have been twisted into permitting delays, project denials, endless litigation. Put at risk is the sound economy we have worked very hard to build, the livelihoods of hundreds of thousands of Alaskans, and our ability to live up to our obligation at statehood to remain financially solvent as a State. We are in this position for, I believe, one reason, and that is because the promises that were made to Alaska by the Federal Government have been broken. We have asked nicely—perhaps too nicely—for a long time for those promises to be honored.

So, before I close, I would like to draw one more quotation from Senator Gruening, of whom I spoke earlier. This is a rather lengthy quote, but it is one worth hearing. Senator Gruening states:

> We Alaskans believe passionately that American citizenship is the most precious possession in the world. Hence we want it in full measure; full citizenship instead of half-citizenship; first class instead of second class citizenship. We demand equality with all other Americans and the liberties long denied us that go with it. To adapt Daniel Webster's famous phrase uttered as a peroration against impending separatism, we Alaskans want ''liberty and union, one and inseparable, now and forever.''
>
> But the keepers of Alaska's colonial status should be reminded that the 18th century colonials for long years sought merely to obtain relief from abuses, for which they—like us—vainly pleaded, before finally resolving that only independence would secure for them the ''life, liberty and pursuit of happiness,'' which they felt was their natural right.
>
> We trust that the United States will not, by similar blindness to our rights and deafness to our pleas, drive Alaskans from patient hope to desperation.

That is pretty lofty language, I grant you, but I think it is suited. I think it is suited to this conversation this evening. Just as Ernest Gruening had to have this same fight from this same Chamber over 50 years ago, I am compelled to remind this body that the greatness of this Nation, the ultimate and true greatness of the experiment, depends on the greatness of the individual States which comprise it. As we look at our States and what they are capable of achieving, I would bet Alaska's potential against any other.

Today, on the 144th anniversary of Alaska Day, I ask the Senate to just think, to consider the promises that were made to the State of Alaska, to realize that those promises have not been kept but broken to the detriment of both Alaska and our Nation as a whole. This must be changed with the realization that partnership, not abject denial, is truly the best path forward. If the Federal Government keeps its promises, Alaska will realize its potential, grow as a State, and secure its future.

We would not be doing this just for Alaska alone. The rest of the Nation will benefit greatly as well. That is something we need. It is something we should all agree to work for. There is probably no better time to start than today as we recognize Alaska Day.

I thank the Chair for the attention of the Presiding Officer and for the opportunity to share a little bit of Alaska's history and our frustration with the present.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:37 p.m., adjourned until Wednesday, October 19, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WENDY M. SPENCER, OF FLORIDA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE PATRICK ALFRED CORVINGTON, RESIGNED.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

ALFREDO J. BALSERA, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2014, VICE ELIZABETH F. BAGLEY, TERM EXPIRED.

DEPARTMENT OF STATE

GINA K. ABERCROMBIE-WINSTANLEY, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIOPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULISSA REYNOSO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNUITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

ROBERT E. WHITEHEAD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDERT TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL J. BASLA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DAVID S. CHOI
MUHANNAD KASSAWAT

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RUSSEL E. PERRY

CONFIRMATIONS

Executive nominations confirmed by the Senate October 18, 2011:

DEPARTMENT OF STATE

DAN W. MOZENA, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

ROBERT A. MANDELL, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

THOMAS CHARLES KRAJESKI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

SUSAN DENISE PAGE, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH SUDAN.

ADRIENNE S. O'NEAL, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

MARY BETH LEONARD, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI.

MARK FRANCIS BRZEZINSKI, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.