United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, MONDAY, JANUARY 31, 2011 No. 13

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 8, 2011, at 2 p.m.

Senate

MONDAY, JANUARY 31, 2011

The Senate met at 2 p.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

O God, our Father, in whom we live and move and have our being, use our Senators to bring help to others, credit to themselves, and honor to You. Give them the wisdom to be cheerful when things seem to go wrong, to persevere when things seem difficult, and to stay serene when things seem to irritate. Lord, guide them to be at peace with themselves, with others, and with You. May their highest motive be to earn Your divine approval. Give them a strong faith to believe that, though Your will may be hindered and obstructed by human folly and failure, it must in the end be triumphant.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID 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, January 31, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. In my capacity as Senator from the State of Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business with Senators permitted to speak for up to 10 minutes each. I am confident we will be able to move to the Federal Aviation Administration authorization bill very quickly. There will be no rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent to speak for such time as I may consume.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

Mr. KYL. Mr. President, subject to the unanimous-consent request, I asked a moment ago to exceed the 10-minute limit.

The PRESIDING OFFICER. The Senator is correct.

NEW START TREATY

Mr. KYL. Mr. President, as some of us predicted, problems are already arising from the Senate's ratification of the New START treaty last December.

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

The Russians just ratified it, and their interpretation of its meaning and obligation is different from ours. That is going to cause problems. I will also discuss this afternoon the President's fiscal year 2012 budget in the areas of nuclear modernization and missile defense, both of which were closely tied to the Senate's support of the New START treaty.

First, what the Russians are saying about the treaty. The Russian State Duma and the Federation Council, which is their counterpart to the Senate, last week passed its Federal law on the New START treaty, and that is the Russian equivalent to our resolution of ratification. That document demonstrates there is a significant divergence of views between the two countries on several key provisions and core principles of the New START treaty.

For example, Russian officials continue to assert, despite statements from the Obama administration and despite the Senate's legally binding positions to the contrary, that various treaty provisions, including in the preamble, constrain U.S. military options regarding missile defense and conventional prompt global strike. Far from supporting the touted ''reset'' in its relations, this lack of meeting of the minds is a ticking time bomb for disruption of our relations.

First, regarding missile defense. The Senate unanimously adopted an amendment to the resolution of ratification providing that the New Start preamble does not impose a legal obligation on the parties. The Senate's principal concern and rationale for this provision was the language in the preamble linking offensive forces to missile defenses, a clear attempt by the Russians to foreclose future qualitative and quantitative improvements to U.S. missile defense capabilities. Contrary to the U.S. position, Russian officials have recently declared that the preamble is an integral part of the treaty and is thus binding on the parties. Russian Foreign Minister Sergey Lavrov has stated:

> There are a few problems, one of the main ones being the assertion contained in this [Senate floor] statement that the correlation between strategic offensive and defensive weapons, reflected in the treaty, is not legally binding for the U.S. and Russia because it is stipulated in the preamble. This thesis cannot be defended by lawyers.

Contradicting President Obama's December 18 letter on missile defense to Senators REID and MCCONNELL and the Senate's resolution of ratification, Foreign Minister Lavrov further contends:

> The content of the treaty unequivocally points to the correlation between strategic offensive weapons and missile defense, it is set out in the preamble, whereas the text of the treaty contains an article that allows either party to withdraw in the event of an emergency. We are convinced that the implementation of the full-scale global missile defense by the U.S. will be precisely such an emergency.

These statements stand in apparent contradiction to the resolution of ratification adopted by the Senate.

On the point concerning the legality of the preamble, which includes the unfortunate linkage between offensive arms and missile defense, the Russian Federal law on the New START ratification highlights the importance that Russia attaches to the preamble and this linkage between missile defense and strategic offensive arms, and it introduces a new issue: The possibility of ''understandings'' between the parties not revealed to the Senate.

Here is what article 4, paragraph 1 of the Russian law says:

> The provisions of the preamble of the New START treaty shall have indisputable significance for the understanding of the Parties intentions upon its signature, including the content of the terms agreed between them and the understandings without which the New START treaty would not have been concluded. In this connection, they must be considered in toto by the parties in the course of implementing the New START treaty.

Because of these ''terms'' and ''understandings,'' article 4 goes on to state that the Russian Federation shall exercise its right to withdraw from the treaty in the case of extraordinary events, including the ''deployment by the United States of America, another state, or a group of states of a missile defense system capable of significantly reducing the effectiveness of the Russian Federation's strategic nuclear forces.''

So now the Russian Parliament is clearly on record that the deployment of the U.S. national missile defenses or missile defense deployments in conjunction with our NATO allies could be cause for Russian withdrawal from the treaty. Since Russia opposed the deployment of 10 ground-based interceptors in Poland, it is likely to oppose as well the planned deployment of land-based SM–3 missiles in Romania and Poland capable of intercepting Iranian ICBMs.

This provision of the Russian law is fundamentally incompatible with the U.S. understanding of the treaty and with current U.S. plans to deploy these U.S. defenses in Europe and to deny U.S. national missile defenses as the President affirmed to us in his December 18 letter. The administration should immediately work to resolve this dispute with the Russians. Otherwise, the United States would be willfully perpetrating a future collision course between Russia and the United States.

I am sending a letter to Assistant Secretary of State Rose Gottemoeller which raises this issue and asks for clarification of the assertion that there were understandings between the negotiators not reflected in the public record.

The President will have to decide whether to exchange the instruments of ratification with the Russian Federation with this discrepancy extant—and the others that I will briefly touch on. I am not aware of a bilateral treaty that is entered into force where such a divergence of views existed. Perhaps there is clarification on these matters in some secret cable or in another part of the classified negotiating record. The administration's stubborn refusal to share these materials with the Senate has denied Senators the answer.

Part of the Corker-Lieberman amendment to the treaty also requires the administration to communicate to Russia at the time of the exchange of instruments of ratification that it is the policy of the United States to continue development and deployment of U.S. missile defense systems, including qualitative and quantitative improvements to such systems. I urge the administration to consult with the Senate to ensure that our intent is accurately conveyed before exchanging this policy statement and the instruments of ratification.

The resolution of ratification also makes clear that missile defense will not be on the table in any future treaty. Understanding No. 1 makes clear that no limits on U.S. missile defenses can be achieved through the New START treaty, including the Bilateral Consultative Commission it creates, without the advice and consent of the Senate which, if I have anything today about it, will not be forthcoming.

There is also declaration No. 1 which states:

> Further limitations on the missile defense capabilities of the United States are not in the national security interests of the United States, and the LeMieux amendment, which made it the policy of the United States not to include defensive missile systems in any negotiations with Russia on tactical nuclear weapons.

The administration might have created the impression with Russia that the United States would discuss missile defense, whether in the Tauscher-Rybakov track of secretive side negotiations—the full extent of which the administration is hiding from Congress—or by agreeing to the preamble language, or article V, section III, in contravention of section 1251 of the fiscal year 2010 Defense authorization bill.

With regard to Under Secretary Tauscher's side negotiations, I note that the Russians know more about the U.S. position and these negotiations than the Senate does, which brings to mind again article 4 of the Russian Federal law on ratification which states that the ''provisions of the preamble of the New START treaty shall have indisputable significance for the understanding of the Parties' intentions . . . including the content of the terms agreed between them and the understandings without which the New START treaty would not have been concluded.''

What understandings are these? Is this referring to something beyond the text of the treaty and the preamble? Unfortunately, the Senate is unaware of such understandings because we have been denied access to the negotiating record.

There is the potential here for a major confrontation between the Senate and the administration if the administration does not immediately

make a full disclosure to the Senate on these matters. The Senate's action in the resolution of ratification should also make clear that it will not accept any further linkage between offensive nuclear reductions. I am pleased to note a recent product of the Arms Control Association, called ''Strategic Missile Defense: A Threat to Future Nuclear Arms Reductions,'' that seems to agree with my point. In its recent analysis, this group correctly observed that the United States will continue to require exempting strategic missile defense from treaties.

Now, while the Arms Control Association seems to believe this is a mistake, I am pleased the Senate sent a message so unmistakable that even the arms control community comprehended it. The administration will have an opportunity to prove whether its statements of support for missile defense, including the President's December 18 letter, were mere rhetoric or actual policy, beginning when it submits the fiscal year 2012 budget request. Initial press reports hint that the Defense Department is anticipating yet another reduction in funding for missile defense programs over the next 5 years, despite funding plans that are already about $4 billion below what was envisioned by the last administration for fiscal years 2010 through 2013. This is inconceivable given the funding shortfalls increasingly apparent in the President's own plans for improving U.S. missile defenses as well as four phases of the phased adaptive approach to missile defense in Europe. It appears that elements of the administration's phased adaptive approach for missile defense are already falling behind, and the President's budgets for missile defense have almost guaranteed the atrophy and obsolescence of the only national missile defense system we now have.

If these reports are accurate, it would belie the President's commitment to missile defense, which was central to Senate support for the New START treaty, and suggests the Senate was misled during its consideration of the treaty.

With regard to Conventional Prompt Global Strike—remember, this is the concept where U.S. intercontinental range missiles could substitute a conventional warhead for a nuclear warhead for prompt delivery to a place far away on the globe in a time of emergency—Senators' concerns were not limited to missile defense, as I said. We also talked about this Prompt Global Strike issue in connection with the START treaty. Referencing this capability, Foreign Minister Lavrov told the Russian Duma:

> The [U.S.] Senate's resolution claims that the treaty does not apply to new kinds of nonnuclear strategic weapons that could be developed in the future. But this is not true.

Then he also stated:

> We find unacceptable the unilateral American interpretation of the treaty, according to which future strategic range systems with non-nuclear warheads not meeting the parameters stated in the treaty shall not be regarded as new types of strategic offensive weapons covered by the treaty.

Likewise, Russian Federal law states in article 2, paragraph 7:

> The question of the applicability of the provisions of the New START treaty to any new kind of strategic-range offensive arms should be resolved within the framework of the Bilateral Consultative Commission . . . prior to the deployment of such new kind of strategic-range offensive arms.

Hence, Russia is rejecting the U.S. understanding on strategic range nonnuclear weapons systems contained in the Senate's resolution of ratification, which states:

> . . . nothing in the New START treaty prohibits deployments of strategic-range nonnuclear weapon systems.

In other words, conventional Prompt Global Strike.

The President must make this fact plain to both Russia and the Senate when he provides the report on the conventional Prompt Global Strike systems to the Senate prior to entry into force of the treaty. It mocks the very idea of a U.S.-Russian arms control pact if such a disagreement—Russia's rejection of a formally adopted U.S. understanding—is allowed to stand.

Let me mention telemetry. In response to Senators who raised concerns about the inadequacy of the verification and telemetry provisions in New START, the administration essentially said: Not to worry; the treaty permits each side to exchange telemetry on up to five tests per year. As could have been expected when the administration capitulated to Russian demands concerning telemetry, the Russian Federal law now prohibits ''providing to the United States of America telemetric information about the launches of new types of intercontinental ballistic missiles and submarine ballistic missiles.'' That is exactly what treaty opponents predicted. As a result, we will know less about new Russian systems than under the previous START verification regime.

At the very least, Russia's action in its federal law to deny the United States telemetry on this future missile development will place greater burdens on our national technical means to monitor the development of new Russian ballistic missiles. The denial of telemetry from new delivery systems poses a material risk by aiding Russia's potential for breakout from the treaty limits, which is, of course, a central concern of the Senate in conditions Nos. 2 and 4 of the resolution of ratification.

Finally, the Russian Foreign Minister seems to have taken aim at the Senate's condition that negotiations begin within a year to address the disparity in tactical nuclear weapons between Russia and the United States. In noting the imbalance in conventional forces, plans to deploy weapons in space, and U.S. global missile defense plans, Russian Minister Lavrov stated:

> It is possible to hold future negotiations only with due account of all these factors and after the fulfillment of the New START.

Clearly, Russia is not interested in beginning such negotiations anytime soon.

The Foreign Minister has proven correct those Senators who cautioned that after this treaty was ratified, the United States would lose whatever leverage it had to address nonstrategic nuclear weapons. Assistant Secretary Gottemoeller appears to take seriously the Senate's instruction in this regard, even referring to it as her ''marching orders.'' I trust she views equally the Senate's ''marching orders'' that a subsequent treaty not deal with U.S. missile defenses.

I am not aware of an example where the United States has ratified a bilateral treaty in the face of clear evidence that there is no meeting of the minds on key treaty terms. While New START was under Senate consideration, administration officials continually spoke about how critical the treaty was to ''reset'' relations with Russia and how the completed treaty manifestly improved relations between the two countries. This can be the case, however, only if the parties actually agree on the fundamentals of the treaty's meaning.

Now let me speak to the anticipated 2012 budget for nuclear modernization.

The Senate, in condition 9 of the resolution, linked its support for the New START treaty on a clear commitment to ''ensuring the safety, reliability, and performance of its nuclear forces.'' This commitment requires full funding to ensure a robust Stockpile Stewardship Program, a modernized nuclear weapons production capability, and the development of new nuclear delivery systems to replace the aging nuclear triad of bombers, submarines, and ICBMs.

If in a given year funding fails to meet the 10-year plan or required levels of resources are greater than the 10-year plan, the President is required by condition 9 to submit a report on how the administration will remedy the shortfall, the project requiring funds and the level that is required, the impact of the shortfall on nuclear readiness, and whether it is in the national interest to remain a party to the treaty. We must codify the requirement to provide an annual update to section 1251, requiring the administration to annually provide updated assessment of the levels of funding required to maintain and modernize the stockpile. And the administration has agreed this is necessary.

As it currently stands, the administration's proposed 10-year budget for nuclear weapons activities, as promised in the update to the section 1251 report, takes a critical first step toward nuclear weapon sustainment and modernization. It proposes an $85 billion budget for weapons activities over 10

years, from 2011 through 2020, and describes the critical near-term requirements of at least $7 billion in 2011 and $7.6 billion in 2012.

To be successful, the modernization program must have the complete backing of the President, the Armed Services Committees and the Appropriations Committees, as well as the full House and Senate. These budget requests will allow the laboratories and plants responsible for nuclear weapons to begin a slow recovery from the neglect that has been crippling their ability to address real issues as our current stockpile ages. The administration must, however, continue to review and revise its estimates for the modernization program and follow through on its commitments to obtain this funding from the Congress.

This modernization program must address the past, the present, and the future of our nuclear weapons complex. For example, the Stockpile Surveillance Program evaluates the current condition of our aging stock. This program has been seriously underfunded in recent years, resulting in a decreased confidence in our nuclear weapons. This is not my assessment but, rather, the assessment of some of the premier authorities on nuclear weapons—the Directors of the nuclear weapons laboratories. It is likewise the conclusion of the bipartisan Congressional Commission on the U.S. Strategic Posture.

Likewise, budget requests must allow for the continuation of current life extension programs, including the W–76, which is currently in production, the B–61, which is rapidly nearing its end of life but continues to be required for both strategic and tactical roles, and the W–78, which will require a very extensive and challenging life extension to correct aging issues and incorporate higher standards for safety and security. These three planned programs will likely not be completed until the end of the 2020 decade. As it stands, there does not appear to be capacity in the complex to insert the long-range strike option warhead production in the next decade, which will be needed to replace our current W–80 warheads and air-launched cruise missiles. As we are the only nuclear weapons state without a nuclear weapons production capability, restoring the health of our current weapons is critically important.

Finally, the balanced program must prepare us for the future by improving the quality of our facilities, many of which are Cold War- and even Manhattan Project-era facilities. Design and engineering development of the chemistry and metallurgy replacement nuclear facility and the uranium processing facility should be accelerated to the extent possible, construction estimates should be properly evaluated, and completion of these facilities should be aggressively pursued for their completion by 2020. This is another so-called marching order for the administration. It is difficult to overstate the importance of these facilities to our future national security.

The opportunity exists to push these programs forward. For example, the recent exchange of letters between the Senate appropriations leaders and the President shows that the commitment must be bipartisan and must include both Congress and the administration. Notably, the Senate Appropriations Committee leaders, Senators INOUYE and COCHRAN, and the Energy and Water Development Subcommittee leaders, Senators FEINSTEIN and ALEXANDER, stated on December 16, 2010, that ''funding for nuclear modernization and the National Nuclear Security Agency's proposed budgets should be considered defense spending, as it is critical to national security.'' And they state that ''this represents a long-term commitment by each of us, as modernization of our nuclear arsenal will require a sustained effort.''

The President responded on December 20, 2010, with a commitment to support the $85 billion budget, and he also committed to an annual update to the section 1251 report. Here is what he said:

I recognize that nuclear modernization requires investment for the long term, in addition to this one-year budget increase. That is my commitment to Congress.

It must be our commitment to hold the President to his word and to likewise provide our full support for nuclear weapon modernization.

Finally, on nuclear delivery systems and the President's commitment to missile defense, first, we expect to see significant funding for the next-generation nuclear ballistic missile submarine and follow-on heavy bomber, which the administration now seems to support, although it has not yet confirmed that the United States intends the bomber to be capable of a nuclear standoff mission, as well as a final decision that the follow-on to the air-launched cruise missile will be nuclear capable.

Finally, we expect to see greater clarity with respect to the administration's intention to maintain the ICBM leg of the triad after the Minuteman III reaches the end of its life.

I expect the administration's commitment to these delivered platforms to become increasingly evident in the Defense Department's 2012 budget request as promised in the update to the section 1251 report. Modernization of the delivery platforms must parallel the commitment to the nuclear weapons. To continue to use Ms. Gottemoeller's formulation, this is another ''marching order'' from the Senate for the administration.

The President made clear his commitment to missile defense during the course of the Senate's consideration of the New START treaty, as I mentioned before. In his December 18 letter to Senators REID and MCCONNELL, he wrote:

As long as I am President, and as long as Congress provides the necessary funding, the United States will continue to develop and deploy effective missile defenses to protect the United States, our deployed forces, and our allies and partners.

The President reiterated what the Senate made clear in the resolution of ratification—that the New START treaty places no limitations on the development and deployment of our missile defense programs—and he stated that he ''will take every action available to me to support the deployment of all four phases'' of the planned missile defense deployments in Europe. The Secretary of Defense also indicated during a Senate Armed Services Committee hearing on December 17 that the Department was looking at an increase in missile defense funding for fiscal year 2012.

As I said before, however, initial press reports hint that the Department of Defense is anticipating a reduction for missile defense programs over the next 5 years. Any cut to the missile defense budget would be especially shocking in light of President Obama's commitments to the Senate. Likewise, it would be absolutely indefensible in view of Secretary Gates's recent comment that North Korea was within 5 years of being able to strike the United States with an intercontinental ballistic missile and that ''with North Korea's continuing development of nuclear weapons . . . North Korea is becoming a direct threat to the United States.''

Indeed, the recent discovery of a clandestine enrichment site in North Korea raises significant concern about our ability to estimate the pace at which that country is developing nuclear and ballistic missile capabilities—and should make us think twice as well about our estimate of Iranian nuclear and ballistic missile capabilities.

Also troubling are recent statements by senior military officials, including the commander of U.S. forces in the Pacific and the Director for Naval Intelligence, suggesting China's anti-ship ballistic missiles, designed to target U.S. aircraft carriers, are now nearly operational. This new anti-ship ballistic missile, combined with Beijing's current and growing arsenal of short and medium-range ballistic missiles, threatens to alter the strategic balance in Asia by potentially grounding Pacific-based U.S. air forces and sinking U.S. ships out to a range of 1,000 nautical miles—not to mention the ability to strike U.S. allies and friends in the region.

The Russian Parliament provided its interpretation of the treaty and preamble in its Federal Law on Ratification, and it is clearly at odds with the Senate's resolution of ratification in several key respects, including missile defense and conventional prompt global strike. To say that their interpretation is not legally binding on the United States is to miss the point, which is, as many of us said during debate over New START, that because

there is no meeting of the minds on these matters, the potential for disputes and increasing tension between the two sides is likely. What was to serve as a vehicle for ''reset'' may, in fact, serve to promote increasing discord.

In fact, the first indication of this may have occurred last week, when the U.S. and its NATO partners met with Russia to find common ground on missile defense cooperation. In advance of that meeting, the Russian President threatened ''either we agree to certain principles with NATO, or we fail to agree, and then in the future we are forced to adopt an entire series of unpleasant decisions concerning the deployment of an offensive nuclear missile group.'' If this is the language of reset, I wonder what the tone might have been had we not agreed to New START? As it turns out, Russia appears to have rejected the NATO approach.

Mr. President, we will watch carefully to ensure the administration fulfills its 10-year commitment to nuclear modernization, starting with the fiscal year 2012 budget request, and that nuclear reductions called for under the New START treaty do not outpace the commitment to modernization.

We must make certain, too, the administration modernizes our national missile defense system to stay ahead of increasing threats; provides the necessary direction and funding to ensure full, timely deployment of missile defense assets in Europe to address the growing Iranian threat; and directs the Missile Defense Agency to develop defensive countermeasures to the antiship ballistic missile capability of China. Finally, we must resurrect the Reagan vision of defensive missile defense capabilities based in space, which is the only truly effective means for protecting the Nation and its deployed forces.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

FAILURE OF LEADERSHIP

Mr. SESSIONS. Mr. President, first, I thank my colleague, Senator KYL, who is this body's premier student of the nuclear strategic posture of the United States. I served and have served as chairman of that subcommittee of Armed Services. I share his concern. I am thankful that he is here and is keeping up with these matters year after year. Most of us would rather not talk about them, but they represent the serious responsibilities of a great nation that must be able to defend itself, to be able to live freely and prosperously. So I thank the Senator for his remarks, and I value his friendship and enjoy following his leadership.

Last week, the Congressional Budget Office issued a report that—our Congressional Budget Office's leadership is selected by the majority in the Congress, the Democratic majority—that report showed our deficit for this year, which will end September 30, will be $1.5 trillion. That is the largest deficit the Nation has ever had. The last 2 years have been $1.3 trillion and $1.4 trillion. This year's deficit is projected to come in at $1.5 trillion. We complained—I have—that President Bush spent more money than he should have, but his highest deficit was one-third of that, or $460 billion. So we are at unprecedented levels of annual deficit and debt. Our gross debt, the total United States debt, internal and external, will equal, by the end of the year, 100 percent of GDP. Annual interest payments—we borrow money; people loan us their money, and we give them Treasury bills and bonds in exchange, and we pay them interest on the debt. The amount of interest we pay will rise to $750 billion by the end of this decade. That means a 1-year interest payment will cost us nearly as much as 20 years of current highway construction spending. We spend about $40 billion a year, for example, on Federal highway expenditures. We are talking about interest payments going from $180 billion or so a couple of years ago to $750 billion, and our debt will triple in that time—from $5 trillion to over $15 trillion.

The total amount of interest we expect to pay between now and the end of the decade is $5.5 trillion in interest, which is enough money to fund our entire government for 18 months.

The situation is so serious that former Federal Reserve Chairman Alan Greenspan warned very recently that we may face a bond market crisis in the next 2 to 3 years. He said it is a little better than a 50–50 chance that it won't happen, but not much better. That was his comment.

CBO Director Doug Elmendorf testified last week before the Budget Committee, where I am ranking member, that we were entering ''unfamiliar territory for all developed nations over the last several decades.'' He is talking about financially, debt.

Analysts for Standard and Poors stated that ''absent a credible plan, the rating on the U.S. Federal Government will come under pressure''—in other words, the rating on our debt, which is AAA. If that happens, our interest rate, as I have been suggesting, will go up, because if our ratings go down, people will demand higher interest before loaning us money. The International Monetary Fund urged the United States to take much stronger action. This is on the Washington Post business page of a few days ago:

U.S. Must Reduce Deficit, IMF Warns.

They are not perfect, but they claim to be the conscience of the world and warn profligate nations to get their houses in order before it creates systemic problems for other nations. It says:

European countries have begun a pointed dialog with their residents about what government can and cannot afford. Moves to cut public salaries, trim services, and curb public pensions have touched off strikes and protests, but also puts the deficits of those countries on what seems to be a ''securely downward path,'' the IMF said. Those are the choices the United States has been hesitant to make.

Two prominent economists, Carmen Reinhart, who testified before our committee, and Dr. Kenneth Rogoff, issued a paper explaining the negative impact of excessive debt on economic growth. He actually wrote a book. They have studied countries in the last 200 years that have had their economies collapse as a result of debt—a lot of South American countries at various times, such as Argentina and others. They caution that there is a point beyond which you do not want to go. That point is when your debt equals 90 percent of your economy, 90 percent of GDP. That is a very respected study—the first time anybody ever studied the economies that have had economic collapse. This is a key factor in that. We are now at 94 percent of GDP, and by the end of the year, the CBO projects we will be at 100 percent. Our debt will equal 100 percent of the entire goods and services produced in this economy.

Our Nation is on a dangerous—as everybody we have had testify before the committee and virtually anybody who has expressed themselves calls it—unsustainable path. The President said we are on an unsustainable path. We need strong leadership from our President. The day before his State of the Union, I wrote an op-ed that was published in the Washington Post. I called on him to present a broad vision for reducing spending. I said, ''his proposals cannot be timid'' and that this was ''a defining moment for his Presidency.''

I have to say that he did not rise to that occasion. Instead of a bold vision, he put forward a meek plan to continue spending at current levels for 5 more years, calling that a freeze. But we have had a surge in spending in the last 2 years. Freezing at that level cannot be acceptable. These are the levels that produced the $1.5 trillion deficit.

The President's speech, I must say, was disconnected from reality. Nowhere in that speech did he enter into a dialog with the American people about the severity of the crisis we face, or make any attempt to call on them in a serious way to understand why it is that we can't continue at this level of spending. He failed to present a credible plan.

This is what the Washington Post said in an editorial yesterday. They weren't mean spirited about it, but you could tell they were disappointed:

In his State of the Union Address Tuesday night, President Obama failed to present a credible plan for a long-term debt reduction. It's no secret that we think he made a big mistake. If America can't get a handle on its finances, everything else is at risk.

But not only has the President failed to lead with ideas, he has set about to thwart, to block others from taking action. This is concerning to me. This

Sunday, on one of the big news programs, his new Chief of Staff, Bill Daley, balked at a Republican plan to cut spending for the rest of the year. He said any budget cuts must be paired with new spending—''investments,'' as he and the President called them. He taunted the Republicans, I think, with, ''Where's the beef? Let's see the cuts they're talking about.''

The President refuses to lead and then sends his emissaries to attack any Republican who makes a serious proposal and, I assume, as being heartless and wanting to throw children in the streets, and so forth. For instance, the President's chief economic adviser, Austan Goolsbee, lashed out at Republicans for wanting to reduce discretionary spending before we raise the debt ceiling. We have to have some sort of bipartisan agreement before we agree to raise this debt ceiling that we are going to reduce some of the spending, clip back on the credit card a little bit, something significant.

The President's own Secretary of the Treasury, Tim Geithner, recently argued that it was too early to begin cutting the deficit. So it is unsustainable, but it is too early to start cutting it now—maybe in 2012, or after that, maybe. Geithner's comments ring all too similar to those of his predecessor, Hank Paulson, Secretary of the Treasury under President Bush, who said the housing downturn was under control, before the Wall Street firms began falling like dominoes.

But ignoring the reality of our situation does not change it. The money simply isn't there to support the President's spending agenda that he announced at the State of the Union Address. We don't have the money. Our Nation cannot afford another era of big government.

In 2 weeks, on February 14—just 2 weeks from now—the President will submit a new budget to Congress. He will go to our Budget Committee. This may be—and I say this seriously—his last chance to get it right, for the President to be a credible voice in this debate. He must put forward a budget that significantly lowers spending levels. He cannot present Congress with the same unserious plan he presented last Tuesday night.

Three years into his turn, I think this budget he will be submitting is a defining act of what he views and how he views the debt we face. I think if this budget fails to meet the necessary demands for curtailing spending, we will know pretty conclusively where the President is.

Numbers count. You can have rhetoric and we can disagree, but at some point you have to put out your budget that says what you are going to do, how much you are going to spend, and where you are going to get the money—in this case, how much we are going to borrow to carry on the government at that time. So we are going to see whether the President is moving with the American people to fiscal and economic sanity or whether he will continue his ideological commitment to big government. I think that is it. I think we will know in 2 weeks. It is a serious matter.

So I think we need to turn back from the cliff toward which we are heading and get on a new road. We need to reduce both the size of the deficit, and we will have to reduce the size of the government somewhat. We are not going to sink into the ocean. If we go back to 2008, 2006 levels of Federal spending, will the country collapse? Give me a break. Certainly, it is not going to collapse, but it will put us on a road to fiscal sanity. It will restore not only public confidence in our economy, but it will restore the foundations of American prosperity.

I truly believe one of the clouds over the American economy is the perception—unfortunately, too true—that we are spending at a reckless rate, that we are irresponsibly running up the debt, and that could cause us to inflate the value of our currency, that could cause a debt crisis, which Mr. Greenspan said was almost a 50-50 chance in the next 2 to 3 years. If you have money to invest, what does that say to you? Maybe you better sit back and see a little more until we get this debt—that is spiraling out of control—under control. Until we are headed on a downward path toward a balanced budget, we are not going to see the economic growth that is possible. I think that is where we should be heading.

So strong, sustained reductions in spending will not be easy. It will take us down a tough road, but it is the only road, the only course that will lead to a better financial future for ourselves and our children and preserving the integrity of the U.S. economy in a way that is necessary for growth to occur.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EARNED-INCOME TAX CREDIT AWARENESS DAY

Mr. AKAKA. Mr. President, this past Friday marked the annual Earned-Income Tax Credit Awareness Day. I rise to recognize the success and importance of this vital tax benefit for hard-working Americans.

As our country continues its steady recovery from the worst economic conditions hard-working American men and women have faced since the Great Depression, families need financial relief and many people need jobs.

As we renew our efforts to promote job creation, increase access to credit for small businesses, and restore confidence and stability to markets, we should not forget that we already have what one President once called ''the best anti-poverty, the best pro-family, the best job-creation measure to come out of Congress.'' President Ronald Reagan was talking about the earned-income tax credit.

Since 1975, the EITC has helped to offset the impact of Social Security taxes for low- and moderate-income individuals. Nearly 26 million taxpayers across the country received the EITC when they filed their tax returns last year. In Hawaii alone, over 100,000 low- and middle-income workers received an average of nearly $2,000 for this tremendous tax benefit. These vital EITC resources help families pay for essentials such as food, housing, clothing, transportation, and education expenses.

The earned-income tax credit is more important now than ever before. With many Americans still out of work, some families accustomed to budgeting based on the earnings of two people are struggling to survive on the income of one. Some people in Hawaii and across the country who are working new, lower paying jobs may be eligible for the earned-income tax credit for the first time.

To be clear, every taxpayer who receives the EITC is hard working because the earned-income tax credit is only provided to Americans who work for a living. The EITC encourages individuals to find work, support themselves and their families, and improve their quality of life.

A few years ago, only one in five taxpayers eligible for the EITC claimed their benefits. Since then, tremendous progress has been made. The number has risen to four in five, thanks in part to the tireless work of taxpayer consumer advisers and advocates in our communities.

Our goal now should be to see to it that all eligible taxpayers claim their EITC benefits this year. That would mean in Hawaii alone about 34,000 more taxpayers would receive much needed financial relief, with similar results across the country.

I plan to reintroduce the Taxpayer Abuse Prevention Act in this 112th Congress. My bill is intended to protect low- and middle-income taxpayers from falling victim to unscrupulous lenders. Historically, many EITC recipients have turned to predatory refund anticipation loans which are short-term loans typically carrying steep interest rates. Working families cannot afford to lose a significant portion of their EITC to these expensive short-term predatory loans. My bill will better protect consumers from predatory lenders that prey on the EITC benefits of low-income taxpayers, and I urge my colleagues to support it when the bill comes to the floor. In today's economy every penny counts, and the value of the earned income tax credit is magnified.

I look forward to working with my colleagues to better educate, protect,

and empower taxpayers. I urge my colleagues to join me to increase awareness of the earned-income tax credit.

Thank you very much, Mr. President.

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

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

TRIBUTE TO CONGRESSIONAL STAFF

Mr. WARNER. Mr. President, this is the second week of the 112th Congress. I welcome back the Presiding Officer. I have spent many a Monday afternoon presiding over this Chamber as a new Member in my first 2 years. While they are not here, I welcome my new colleagues in the Senate and, obviously, our new colleagues in the House.

We still have an enormous number of challenges facing us as a country, and I look forward to working with Members in both bodies to make sure we meet these challenges in a bipartisan way.

Last year, I took up the banner that had actually been started by the Presiding Officer's colleague who preceded him in this Chamber, and that was the effort of honoring, on a regular basis, exemplary Federal employees right here on the Senate floor. It is a tradition that was begun by Senator Ted Kaufman.

I want to start this new 112th Congress with what will be a weekly occurrence where I will come forward and recognize Federal employees who play an extraordinarily important role in our country. I have been blessed to have had a great number of those employees in the Commonwealth of Virginia, as the occupant of the Chair has been in Delaware.

Today, I thought I would actually rise on no specific employee but to honor congressional staff on Capitol Hill and in the many congressional districts across the country. There are nearly 6,000 Federal employees in the Senate, and nearly 10,000 serve in the House of Representatives. I am referring to the individuals who sort the mail, the clerks who sit before you in the presiding chair, the folks who manage the Chamber day in and day out, and the Capitol Police, who do an incredibly important job of making sure we are able to work in a safe environment. I am also referring to those folks who work directly for us as Members of Congress. They work their hearts out for us. Beatriz is here with me today. They work long hours and get little attention. Clearly, they impact the lives of millions of Americans every day.

I know a little about this firsthand because I started my career in politics as a staff member for then-Congressman Chris Dodd. I did manage to get him lost a number of times when I drove him around his district in eastern Connecticut. That experience taught me how dedicated the congressional staff is and that they are truly public servants and are instrumental to the democratic process that takes place on the floor of the Senate and on the floor of the House.

Congressional staff help Members of Congress draft and analyze legislation. They respond to literally thousands of letters, phone calls, and e-mails on a regular basis. More often than not, they are out in the district or back at home when we are in Washington.

I know my State staff has helped Virginians with securing adoptions, reuniting families through our immigration casework, and simply helping countless Virginia families navigate the complex bureaucracy that we know as the Federal Government.

Congressional staff also help us plan events that bring us closer to those we represent so we can continue to hear their views or complaints as we try to communicate our agenda.

I want to take a special moment—and we did this as a body last week—to pay tribute to those who were lost in the horrible shooting in Tucson. It is important to remember as we pray for the recovery of Congresswoman GIFFORDS that we recall as well a member of her staff, Gabe Zimmerman, who was Congresswoman GIFFORDS' director of community outreach. Gabe was one of the victims of that mass shooting. He was simply doing his job organizing ''Congress On Your Corner'' for the Congresswoman to make sure the folks who hired her, the people of Arizona, had a chance to see her firsthand and express their views.

I want to make sure we also recognize and continue to keep in our prayers Pamela Simon and Ronald Barber who were injured on that day and are in the process of making their recovery.

As we keep in mind that tragedy, I think it is important that we recall not only are those of us who are directly hired sometimes put in harm's way by this job, but there are literally thousands of particularly young people who work for us day in and day out without a lot of recognition who are public servants as well. As we saw with the tragedy a month or so ago in Tucson, they sometimes give the greatest devotion of service as well.

I hope my colleagues will join me over the coming week or two and say a special thanks to all of those who work long and hard for us on our staffs, including the pages who keep the order; the reporters who make sure, even when we are a little bit too long-winded, that they take down virtually every word; and those special folks on the dais who have been known at times to keep new Members awake during particularly long-winded speeches by Members.

I thank our congressional staff. We will be back on a regular basis to celebrate the very good work of Federal employees in various walks of life. I can't think of a better way to restart this tradition than this week honoring those great staff members who serve us in the Senate and in the House.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we are in morning business; is that right?

The PRESIDING OFFICER. That is correct.

REMEMBERING SUZANNE WAUGHTEL-HOPPER

Mr. BROWN of Ohio. Mr. President, I rise today to honor the heroic life of Suzanne Waughtel-Hopper, a deputy sheriff of Clark County, OH, and a beloved mother, wife, daughter, sister, and friend who was killed in the line of duty on the morning of January 1, 2011.

On that fateful day, Deputy Hopper, who went 6 years without ever missing a work day, volunteered to work overtime where she was scheduled to start her shift at 3 a.m. But by 2:34 a.m. she had already started her patrol, and by 2:58 a.m. she had already made an arrest by taking a drunk driver off the street. Throughout the morning, she fielded calls of theft and criminal activity, and by 11:30 a.m. she answered her last call, a report of a dispute at a local campground. While taking forensic evidence photographs, she was shot and killed and German Township officer Jeremy Blum was injured. As Deputy Hopper did each day of her career, she answered her call to duty, the call to uphold the sacred oath she took to protect her community.

In the days since her tragic loss, family and friends have recounted her commitment to the core values of the Clark County Sheriff's Office—integrity, duty, courage, and honor. During the celebration of her life on January 7, 2011, at First Christian Church in Springfield, OH, thousands of people from Clark County and across the State and the Nation remembered her acts of courage on the job, her kindness and empathy to the community, and her love and affection for her family. Flag waving mourners gave thanks and prayers to a public servant who kept their streets and neighborhoods safe for the last 12 years.

School children will remember her as a role model and DARE instructor. Special Olympians will remember her encouragement and support, while several charities will remember her generosity and selflessness. Families who she helped in the line of duty will remember the clothing and food she provided them while she was off duty.

From Young's Dairy to Diane's in North Hampton to the streets of Clark County, her friends from old remember a young girl who grew up into the police officer she always wanted to be. And her fellow heroes in the Clark County Sheriff's office will remember her camaraderie and friendship, forged through her many different assignments and numerous divisions where she served with distinction and honor.

I express my deepest sympathies to Deputy Sheriff Hopper's parents Charles and Bonnie Bauer; her husband Matthew Hopper; her daughter and son Emily Bauer and Charlie Waughtel; her stepchildren Cole and Madeleine Hopper; her sisters and brothers-in-law Annette and Robert Bauer-English, and Marie and Eric Lundgren; her parents-in-law Victoria Hopper and Joseph Kleehammer; and numerous other loved ones.

A grateful State will forever remember Deputy Sheriff Suzanne Waughtel-Hopper, a trusted and true public servant.

ADDITIONAL STATEMENTS

REMEMBERING OFFICER FIRST CLASS JON-MICHAEL RONDA

● Mr. COONS. Mr. President, today I remember Officer First Class Jon-Michael Ronda, formerly of the New Castle County Police Department, who passed away on December 2, 2010, after a long and courageous battle with cancer.

Officer Ronda was an outstanding citizen of Delaware, and the selflessness of his service to the people of New Castle County and the Nation will not be forgotten. He was born in Panama and moved with his family to New Jersey, where he graduated from Pemberton Township High School and Trenton State College. Determined to serve his country, Officer Ronda joined the 177th Security Forces Squadron of the New Jersey Air National Guard in 1995 and was deployed to Qatar in 2002. He was an outstanding staff sergeant and combat arms instructor, recognized with the Air Reserve Forces Meritorious Service Medal, the Air Force Training Ribbon, the National Defense Service Medal, the Air Force Longevity Service Award Ribbon, the Good Conduct Ribbon, the New Jersey Merit Award, and the Small Arms Expert Marksman Ribbon. Officer Ronda's strength in the face of adversity was a hallmark of his service, and he received an honorable discharge in 2007.

Officer Ronda joined the New Castle County Police Department in 1998 and was a member of the National Latino Peace Officers Association. He was a well-respected member of the Department who received several complimentary letters for his service.

I extend my deepest sympathies and condolences to his family and friends and join the people of Delaware in my gratitude for his service.●

CENTER FOR FAMILY RESOURCES

● Mr. ISAKSON. Mr. President, today I honor in the RECORD the 50th anniversary of the Center for Family Resources in Marietta, GA.

In 1960, three community leaders—Fred Bentley, Sr., Howard Ector, and Harry Holliday—envisioned a better way to combine six existing emergency assistance organizations in the county under one roof to be more effective and efficient. After working with the United Way for funding, they founded the Cobb County Emergency Aid Association, Inc.—CCEAA.

For a decade, the organization worked tirelessly to help meet the emergency needs of the citizens of Cobb County, GA, through financial assistance, furniture, clothing, medical supplies, food and a Christmas program.

As the organization grew, it began to look for ways to become more effective in helping families become independent and self-sufficient. Families repeatedly faced limited access to affordable transportation, childcare and housing, as well as a lack of education and training to secure and maintain employment. The organization determined the removal of those barriers was the real key to breaking the cycle of poverty.

In 2004, the agency changed its name to the Center for Family Resources. The Center for Family Resources has grown from a small emergency aid agency to a multifunction human services organization, serving both generations of the family to develop personal responsibility and a self-sufficient lifestyle. The center develops and maintains collaborative partnerships with organizations to improve services for local families.

Today, the Center for Family Resources serves an average of 10,000 individuals each year and has served more than 400,000 individuals since 1960.

It gives me a great deal of pleasure and it is a privilege to recognize the Center for Family Resources and its contributions to Cobb County. I congratulate Jeri Barr, the Board of Directors, the staff and volunteers of the Center for Family Resources on their many accomplishments.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the following enrolled bill, previously signed by the Speaker of the House, was signed on January 28, 2011, during the adjournment of the Senate, by the President pro tempore (Mr. INOUYE).

H.R. 366. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT

Under the authority of the order of the Senate of January 27, 2011, the following bill was read the second time, and placed on the calendar:

S. 223. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–305. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Benton, IL'' ((RIN2120–AA66) (Docket No. FAA–2010–0838)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–306. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Central City, NE'' ((RIN2120–AA66) (Docket No. FAA–2010–0837)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–307. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Crewe, VA'' ((RIN2120–AA66) (Docket No. FAA–2010–0692)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–308. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Port Clarence, AK'' ((RIN2120–AA66) (Docket No. FAA–2010–0354)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–309. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled ''Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (December 2010)''; to the Committee on Commerce, Science, and Transportation.

EC–310. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Johnson, KS'' ((RIN2120–AA66) (Docket No. FAA–2010–0841)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–311. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Taos, NM'' ((RIN2120–AA66) (Docket No. FAA–2010–0842)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–312. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Henderson, KY'' ((RIN2120–AA66) (Docket No. FAA–2010–0937)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–313. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Columbus, OH'' ((RIN2120–AA66) (Docket No. FAA–2010–0770)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–314. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mansfield, OH'' ((RIN2120–AA66) (Docket No. FAA–2010–0771)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–315. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment and Revocation of Class E Airspace; Vero Beach, FL'' ((RIN2120–AA66) (Docket No. FAA–2010–09241)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–316. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Rawlins, WY'' ((RIN2120–AA66) (Docket No. FAA–2010–0919)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–317. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Portland, OR'' ((RIN2120–AA66) (Docket No. FAA–2010–0719)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–318. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Lone Star, TX'' ((RIN2120–AA66) (Docket No. FAA–2010–0772)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–319. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and E Airspace, and Revocation of Class E Airspace; Flagstaff, AZ'' ((RIN2120–AA66) (Docket No. FAA–2010–0784)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–320. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG Models BR700–710A1–10; BR700–710A2–20; and BR700–710C4–11 Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0614)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–321. 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; Hawker Beechcraft Corporation Models B200, B200GT, B300, and B300C Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1242)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–322. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0614)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–323. 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; Pacific Aerospace Limited Model FU24–954 and FU24A–954 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1021)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–324. 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 777–200, –300, and –300ER Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2007–27042)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–325. 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 777–200 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0430)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–326. 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 737–600, –700, –700C, –800, and –900 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0913)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–327. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0674)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–328. 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–2010–0127)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–329. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–200C, –200F, –400, –400D, and –400F Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0232)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–330. 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 A321–211, –212, –231, and –232 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1201)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–331. 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; Sikorsky Aircraft Corporation (Sikorsky) Model S76A, B, and C Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–1250)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–332. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DASSAULT AVIATION Model MYSTERE-FALCON 50 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1155)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–333. 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 A318–111 and A318–112 Airplanes and Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0670)) received during adjournment of the Senate in the Office of the President of

the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–334. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0850)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–335. 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; McDonnell Douglas Corporation Model DC–9–30, DC–9–40, and DC–9–50 Series Airplanes, Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes, and Model MD–88 and MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0934)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–336. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Models Jetstream Series 3101 and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0942)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–337. 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; ROLLADEN-SCHNEIDER Flugzeugbau GmbH Model LS6 Gliders'' ((RIN2120–AA64) (Docket No. FAA–2010–1286)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–338. 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; Air Tractor, Inc. Models AT–802 and AT–802A Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0827)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–339. 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 737–200, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0437)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–340. 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–8–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0805)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–341. 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; Piper Aircraft, Inc. Model PA–28–161 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1006)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–342. 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 A330–201, –202, –203, –223, and –243 Airplanes; Airbus Model A330–300 Series Airplanes; and Airbus Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0952)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–343. 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 EMB–500 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1023)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–344. 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; 328 Support Services GmbH (Type Certificate Previously Held by AvCraft Aerospace GmbH; Fairchild Dornier GmbH; Dornier Luftfahrt GmbH) Model 328–100 and –300 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0955)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–345. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0854)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–346. 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; Fokker Services B.V. Model F.28 Mark 0100 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0701)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–347. 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–2010–0953)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–348. 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; B/E Aerospace Protective Breathing Equipment (PBE) Part Number 119003–11 Installed on Various Transport Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0797)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–349. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company (Cessna) ((Type Certificate A00003SE Previously Held by Columbia Aircraft Manufacturing (Previously The Lancair Company)) Models LC41–550FG and LC42–550FG Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1297)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–350. 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 BD–700–1A10 and BD–700–1A11 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0959)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–351. 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 737–300, –400, and –500 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0855)) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–352. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Interpretation of 'Children's Product' '' (16 CFR Part 1200) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–353. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Involvement in Voluntary Standards'' (16 CFR Part 1031) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–354. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Substantial Product Hazard Reports'' (16 CFR Part 1115) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–355. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

''Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2011'' (RIN2130–ZA04) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–356. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2010'' (RIN2130–ZA02) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–357. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2011 Bering Sea Pollock Total Allowable Catch Amount'' (RIN0648–XA121) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2011; to the Committee on Commerce, Science, and Transportation.

EC–358. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2011 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2011 Quota Adjustments; 2011 Summer Flounder Quota for Delaware'' (RIN0648–XY82) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2011; to the Committee on Commerce, Science, and Transportation.

EC–359. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Bering Sea and Aleutian Islands Groundfish Fisheries Off Alaska; Correction'' (RIN0648–BA31) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 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 Ms. KLOBUCHAR (for herself, Mrs. HUTCHISON, Mr. KOHL, and Mr. CHAMBLISS):

S. 224. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, and Mr. LEAHY):

S. 225. A bill to permit the disclosure of certain information for the purpose of missing child investigations; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. VITTER, Mr. HATCH, Mr. CORNYN, Mr. SESSIONS, and Mr. ROBERTS):

S. 226. A bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. CONRAD):

S. 227. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. INHOFE, Mr. BLUNT, Mr. ENZI, Mr. VITTER, Mr. ROBERTS, Mr. MORAN, Mr. THUNE, Mr. CORNYN, Mr. HATCH, and Mr. LEE):

S. 228. A bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, Mrs. MURRAY, and Mr. WYDEN):

S. 229. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH (for himself, Ms. MURKOWSKI, and Mrs. MURRAY):

S. 230. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the approval of genetically-engineered fish; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. JOHNSON of South Dakota, Mr. MANCHIN, Mr. NELSON of Nebraska, and Mr. CONRAD):

S. 231. A bill to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 232. A bill to amend the Internal Revenue Code of 1986 to increase the manufacturer limitation on the number of new qualified plug-in electric drive motor vehicles eligible for credit; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 233. A bill to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 234. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL (for herself, Mr. WHITEHOUSE, Ms. COLLINS, Mr. CASEY, and Mr. NELSON of Florida):

S. 235. A bill to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MCCASKILL (for herself and Mr. CARPER):

S. 236. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mrs. MCCASKILL (for herself and Ms. COLLINS):

S. 237. A bill to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN of Massachusetts:

S. 238. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require that fishery impact statements be updated each year and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. KLOBUCHAR (for herself and Mr. BROWN of Massachusetts):

S. 239. A bill to support innovation, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. BEGICH, Mr. HATCH, Ms. MURKOWSKI, Mr. REID, and Mr. RISCH):

S. 240. A bill to require an Air Force study on the threats to, and sustainability of, the test and training range infrastructure; to the Committee on Armed Services.

By Mrs. MCCASKILL (for herself and Mr. WEBB):

S. 241. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. JOHNSON of South Dakota, Mr. LEAHY, Ms. SNOWE, Mr. KERRY, and Mr. WYDEN):

S. 242. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; 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 Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LEVIN, and Mr. SANDERS):

S. Res. 34. A resolution designating the week of February 7 through 11, 2011, as ''National School Counseling Week''; considered and agreed to.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Mr. WICKER, Mr. LEAHY, Mrs. FEINSTEIN, Ms. SNOWE, Mrs. BOXER, and Mr. PRYOR):

S. Res. 35. a resolution expressing support for the designation of January 28, 2011 as National Data Privacy Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 20

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 34

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 34, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 44

At the request of Ms. KLOBUCHAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 44, a bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries.

S. 45

At the request of Mr. WHITEHOUSE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 45, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable for imported property.

S. 72

At the request of Mr. BAUCUS, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 72, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 82

At the request of Mr. JOHANNS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 102

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 133

At the request of Mrs. MCCASKILL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 133, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 192

At the request of Mr. DEMINT, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. HOEVEN), the Senator from Indiana (Mr. LUGAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 192, a bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

S. 219

At the request of Mr. TESTER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S.J. RES. 3

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. RISCH) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

S. RES. 32

At the request of Mr. CRAPO, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 32, a resolution designating the month of February 2011 as ''National Teen Dating Violence Awareness and Prevention Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. CONRAD):

S. 227. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today on behalf of myself and Senator CONRAD to introduce legislation to ensure that our seniors and disabled citizens have timely access to home health services under the Medicare program.

Nurse practitioners, physician assistants, certified nurse midwives and clinical nurse specialists are all playing increasingly important roles in the delivery of health care services, particularly in rural and medically underserved areas of our country where physicians may be in scarce supply. In recognition of their growing role, Congress, in 1997, authorized Medicare to begin paying for physician services provided by these health professionals as long as those services are within their scope of practice under State law.

Despite their expanded role, these advanced practice registered nurses and physician assistants are currently unable to order home health services for their Medicare patients. Under current law, only physicians are allowed to certify or initiate home health care for Medicare patients, even though they may not be as familiar with the patient's case as the non-physician provider. In fact, in many cases, the certifying physician may not even have a relationship with the patient and must rely upon the input of the nurse practitioner, physician assistant, clinical nurse specialist or certified nurse midwife to order the medically necessary home health care. At best, this requirement adds more paperwork and a number of unnecessary steps to the process before home health care can be provided. At worst, it can lead to needless delays in getting Medicare patients the home health care they need simply because a physician is not readily available to sign the form.

The inability of advanced practice registered nurses and physician assistants to order home health care is particularly burdensome for Medicare beneficiaries in medically underserved areas, where these providers may be the only health care professionals available. For example, needed home health care was delayed by more than a week for a Medicare patient in Nevada because the physician assistant was the only health care professional serving the patient's small town, and the supervising physician was located 60 miles away.

A nurse practitioner told me about another case in which her collaborating physician had just lost her father and was not available. As a consequence, the patient experienced a two-day delay in getting needed care while they waited to get the paperwork signed by another physician. Another nurse practitioner pointed out that it is ridiculous that she can order physical and occupational therapy in a subacute facility but cannot order home health care. One of her patients had to wait 11 days after being discharged before his physical and occupational therapy could continue simply because the home health agency had difficulty finding a physician to certify the continuation of the same therapy that the nurse practitioner had been able to authorize when the patient was in the facility.

The Home Health Care Planning Improvement Act will help to ensure that our Medicare beneficiaries get the home health care that they need when they need it by allowing physician assistants, nurse practitioners, clinical nurse specialists and certified nurse midwives to order home health services. Our legislation is supported by the National Association for Home Care and Hospice, the American Nurses Association, the American Academy of Physician Assistants, the American College of Nurse Practitioners, the American College of Nurse Midwives, the American Academy of Nurse Practitioners, and the Visiting Nurse Associations of America. I urge all of my colleagues to join us as cosponsors of this important legislation.

By Mr. ROCKEFELLER (for himself, Mr. WEBB, Mrs. MCCASKILL, Mr. JOHNSON of South Dakota, Mr. MANCHIN, Mr. NELSON of Nebraska, and Mr. CONRAD):

S. 231. A bill to suspend, until the end of the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes, to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President. I rise today with Senators WEBB, MCCASKILL, TIM JOHNSON, MANCHIN, BEN NELSON, and CONRAD to introduce the EPA Regulations Suspension Act of 2011. We are introducing this legislation for a simple but enormously important reason. At a time when our economy is finally headed toward a recovery, the last thing we want to do is add new burdens to American companies that could result in them cutting jobs or being less productive in the global marketplace.

In fact, I believe that the fate of our entire economy, our wide and varied manufacturing industries and our workers, especially our coal workers, rests in part on the decisions we make here in Washington. One thing we should never do is put the fate of an entire industry into the hands of the Environmental Protection Agency.

My legislation is simple and reasonable. It requires that for 2 years the EPA can take no regulatory action, regarding carbon dioxide and methane emission from stationary sources. During that time no facility can be subjected to any requirement to obtain a permit or meet a New Source Performance Standard under the Clean Air Act with respect to carbon dioxide or methane. At the same time the legislation specifically allows for the widely-supported motor vehicle emission standards to continue moving forward.

At the beginning of this year regulations came into effect that say if a company wants to retrofit an existing or build a new power plant, or factory, they now have to find ways to reduce their greenhouse gas emissions.

Later this year the EPA will propose expanding these rules to cover existing stationary sources that are not expanding their operations. The impact of these rules is that companies will sit on the sidelines and opportunities for innovation and job creation will be lost. Because of these new rules companies won't build that new factory. They won't build that new power plant. And so they won't employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended.

I want to make one thing perfectly clear. I believe that climate change is an important issue and Congress should and will address it working collaboratively with the administration and the private sector.

But the lead should come from Congress and not the EPA. Congress, unlike the EPA, can craft proposals that reduce greenhouse gases while simultaneously protecting our economy. Most importantly, Congress is directly accountable to the people whose lives we impact.

We are capable of tackling this great challenge in a way that supports rather than undermines our economy and our future.

But the process has to work. It has to be open. It has to be truly bipartisan. It has to acknowledge the fact that all of our States use energy in very different ways. It has to protect our economy. This will not be achieved overnight, but it is possible.

Technology can be a solution to this problem. West Virginia is poised to lead the effort on clean energy technology: because we know energy. We know coal. We know natural gas. We know Carbon Capture and Storage or CCS as few others do. We are coming to know wind and we have great potential in learning how to use our geothermal resources as well.

The fact is, we in West Virginia know and embrace what too many others either don't understand or refuse to see, which is that our Nation and countries around the world are dependent on coal. That is not something that will change when half the globe is struggling to rise out of poverty.

In this country we get almost half our electricity from coal. That will not change anytime soon. Globally countries such as China and India continue to increase their usage of coal as they develop their economies.

To fight climate change we can't just choose to stop using coal. Even if we in the United States did, the rest of the world wouldn't; and the problem would continue. Instead we must find the technological solution that allows us to use coal, while reducing its impact on the Earth and her people.

I know that there are many on the Republican side of the aisle who believe it does not go far enough. There are many on my side of the aisle who believe it goes too far in tying the EPA's hands. Ultimately I believe this is good legislation because it is an achievable compromise. Too often in this body we seek to score political points on issues rather than solve problems that the country is facing now.

And right now our Nation's manufacturing and industrial sectors are facing the prospect of overwhelming EPA regulation. Regulation that makes it harder for them to put America back to work. While many might think this is not the perfect solution it is a solution that I believe we can and should move early this year.

One piece of the debate that is often missing in our discussions is to keep our focus on people and all the problems, including the problem of climate change, that affect their future.

My focus is on protecting the hard-working people I represent—people who changed my life when I was born anew in the coalfields of West Virginia at the age of 26. These people, their work and their lives matter. Any regulatory solution that creates more problems for them than it fixes; and causes more harm than good in their lives is no solution at all. EPA regulation of greenhouse gases does just that.

So that, Mr. President, is why I have introduced this legislation today. I hope that this body will act on it quickly, for we do not have time to waste. I yield the floor.

By Mr. LEVIN:

S. 232. A bill to amend the Internal Revenue Code of 1986 to increase the manufacturer limitation on the number of new qualified plug-in electric drive motor vehicles eligible for credit; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I am introducing legislation that is an important step for the competitiveness of U.S. manufacturing by continuing the nurturing of the market for the next generation of electric vehicles. This bill will continue the availability of the $7,500 consumer tax credit for plug-in hybrid vehicles. Current law limits the availability of this plug-in hybrid tax credit to the first 200,000 vehicles per manufacturer, which is too small to support the revolutionary technological change that we are hopefully going to witness. Failure to provide this support risks falling short of President Obama's important goal of putting 1 million electric vehicles on the road by 2015.

The U.S. auto industry is poised for a technological explosion that promises to fundamentally change transportation here and around the world. Already, the success of GM's Volt has demonstrated that electric vehicles are not just an engineer's dream or a science fiction story. They are real, and there is plenty more innovation ready to be unleashed.

But like almost every transformational technology, from the great railroads to the Internet, this technological revolution needs support if it is to spread. President Obama last week laid out a vision of how this kind of technology can help ensure our economic future. With the proper support, we can transform transportation and create new jobs for American workers. But if we fail to support this revolution, we risk missing an opportunity that we may never get back. If we do not get it right, there is no doubt that other countries will—and their workers—in China, India, South Korea and elsewhere—will then build these vehicles instead of American workers.

So I am pleased today to be introducing this bill that is identical to one that my brother SANDY LEVIN introduced last week in the House of Representatives. This legislation will increase the cap on the number of vehicles eligible for the plug-in hybrid tax credit in current law and provide much greater certainty to our manufacturers. It says to our manufacturers that

we will support technology of great potential and it says to consumers we will continue to help make these vehicles more available and affordable. This change in law will make a difference immediately, and it is an important signal of future support for the transformation of our transportation sector.

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. 232

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

SECTION 1. INCREASE IN MANUFACTURER LIMITATION ON THE NUMBER OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.

Paragraph (2) of section 30D(e) of the Internal Revenue Code of 1986 is amended by striking ''200,000'' and inserting ''500,000''.

By Mr. REID (for Mrs. FEINSTEIN (for herself and Mrs. BOXER)):

S. 234. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation and to provide for enhanced reliability in the transportation of United States energy products by pipeline, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Strengthening Pipeline Safety and Enforcement Act of 2011, with my colleague and friend, Senator BARBARA BOXER.

This bill strengthens and expands legislation proposed by U.S. Transportation Secretary Ray LaHood, and it includes many provisions to improve pipeline safety and inspection that Senator BOXER and I proposed last year.

In addition, the bill would also mandate that natural gas pipeline operators comply with recently issued urgent recommendations of the National Transportation Safety Board, NTSB, which call on operators to create ''a traceable, verifiable and complete'' record of pipeline components in order to verify the ''maximum allowable operating pressure'' of every pipeline segment.

NTSB issued these recommendations earlier this month because it discovered very serious problems with Pacific Gas and Electric's recordkeeping during its investigation of the tragic pipeline disaster in San Bruno, California.

Pipes were mislabeled. One was labeled as a seamless 30-inch pipe. In fact, there is no such thing as a 30-inch seamless pipe. Pipes that large are manufactured with seams, according to experts.

Maximum Allowable Operating Pressures of the pipeline at issue cannot be verified.

NTSB's findings are deeply concerning to me. I believe that a utility sending explosive gas under neighborhoods must know what kind of pipe lies under that community.

If it does not know what pipe is underground, how can it operate the pipeline at a safe pressure? How can it inspect for faulty seams and welds if inspectors do not know the pipe has welds in the first place?

I am very distressed by NTSB's findings, and I call on all pipeline operators to verify their records, including Pacific Gas and Electric. The operators should do this on their own accord. In case they do not, this legislation will mandate it.

On September 9th, at 6:11 p.m., a natural gas pipeline in San Bruno, California, just south of San Francisco, exploded, turning a quiet residential area into something resembling a war zone.

The blast in the Crestmoor neighborhood shook the ground like an earthquake.

The first reports suggested it was a plane crash, as the blast site was only two miles from San Francisco International Airport. But as the fire raged on it became clear that something was fueling it.

Firefighters were powerless, as the water main in the area had been burst in the blast. CalFire helicopters were brought in.

The inferno burned for 1 hour and 29 minutes before the gas to the 30-inch transmission pipe could be turned off at two different locations.

One of the valves was 1 mile from the blast, and another was 1.5 miles away.

They were both in secured locations. To shut each valve, a worker needed to drive through rush hour traffic, use a key to get into the area, and attach a handle to the valve to crank it.

It took more than 5 hours to turn off the gas distribution pipelines to the homes on fire.

The blaze damaged or destroyed 55 homes, injured 66, and killed eight people. It consumed 15 acres.

The next day I called the National Transportation Safety Board Chair. Two days later, I visited San Bruno. I walked through the devastation with Christopher Hart, vice chairman of the NTSB.

I saw homes and cars totally incinerated. It was like a bomb had struck.

The sections of pipeline that exploded—now a key part of the investigation—appeared to have ripped apart along longitudinal and circular welds, now 55 years old.

A gaping crater demonstrated the size of the initial blast.

This crater was located at the low point in the valley, where the street and pipeline, that ran down the middle of the street, dipped and rose.

This tragedy shows the heavy toll, in death and destruction, when high pressure natural gas pipelines fail. The risk is unacceptably high.

To address this risk, I join with my colleague, Senator BARBARA BOXER, to introduce the Strengthening Pipeline Safety and Enforcement Act of 2011. The legislation:

Doubles the number of Federal pipeline safety inspectors. The Pipeline and Hazardous Materials Safety Administration currently has 100 pipeline inspectors, responsible for 217,306 miles of interstate pipeline. Each inspector is responsible for 2,173 miles of pipeline—the distance from San Francisco to Chicago. NTSB has recently recommended that inspectors ''must establish an aggressive oversight program that thoroughly examines each operator's decision-making process.'' Doubling the number of inspectors will make this possible.

Verifies Maximum Allowable Operating Pressure. The bill would mandate that pipeline operators comply with NTSB's urgent recommendation to verify the accuracy of each pipeline's Maximum Allowable Operating Pressure.

Specifically, pipeline operators must establish ''a traceable, verifiable and complete'' record of pipeline components in order to verify the ''maximum allowable operating pressure,'' based on the weakest section of the pipeline. Pipelines with incomplete records must be pressure tested or replaced, and must operate at reduced pressure until testing is completed.

Requires deployment of electronic valves capable of automatically shutting off the gas in a fire or other emergency. Manual operated valves must be located, accessed, and physically turn off in an emergency. Automatic valves could dramatically reduce damage caused by a pipeline breach.

Mandates inspections by ''smart pigs,'' or the use of an inspection method certified by the Secretary of Transportation as equally effective at finding corrosion and weld defects. Accident statistics over the past decade identify corrosion as the leading cause of all reported pipeline accidents, and the NTSB has found substantial defects in weld of the pipes in San Bruno.

Prohibits natural gas pipelines from operating at high pressure if they cannot be inspected using the most effective inspection technology. This precautionary approach to pipeline operations assures that pipelines more likely to have undetected problems are operated at lower risk.

Prioritizes old pipelines in seismic areas for the highest level of safety oversight. Today, regulators consider a pipeline's proximity to homes and buildings. Other risk factors are not a defining consideration, even though pipe age and seismicity have a clear impact on the risk of a catastrophic incident.

Directs the Department of Transportation to set standards for natural gas leak detection equipment and methods. Today there are no uniform national standards for how to detect leaks.

Finally, the legislation adopts a number of common-sense provisions proposed by Secretary LaHood to improve pipeline safety, including increasing civil penalties for safety violations; expanding data collection to be

included in the national pipeline mapping system; closing jurisdictional loopholes to assure greater oversight of unregulated pipelines; and requiring consideration of a firm's safety record when considering its request for regulatory waivers.

Senator BOXER and I introduce this legislation in order to initiate quick action to make our pipeline system safer.

We have put forward our best ideas to improve inspection, address old pipes, and advance modern safety technology. We hope to improve these ideas as new information comes forward about the San Bruno tragedy.

For instance, just last week, the NTSB issued a new report, which concluded that the welded seams of the San Bruno pipe were imperfect.

Microscopic and X-ray evidence turned up 27 defects on that longitudinal seam that fell short of current day standards, including too-shallow welds and both debris and gas bubbles trapped inside welds.

For the welds running around the circumference of the pipe, investigators found 166 substandard defects.

This pipeline's weld defects were not discovered during 55 years of inspections, even though the Federal Code of Regulations clearly requires utilities to look for such defects, 49 CFR 192.917.

I hope the committee will take a serious look at how to develop an effective inspection regime to find and address flaws and weaknesses in pipeline welds.

We look forward to working with the Senate Commerce Committee to move and improve this legislation expeditiously.

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. 234

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Strengthening Pipeline Safety and Enforcement Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. ADDITIONAL RESOURCES FOR PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall increase the number of full-time equivalent employees of the Pipeline and Hazardous Materials Safety Administration by not fewer than 100 compared to the number of full-time equivalent employees of the Administration employed on the day before the date of the enactment of this Act to carry out the pipeline safety program, of which—

(1) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2011;

(2) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2012;

(3) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2013; and

(4) not fewer than 25 full-time equivalent employees shall be added in fiscal year 2014.

(b) FUNCTIONS.—In increasing the number of employees under subsection (a), the Secretary shall focus on hiring employees—

(1) to conduct data collection, analysis, and reporting;

(2) to develop, implement, and update information technology;

(3) to conduct inspections of pipeline facilities to determine compliance with applicable regulations and standards;

(4) to provide administrative, legal, and other support for pipeline enforcement activities; and

(5) to support the overall pipeline safety mission of the Pipeline and Hazardous Materials Safety Administration, including training pipeline enforcement personnel.

SEC. 4. CIVIL PENALTIES.

(a) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—Section 60122 is amended by striking subsection (c) and inserting the following:

''(c) PENALTIES FOR MAJOR CONSEQUENCE VIOLATIONS.—

''(1) IN GENERAL.—If the Secretary determines, after written notice and an opportunity for a hearing, that a person has committed a major consequence violation of subsection (b) or (d) of section 60114, section 60118(a), or a regulation prescribed or order issued under this chapter such person shall be liable to the United States Government for a civil penalty of not more than $250,000 for each such violation.

''(2) SEPARATE VIOLATIONS.—A separate violation occurs for each day the violation continues.

''(3) MAXIMUM CIVIL PENALTY.—The maximum civil penalty under this subsection for a related series of major consequence violations is $2,500,000.

''(4) DEFINITION.—In this subsection, the term 'major consequence violation' means a violation that contributed to an incident resulting in any of the following:

''(A) One or more deaths.

''(B) One or more injuries or illnesses requiring hospitalization.

''(C) Environmental harm exceeding $250,000 in estimated damage to the environment including property loss.

''(D) A release of gas or hazardous liquid that ignites or otherwise presents a safety threat to the public or presents a threat to the environment in a high consequence area, as defined by the Secretary in accordance with section 60109.''.

(b) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—Section 60118(e) is amended—

(1) by striking ''If the Secretary'' and inserting the following:

''(1) IN GENERAL.—If the Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—The Secretary may impose a civil penalty under section 60122 on a person who obstructs or prevents the Secretary from carrying out an inspection or investigation under this chapter.''.

(c) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—Section 60120 is amended by adding at the end the following:

''(d) NONAPPLICABILITY OF ADMINISTRATIVE PENALTY CAPS.—The maximum amount of civil penalties for administrative enforcement actions under section 60122 shall not apply to enforcement actions under this section.''.

(d) JUDICIAL REVIEW OF ADMINISTRATIVE ENFORCEMENT ORDERS.—

(1) IN GENERAL.—Section 60119(a)(1) is amended by striking ''about an application for a waiver under section 60118(c) or (d) of'' and inserting ''under''.

(2) CLERICAL AMENDMENT.—The heading for section 60119(a) is amended to read as follows: ''REVIEW OF REGULATIONS, ORDERS, AND OTHER FINAL AGENCY ACTIONS''.

SEC. 5. COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.

Section 60102 is amended by adding at the end the following:

''(n) COLLECTION OF DATA ON TRANSPORTATION-RELATED OIL FLOW LINES.—

''(1) IN GENERAL.—The Secretary may collect geospatial, technical, or other pipeline data on transportation-related oil flow lines, including unregulated transportation-related oil flow lines.

''(2) TRANSPORTATION-RELATED OIL FLOW LINE DEFINED.—In this subsection, the term 'transportation-related oil flow line' means a pipeline transporting oil off of the grounds of the production facility where it originated across areas not owned by the producer regardless of the extent to which the oil has been processed.

''(3) CONSTRUCTION.—Nothing in this subsection may be construed to authorize the Secretary to prescribe standards for the movement of oil through—

''(A) production, refining, or manufacturing facilities; or

''(B) oil production flow lines located on the grounds of production facilities.''.

SEC. 6. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.

Section 60102(j) is amended by striking paragraph (3) and inserting the following:

''(3) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

''(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

''(B) CONSULTATIONS.—In developing regulations prescribed in accordance with subparagraph (A), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.''.

SEC. 7. STANDARDS FOR NATURAL GAS PIPELINE LEAK DETECTION.

Section 60102, as amended by sections 5, is further amended by adding at the end the following:

''(o) NATURAL GAS LEAK DETECTION.—Not later than 1 year after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall establish standards for natural gas leak detection equipment and methods, with the goal of establishing a pipeline system in which substantial leaks in high consequence areas are identified as expeditiously as technologically possible.''.

SEC. 8. VERIFICATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.

Section 60102, as amended by sections 5 and 7, is further amended by adding at the end the following:

''(p) VERIFICATION OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

''(1) ESTABLISHMENT OF RECORDS.—

''(A) IN GENERAL.—Not later than 6 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall require pipeline operators to submit to the Secretary a traceable, verifiable, and complete record of all interstate and intrastate natural gas transmission lines in class 3 and class 4 locations and class 1 and class 2 high consequence areas that have not had a maximum allowable operating pressure established through prior, verifiable pressure hydrostatic testing or an equivalent pressure testing method.

''(B) ELEMENTS.—Each traceable, verifiable, and complete record under subparagraph (A) shall include, with respect to a transmission line, the following:

''(i) As-built drawings.

''(ii) Alignment sheets.

''(iii) Specifications.

''(iv) All design, construction, inspection, testing, maintenance, and other related records relating to transmission line system components, such as pipe segments, valves, fittings, and weld seams.

''(v) Such other elements as the Secretary considers appropriate.

''(2) ESTABLISHMENT OF MAXIMUM ALLOWABLE OPERATING PRESSURE.—

''(A) IN GENERAL.—Not later than 9 months after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall require the operator of each natural gas transmission line described in paragraph (1)(A) to determine the maximum allowable operating pressure for the transmission line based on the weakest section of the transmission line or component thereof.

''(B) USE OF TRACEABLE, VERIFIABLE, AND COMPLETE RECORD.—In establishing the maximum allowable operating pressure of a transmission line under subparagraph (A), the operator shall use the traceable, verifiable, and complete record required for such transmissions line under paragraph (1).

''(C) LIMITATION.—A new maximum allowable operating pressure established under this paragraph for a transmission line shall not be higher than the maximum pressure at which the transmission line has operated previously.

''(3) MANDATORY PRESSURE TESTING.—For any segment of a transmission line described in paragraph (1)(A) for which a traceable, verifiable, and complete record is not available under paragraph (1) or for which a valid maximum allowable operating pressure cannot be established under paragraph (2), the Secretary shall require the operator of the transmission line to, not later than 5 years after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011—

''(A) conduct a pressure test and a pressure spike test as expeditiously as economically feasible; or

''(B) replace the transmission line segment.

''(4) ESTABLISHMENT OF INTERIM MAXIMUM ALLOWABLE OPERATING PRESSURE.—For any transmission line described in paragraph (1)(A) for which a traceable, verifiable, and complete record is not available under paragraph (1) or for which a valid maximum allowable operating pressure cannot be established under paragraph (2), the Secretary shall require the operator of the transmission line to establish an interim maximum allowable operating pressure for the transmission line that does not exceed 80 percent of the highest pressure at which the transmission line segment has previously operated, until a pressure test and a pressure spike test are completed under paragraph (3).''.

SEC. 9. CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.

Section 60109 is amended by adding at the end the following:

''(g) CONSIDERATIONS FOR IDENTIFICATION OF HIGH CONSEQUENCE AREAS.—In identifying high consequence areas under this section, the Secretary shall consider—

''(1) the seismicity of the area;

''(2) the age of the pipe; and

''(3) whether the pipe at issue can be inspected using the most modern instrumented internal inspection devices.''.

SEC. 10. REGULATION BY SECRETARY OF TRANSPORTATION OF GAS AND HAZARDOUS LIQUID GATHERING LINES.

(a) GAS GATHERING LINES.—Paragraph (21) of section 60101(a) is amended to read as follows:

''(21) 'transporting gas' means the gathering, transmission, or distribution of gas by pipeline, or the storage of gas, in interstate or foreign commerce.''.

(b) HAZARDOUS LIQUID GATHERING LINES.—Section 60101(a)(22)(B) is amended—

(1) by striking clause (i); and

(2) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 11. INCLUSION OF NON-PETROLEUM FUELS AND BIOFUELS IN DEFINITION OF HAZARDOUS LIQUID.

Section 60101(a)(4) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

''(B) non-petroleum fuels, including biofuels that are flammable, toxic, corrosive, or would be harmful to the environment if released in significant quantities; and''.

SEC. 12. REQUIRED PERIODIC INSPECTION OF PIPELINES BY INSTRUMENTED INTERNAL INSPECTION DEVICES.

Section 60102(f) is amended by striking paragraph (2) and inserting the following:

''(2) PERIODIC INSPECTIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe additional standards requiring the periodic inspection of each pipeline the operator of the pipeline identifies under section 60109.

''(B) INSPECTION WITH INTERNAL INSPECTION DEVICE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the standards prescribed under subparagraph (A) shall require that an inspection shall be conducted at least once every 5 years with an instrumented internal inspection device.

''(ii) EXCEPTION FOR SEGMENTS WHERE DEVICES CANNOT BE USED.—If a device described in clause (i) cannot be used in a segment of a pipeline, the standards prescribed in subparagraph (A) shall require use of an inspection method that the Secretary certifies to be at least as effective as using the device in—

''(I) detecting corrosion;

''(II) detecting pipe stress;

''(III) detecting seam and weld stress, weakness, or defect; and

''(IV) otherwise providing for the safety of the pipeline.

''(C) OPERATION UNDER HIGH PRESSURE.—The Secretary shall prohibit a pipeline segment from operating above 80 percent of its maximum allowable operating pressure if the pipeline segment cannot be inspected—

''(i) with a device described in clause (i) of subparagraph (B) in accordance with the standards prescribed pursuant to such clause; or

''(ii) using an inspection method described in clause (ii) of such subparagraph in accordance with the standards prescribed pursuant to such clause.''.

SEC. 13. MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE.

Subsection (i) of section 60102 is amended to read as follows:

''(i) PIPELINES TRANSPORTING CARBON DIOXIDE.—Not later than 5 years after the date of the enactment of the Strengthening Pipeline Safety and Enforcement Act of 2011, the Secretary shall prescribe minimum safety standards for the transportation of carbon dioxide by pipeline in either a liquid or gaseous state.''.

SEC. 14. COST RECOVERY FOR PIPELINE DESIGN REVIEWS BY SECRETARY OF TRANSPORTATION.

Subsection (n) of section 60117 is amended to read as follows:

''(n) COST RECOVERY FOR DESIGN REVIEWS.—

''(1) IN GENERAL.—If the Secretary conducts facility design safety reviews in connection with a proposal to construct, expand, or operate a gas or hazardous liquid pipeline or liquefied natural gas pipeline facility, including construction inspections and oversight, the Secretary may require the person proposing the construction, expansion, or operation to pay the costs incurred by the Secretary relating to such reviews.

''(2) FEE STRUCTURE AND COLLECTION PROCEDURES.—If the Secretary exercises the authority under paragraph (1) with respect to conducting facility design safety reviews, the Secretary shall prescribe—

''(A) a fee structure and assessment methodology that is based on the costs of providing such reviews; and

''(B) procedures to collect fees.

''(3) ADDITIONAL AUTHORITY.—This authority is in addition to the authority provided under section 60301.

''(4) NOTIFICATION.—For any pipeline construction project beginning after the date of the enactment of this subsection in which the Secretary conducts design reviews, the person proposing the project shall notify the Secretary and provide the design specifications, construction plans and procedures, and related materials not later than 120 days prior to the commencement of such project.

''(5) PIPELINE SAFETY DESIGN REVIEW FUND.—

''(A) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Design Review Fund' (in this paragraph referred to as the 'Fund').

''(B) ELEMENTS.—There shall be deposited in the fund the following, which shall constitute the assets of the Fund:

''(i) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this subsection.

''(ii) All other amounts received by the Secretary incident to operations relating to reviews described in paragraph (1).

''(C) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to carry out the provisions of this chapter.''.

SEC. 15. INTERNATIONAL COOPERATION AND CONSULTATION ON PIPELINE SAFETY AND REGULATION.

Section 60117 is amended by adding at the end the following:

''(o) INTERNATIONAL COOPERATION AND CONSULTATION.—

''(1) INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE.—Subject to guidance from the Secretary of State, the Secretary may engage in activities supporting cooperative international efforts to share information about the risks to the public and the environment from pipelines and means of protecting against those risks if the Secretary determines that such activities would benefit the United States. Such cooperation may include the exchange of information with domestic and appropriate international organizations to facilitate efforts to develop and improve safety standards and requirements for pipeline transportation in or affecting interstate or foreign commerce.

''(2) CONSULTATION.—Subject to guidance from the Secretary of State, the Secretary may, to the extent practicable, consult with interested authorities in Canada, Mexico, and other interested authorities to ensure that the respective pipeline safety standards and requirements prescribed by the Secretary and those prescribed by such authorities are consistent with the safe and reliable operation of cross-border pipelines.

''(3) CONSTRUCTION REGARDING DIFFERENCES IN INTERNATIONAL STANDARDS AND REQUIREMENTS.—Nothing in this section shall be construed to require that a standard or requirement prescribed by the Secretary under this chapter be identical to a standard or requirement adopted by an international authority.''.

SEC. 16. WAIVERS OF PIPELINE STANDARDS BY SECRETARY OF TRANSPORTATION.

(a) NONEMERGENCY WAIVERS.—Paragraph (1) of section 60118(c) is amended to read as follows:

''(1) NONEMERGENCY WAIVERS.—

''(A) IN GENERAL.—Upon receiving an application from an owner or operator of a pipeline facility, the Secretary may, by order, waive compliance with any part of an applicable standard prescribed under this chapter with respect to the facility on such terms as the Secretary considers appropriate, if the Secretary determines that such waiver is not inconsistent with pipeline safety.

''(B) CONSIDERATIONS.—In determining whether to grant a waiver under subparagraph (A), the Secretary shall consider—

''(i) the fitness of the applicant to conduct the activity authorized by the waiver in a manner that is consistent with pipeline safety;

''(ii) the applicant's compliance history;

''(iii) the applicant's accident history; and

''(iv) any other information the Secretary considers relevant to making the determination.

''(C) EFFECTIVE PERIOD.—

''(i) OPERATING REQUIREMENTS.—A waiver of 1 or more pipeline operating requirements under subparagraph (A) shall be effective for an initial period of not longer than 5 years and may be renewed by the Secretary upon application for successive periods of not longer than 5 years each.

''(ii) DESIGN OR MATERIALS REQUIREMENT.—If the Secretary determines that a waiver of a design or materials requirement is warranted under subparagraph (A), the Secretary may grant the waiver for any period the Secretary considers appropriate.

''(D) PUBLIC NOTICE AND HEARING.—The Secretary may waive compliance under subparagraph (A) only after public notice and hearing, which may consist of—

''(i) publication of notice in the Federal Register that an application for a waiver has been filed; and

''(ii) providing the public with the opportunity to review and comment on the application.

''(E) NONCOMPLIANCE AND MODIFICATION, SUSPENSION, OR REVOCATION.—After notice to a recipient of a waiver under subparagraph (A) and opportunity to show cause, the Secretary may modify, suspend, or revoke such waiver for—

''(i) failure of the recipient to comply with the terms or conditions of the waiver;

''(ii) intervening changes in Federal law;

''(iii) a material change in circumstances affecting safety; including erroneous information in the application; and

''(iv) such other reasons as the Secretary considers appropriate.''.

(b) FEES.—Section 60118(c) is amended by adding at the end the following:

''(4) FEES.—

''(A) IN GENERAL.—The Secretary shall establish reasonable fees for processing applications for waivers under this subsection that are based on the costs of activities relating to waivers under this subsection. Such fees may include a basic filing fee, as well as fees to recover the costs of technical studies or environmental analysis for such applications.

''(B) PROCEDURES.—The Secretary shall prescribe procedures for the collection of fees under subparagraph (A).

''(C) ADDITIONAL AUTHORITY.—The authority provided under subparagraph (A) is in addition to the authority provided under section 60301.

''(D) PIPELINE SAFETY SPECIAL PERMIT FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a revolving fund known as the 'Pipeline Safety Special Permit Fund' (in this subparagraph referred to as the 'Fund').

''(ii) ELEMENTS.—There shall be deposited in the Fund the following, which shall constitute the assets of the Fund:

''(I) Amounts paid into the Fund under any provision of law or regulation established by the Secretary imposing fees under this paragraph.

''(II) All other amounts received by the Secretary incident to operations relating to activities described in subparagraph (A).

''(iii) USE OF FUNDS.—The Fund shall be available to the Secretary, without fiscal year limitation, to process applications for waivers under this subsection.''.

SEC. 17. COLLECTION OF DATA ON PIPELINE INFRASTRUCTURE FOR NATIONAL PIPELINE MAPPING SYSTEM.

Section 60132 is amended—

(1) in the matter before paragraph (1), by striking ''Not later than 6 months after the date of the enactment of this section, the'' and inserting ''Each'';

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

''(4) Such other geospatial, technical, or other pipeline data, including design and material specifications, as the Secretary considers necessary to carry out the purposes of this chapter, including preconstruction design reviews and compliance inspection prioritization.''; and

(3) by adding at the end the following:

''(d) NOTICE.—The Secretary shall give reasonable notice to the operator of a pipeline facility of any data being requested under this section.''.

SEC. 18. STUDY OF NON-PETROLEUM HAZARDOUS LIQUIDS TRANSPORTED BY PIPELINE.

(a) AUTHORITY TO CARRY OUT ANALYSIS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation shall conduct an analysis of the transportation of non-petroleum hazardous liquids by pipeline for the purpose of identifying the extent to which pipelines are currently being used to transport non-petroleum hazardous liquids, such as chlorine, from chemical production facilities across land areas not owned by the producer that are accessible to the public. The analysis shall identify the extent to which the safety of the lines is unregulated by the States and evaluate whether the transportation of such chemicals by pipeline across areas accessible to the public would present significant risks to public safety, property, or the environment in the absence of regulation.

(b) REPORT.—Not later than 365 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the Secretary with respect to the analysis conducted pursuant to subsection (a).

SEC. 19. CLARIFICATION OF PROVISIONS OF LAW RELATING TO PIPELINE SAFETY.

(a) AMENDMENT OF PROCEDURES CLARIFICATION.—Section 60108(a)(1) is amended by striking ''an intrastate'' and inserting ''a''.

(b) OWNER OPERATOR CLARIFICATION.—Section 60102(a)(2)(A) is amended by striking ''owners and operators'' and inserting ''any or all of the owners or operators''.

(c) ONE CALL ENFORCEMENT CLARIFICATION.—Section 60114(f) is amended by adding at the end the following: ''This limitation shall not apply to proceedings against persons who are pipeline operators.''.

By Mr. ROCKEFELLER (for himself, Mr. JOHNSON of South Dakota, Mr. LEAHY, Ms. SNOWE, Mr. KERRY, and Mr. WYDEN):

S. 242. A bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau; to the Committee on Armed Services.

Mr. ROCKEFELLER. Mr. President, I rise before you today with Senators SNOWE, LEAHY, WYDEN, JOHNSON and KERRY to introduce important legislation—the Guardians of Freedom Act of 2011—which will make the Chief of the National Guard Bureau a member of

the Joint Chiefs of Staff. This legislation will strengthen our national security both abroad and here at home.

The Joint Chiefs of Staff does an outstanding job providing support to the Secretary of Defense and performing oversight of military personnel and resources within the Department of Defense. However, it lacks the voice of the Chief of the National Guard Bureau who represents more than twenty percent of the uniformed service members.

This is important because each member of the Joint Chiefs of Staff is a military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense. In that role, they may offer their advice and opinions to the President, the National Security Council, the Homeland Security Council, or the Secretary of Defense. And, as we all know, the National Guard has important homeland security responsibilities in addition to national defense responsibilities.

As the former Governor of West Virginia, I cannot say enough about the importance of the National Guard. The National Guard is always there. Whether it is flooding, snow storms, tornadoes, or other disasters, the National Guard comes to the rescue of communities in every State throughout our Nation. And, I would bet that there is a member of the National Guard living in every single congressional district and every single community in our country. These citizen-soldiers are our Governors' emergency force.

Unlike our active-duty forces, the National Guard has both a State and Federal mission. Now I'm not taking anything away from our active-duty or reserve forces as they have always performed, and will continue to perform, in an outstanding fashion. However, the National Guard is unique in that it serves each State's Governor in addition to the President and Commander-in-Chief.

The National Guard's State mission includes responding to natural and man-made disasters as well as domestic emergencies. They have been called to respond to hurricanes, floods and snow storms. They serve next door to each of us.

Among the National Guard's Federal responsibilities is providing homeland defense and defense support to civil authorities. The National Guard accomplishes its Federal mission through a variety of programs. One of those programs is the Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Teams, which respond to incidents and support local, State, and Federal agencies as they conduct decontamination, medical support, and casualty search and extraction.

Last year's Quadrennial Defense Review acknowledged that the Department of Defense must be prepared to provide appropriate support to civil authorities. One key finding of the Quadrennial Defense Review was the recognition of the need to field faster, more flexible chemical, biological, radiological, nuclear, and high-yield explosives events consequence management response forces. As a result of this finding, the National Guard will build a Homeland Response Force in each of the 10 Federal Emergency Management Agency regions. These 10 Homeland Response Forces will provide the needed response capability. These are just two of the many ways in which the National Guard works directly with the homeland security community as the central connection between the Federal Government and State and local officials. And, I would be remiss if I did not mention that a primary training unit for these Homeland Response Forces is the West Virginia National Guard's Joint Interagency Training & Education Center.

These Federal programs, along with the National Guard's State mission, clearly illustrate the National Guard's unequivocal role in protecting our home front. And, it goes without saying that our Guard members make tremendous contributions to military operations outside of the United States.

Today, tens of thousands of Guard members train with first responders and protect life and property here at home, while also engaging in combat operations in far-off, dangerous locations—including Iraq and Afghanistan.

Since September 11, 2001, our National Guardsmen have been called upon to deploy abroad at a higher rate than ever before. At the same time their domestic and State missions have expanded. Given the National Guard's role in defending our country, it is important that the National Guard be resourced and equipped to fulfill its dual mission.

Our Guard members must be assured of the ability to meet their obligations to their Governors, their next door neighbors, and to our Nation as a whole. In order to do that, the National Guard's voice must be heard at the highest levels of our government.

By making the Chief of the National Guard Bureau a member of the Joint Chiefs of Staff, the Guardians of Freedom Act of 2011 will guarantee that the National Guard is a part of the discussion as the Nation responds to threats both foreign and domestic. It also makes certain that the concerns of the Nation's Governors are considered when resources are scarce. And it will build upon the relationship developed between the active-duty forces and the National Guard, a bond has been strengthened as a result of the ongoing operations.

Before I end my remarks, I want to acknowledge Major General Allen Tackett, the Adjutant General of the West Virginia National Guard for the last 15 years and the longest serving Adjutant General in the country. Major General Tackett is retiring today after enlisting in the Army more than 45 years ago. He has been a great partner and visionary over the years. He led the transformation of the West Virginia National Guard and, according to General McKinley, Chief of the National Guard Bureau, is leaving West Virginia with the Nation's finest National Guard. I can honestly say that we are better off as a Nation because he chose to dedicate his life to defending ours. Thank you, Major General Tackett. God smiled on West Virginia the day he gave us you, and we are eternally grateful.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 34—DESIGNATING THE WEEK OF FEBRUARY 7 THROUGH 11, 2011, AS ''NATIONAL SCHOOL COUNSELING WEEK''

Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LAUTENBERG, Mr. LEVIN, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 34

Whereas the American School Counselor Association has designated the week of February 7 through 11, 2011, as ''National School Counseling Week'';

Whereas the importance of school counseling has been recognized through the inclusion of elementary and secondary school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 457-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 7 through 11, 2011, as ''National School Counseling Week''; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

SENATE RESOLUTION 35—EXPRESSING SUPPORT FOR THE DESIGNATION OF JANUARY 28, 2011 AS NATIONAL DATA PRIVACY DAY

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. KERRY, Mr. WICKER, Mr. LEAHY, Mrs. FEINSTEIN, Ms. SNOWE, Mrs. BOXER, and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 35

Whereas the protection of the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals;

Whereas new and innovative technologies enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the development and the widespread use of such technologies;

Whereas the use of numerous technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken, by individuals, government, and businesses, to protect personal information;

Whereas many individuals are unaware of the risks to privacy posed by new technologies, of data protection and privacy laws generally, and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and promote education about the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy and security professionals and educators are being encouraged to take the time to discuss data privacy and security issues with teens and young adults in schools and Universities across the country, and parents are being encouraged to discuss data privacy issues with their children;

Whereas the Federal Government has a demonstrated interest in promoting privacy and security education in schools;

Whereas the third annual Congressional recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2011, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a National Data Privacy Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages educators and privacy professionals to discuss data privacy and security issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers; to design privacy into products they create where possible; and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table.

SA 4. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, $39,000,000,000 in appropriated discretionary funds are hereby rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

SA 4. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 223, to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 128, strike line 5 and all that follows through page 141, line 9, and insert the following:

SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—Title 49, United State Code, is further amended—

(1) in section 329(b)(1), by striking ''except that'' and all the follows through the semicolon;

(2) in section 40109(f)(3)(B), by striking '', including the minimum'' and all that follows through ''this title'';

(3) in section 40117(e)(2), by striking subparagraph (B) and redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in section 41110—

(A) in subsection (a)(2)(B), by striking ''41712, and 41731–41742'' and inserting ''and 41712''; and

(B) in subsection (c)—

(i) in paragraph (1), by striking ''carrier—'' and all that follows through ''does not provide'' and inserting ''carrier does not provide''; and

(ii) in paragraph (2), by striking ''(1)(B)'' and inserting ''(1)''; and

(5) in section 47124(b)(3)(C), by striking clause (iv) and redesignating clauses (v) through (vii) as clauses (iv) through (vi), respectively.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, March 2, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Fiscal Year 2012 proposed budget for the Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks or Allison Seyferth.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public

that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 3, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the President's Fiscal Year 2012 proposed budget for the USDA Forest Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller or Allison Seyferth.

CONDEMNING THE NEW YEAR'S DAY ATTACK ON THE COPTIC CHRISTIAN COMMUNITY IN ALEXANDRIA, EGYPT

Mr. REID. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 22 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 22) condemning the New Year's Day attack on the Coptic Christian community in Alexandria, Egypt and urging the Government of Egypt to fully investigate and prosecute the perpetrators of this heinous act.

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

Mr. REID. I ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 22) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 22

Whereas Coptic Christians are a native Egyptian population and the Coptic Orthodox Church of Alexandria was founded by the Evangelist Saint Mark the Apostle in approximately 42 A.D. and is the oldest Christian church in Africa;

Whereas Copts in Egypt constitute the largest Christian community in the Middle East and the largest Christian minority group in the region;

Whereas Coptic Christians account for at least 9 percent of Egypt's population of 80,000,000 and number more than 3,000,000 outside of Egypt, including 1,000,000 in the United States;

Whereas, on New Year's Day 2011, a suicide bomber targeting Coptic Christians blew himself up in front of the Saint George and Bishop Peter Church in Alexandria, Egypt, killing at least 21 people and injuring almost 100 others;

Whereas President Barack Obama and other world leaders have condemned the attack and called for its perpetrators to ''be brought to justice for this barbaric and heinous act'';

Whereas the head of Egypt's Coptic Christian community, Pope Shenouda III, has called on President of Egypt Hosni Mubarak to increase security for the Coptic Christian community and to reach agreements over the building and repairing of churches, including the adoption of a single law applicable to both churches and mosques; and

Whereas the freedom of religion is central to the ability of people to live together and must be upheld by the laws and practices of every democratic nation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the New Year's Day 2011 attack on the Saint George and Bishop Peter Church in Alexandria, Egypt;

(2) expresses its deep condolences to the Coptic Christian community who suffered from this attack and lost their loved ones and to all Egyptians who have suffered from terrorist attacks;

(3) calls on President Hosni Mubarak and the Government of Egypt to continue to fully investigate the bomb attack and to lawfully prosecute the perpetrators of this heinous act;

(4) calls on President Hosni Mubarak and the Government of Egypt to continue to enhance security for the Coptic Christian community and to work to ensure in law and practice religious freedom and equality of treatment for all people in Egypt;

(5) calls on the President to work with the Government of Egypt to identify the perpetrators of the New Year's Day attack; and

(6) calls on the Secretary of State to address the issues of religious freedom and equality of treatment for all people in Egypt with the Government of Egypt.

NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent we proceed to S. Res. 34.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 34) designating the week of February 7 through 11, 2011, as ''National School Counseling Week.''

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 34) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 34

Whereas the American School Counselor Association has designated the week of February 7 through 11, 2011, as ''National School Counseling Week'';

Whereas the importance of school counseling has been recognized through the inclusion of elementary and secondary school counseling programs in amendments to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through academic, personal, social, and career development;

Whereas school counselors assist with and coordinate efforts to foster a positive school culture resulting in a safer learning environment for all students;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with personal trauma as well as tragedies in the community and the United States;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are one of the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 457-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the National Association for College Admission Counseling, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 7 through 11, 2011, as ''National School Counseling Week''; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors play in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

NATIONAL DATA PRIVACY DAY

Mr. REID. Mr. President, I ask we now proceed to S. Res. 35.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 35) expressing support for the designation of January 28, 2011, as National Data Privacy Day.

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

Mr. REID. I ask the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 35) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 35

Whereas the protection of the privacy of personal information is a global imperative for governments, commerce, civil society, and individuals;

Whereas new and innovative technologies enhance our lives by increasing our abilities to communicate, learn, share, and produce, and every effort should be made to continue both the development and the widespread use of such technologies;

Whereas the use of numerous technologies in our everyday lives and in our work gives rise to the potential compromise of personal data privacy if appropriate care is not taken, by individuals, government, and businesses, to protect personal information;

Whereas many individuals are unaware of the risks to privacy posed by new technologies, of data protection and privacy laws generally, and of specific steps that they can take to help protect the privacy of personal information;

Whereas a continuing examination and understanding of the ways in which personal information is collected, used, stored, shared and managed in an increasingly networked world will contribute to the protection of personal privacy;

Whereas National Data Privacy Day constitutes an international collaboration and a nationwide and statewide effort to raise awareness about data privacy and promote education about the protection of personal information;

Whereas government officials from the United States, Canada, and Europe, privacy professionals, academic communities, legal scholars, representatives of businesses and nonprofit organizations, and others with an interest in data privacy issues are working together on this date to further the discussion about data privacy and protection;

Whereas privacy and security professionals and educators are being encouraged to take the time to discuss data privacy and security issues with teens and young adults in schools and Universities across the country, and parents are being encouraged to discuss data privacy issues with their children;

Whereas the Federal Government has a demonstrated interest in promoting privacy and security education in schools;

Whereas the third annual Congressional recognition of National Data Privacy Day will encourage more people nationwide to be aware of data privacy concerns and to take steps to protect their personal information; and

Whereas January 28, 2011, would be an appropriate day to designate as National Data Privacy Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of a National Data Privacy Day;

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of data privacy;

(3) encourages educators and privacy professionals to discuss data privacy and security issues with teens in high schools across the United States;

(4) encourages corporations to take steps to protect the privacy and security of the personal information of their clients and consumers; to design privacy into products they create where possible; and to promote trust in technologies; and

(5) encourages individuals across the Nation to be aware of data privacy concerns and to take steps to protect their personal information.

ORDERS FOR THURSDAY, FEBRUARY 3, 2011

Mr. REID. Mr. President, I ask unanimous consent that at 1 p.m. on Thursday, February 3, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes for the purpose of giving remarks relative to the upcoming centennial of the birth of President Ronald Reagan; further, that at 3 p.m. on Thursday, February 3, Senator MANCHIN be recognized for up to 25 minutes to give his maiden speech to the Senate.

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

ORDERS FOR TUESDAY, FEBRUARY 1, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Tuesday, February 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and following any leader remarks the Senate proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly caucus meetings. Finally, I ask that at 2:15 p.m., the Senate proceed to the consideration of Calendar No. 5, S. 223, the Federal Aviation Administration Authorization Act.

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

PROGRAM

Mr. REID. Mr. President, we have made significant progress. Tomorrow, we will begin the amendment process on FAA. Senators are encouraged to contact the bill managers, Senators ROCKEFELLER and HUTCHISON, if they intend to offer amendments, in order to arrange a time to do so. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

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.

There being no objection, the Senate, at 6:20 p.m., adjourned until Tuesday, February 1, 2011, at 10:30 a.m.