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Senate

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

PRAYER

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

Let us pray.

Almighty God, who has made and preserved us as a nation, make our lawmakers people of high vision and steadfast fidelity to Your wisdom. Use them to lift the banner of righteousness which exalts a nation. As they work together, deepen their understanding of one another's perspectives so that they will treat their colleagues as they would want their colleagues to treat them. Purge them from all that blemishes, corrupts, and defiles our common life. Heal our land, Lord, and use our Senators as agents of Your healing.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 29, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each, the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of S. 493, the small business jobs bill. The Senate will recess from 12:30 until 2:15 to allow for weekly caucus meetings. Rollcall votes in relation to amendments to the small business jobs bill are possible today. Senators will be notified when votes are scheduled.

We have 10 amendments now pending. I spoke yesterday afternoon to the Republican leader, and I think we are in good shape now to hopefully resolve the 1099 matter this afternoon. We are looking forward to having a consent agreement we can vote on. I think we are at a point where, in the morning, we can vote on the McConnell amendment dealing with EPA and a couple other amendments relating to EPA to get rid of that issue one way or the other.

There are other matters with the bill we would like to set up votes on, and if people are willing to allow us to do that, we could do some of those this afternoon. But we are making progress on this very important bill. With all the amendments being offered, we sometimes lose sight of the fact that this bill, which has been led by Senators LANDRIEU and SNOWE, is an extremely important bill for creating jobs with small businesses. It is an innovation bill, and the programs this bill covers have done some tremendously important things for the country.

With the CR, I spoke with the White House this morning, and there are conversations going on with the White House and the Republican leadership in the House, and I think this matter, with a little bit of good fortune, could move down the road in the next day or two to get us to a point where we could have something done so there doesn't have to be a government shutdown. I certainly hope that is the case.

RECOGNITION OF THE MINORITY LEADER

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

ENERGY TAX

Mr. MCCONNELL. Madam President, as lawmakers return to Washington this week, we did so against the backdrop of many world crises. From recovery efforts in Japan, to battles everywhere from Afghanistan to Libya, to an unfolding economic crisis in Europe, the scope and intensity of world events in recent months has been nothing short of breathtaking.

Yet in the middle of all this, it is important we not lose sight of the struggles and concerns of so many around us here at home. At a time when roughly 1 in 4 American homeowners owes more money on their mortgage than their home is worth, at a time when nearly 1 in 10 working Americans is looking for a job, at a time when the Federal debt has reached heights none of us could have even imagined just a few years

ago, now is not the time to lose focus on the paramount issue on the minds of Americans every day, and that is the very real crisis we face when it comes to jobs.

Americans look around them and they see neighbors and friends struggling to find work. Yet all they seem to get from the White House are policies that handcuff small businesses with burdensome new regulations and redtape and that create even more uncertainty about the future, including the administration's inexplicable and inexcusable inaction on trade deals that would level the playing field with our competitors overseas.

They are tired of it. Americans are tired of the White House paying lipservice to their struggles while quietly promoting effort after effort, either through legislation or some backdoor regulation, that makes it harder, not easier, for businesses to create new jobs. But the administration outdid itself last week, when the President told a Brazilian President the United States hopes to be a major customer in the market for oil that Brazilian businesses plan to extract from new oil finds off the Brazilian coast.

We can't make this stuff up. Here we have the administration looking for just about any excuse it can find to lock up our own energy resources here at home, even as it is applauding another country's efforts to grow its own economy and create jobs by tapping into its energy sources.

For 2 years, the administration has canceled dozens—dozens—of oil and gas leases all across America. It has raised permit fees. It has shut down deepwater drilling in the gulf. It would not even allow a conversation about exploring for oil in a remote 2,000-acre piece of land in northern Alaska that experts think represents one of our best opportunities for a major oil find. It continues to press for new regulations through the Environmental Protection Agency that would raise energy costs for every business in America and lead to untold lost jobs for more American workers.

In other words, in the midst of average gas prices approaching $4 a gallon and a chronic jobs crisis, the White House plans to make the climate for job growth worse. That is why Republicans, led in the Senate by Senator INHOFE, have proposed legislation to prevent the new energy tax from ever taking effect without congressional approval. The Wall Street Journal has called the amendment we are proposing ''one of the best proposals for growth and job creation to make it onto the Senate docket in years.''

Our amendment would assure small businesses across the country that they will not be hit with yet another costly new job-stifling burden by Democrats in Washington. It will give voters the assurance that a regulation of this kind, which would have a dramatic impact on so many, could not be approved without their elected representatives standing and actually voting for it. At a time of rising energy prices, it would prevent Democrats in Washington from adding even more pressure to energy prices than they already have out of fealty to special interests that would rather we buy our energy from overseas than find and use the bountiful resources we already have right here at home.

I wish to thank Senator INHOFE, once again, for leading us on this issue. His bill, upon which my amendment is based, has 43 cosponsors. He deserves the credit. He has been a fierce and tireless advocate not only for American energy but also against new EPA regulations that would sidestep the legislative process. I thank him for his work, along with the great work Senators MURKOWSKI and BARRASSO have done, in educating the American people about these issues.

At a time when Americans are looking for answers on the economy, this amendment is as good as it gets from Washington. By voting for it, we would be saying no to more regulations and redtape and we would be saying yes to American job creators and to the jobs they want to create. I urge my colleagues in both parties to support it.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

BUDGET NEGOTIATIONS

Mr. SCHUMER. Madam President, I rise to speak on the current state of partisan budget negotiations.

For weeks now, the offices of the Senate majority leader, the House Speaker, and the White House have been engaged in serious talks seeking a long-term budget agreement. It has been a long hard process. There have been a lot of fits and starts in the negotiations. But it is no exaggeration to say that as of last week talks were on a smooth path toward a compromise. The Speaker's office was negotiating in good faith. The parties significantly narrowed the $51 billion gap on how much spending should be cut. House Republican leaders had agreed to come down from H.R. 1 and meet us halfway. We could begin to see light at the end of the tunnel.

But suddenly, at the end of last week, House Republicans did a strange thing: They pulled back from the talks. They changed their minds about what level of spending cuts they could accept. We were on the verge of a potential breakthrough, and they suddenly moved the goalposts. We felt a little bit like we were left at the altar. Not only did they abandon the talks, they started denying that they were ever close to a deal in the first place. Majority Leader CANTOR issued a statement Friday saying that reports that progress was being made were ''far-fetched.'' It was as if they decided that even the appearance of a looming compromise was a political liability. It was surreal.

It is no surprise what happened. The headline of today's story in the National Journal says it all:

With Revolt Brewing, GOP Backs Off Deal.

Let me repeat that because that is really what is going on here and the news of the day in the last few days:

With Revolt Brewing, GOP Backs Off Deal.

The story reads:

> Concerned about a revolt by the conservative, tea party-wing of the party, GOP leaders have pulled back from a tentative deal to cut roughly $30 billion in cuts from current spending levels. The influence that tea-party conservatives now exercise over the process put the chances of a compromise seriously in doubt.

The story continues:

> The GOP pulled back from that agreement last week after House Majority Leader Eric Cantor, R-Va., and Majority Whip Kevin McCarthy, R-Calif., warned House Speaker John Boehner, R-Ohio, that the deal would trigger a revolt from tea-party conservatives.

In other words, as soon as House Republican leaders took one step toward compromise, the tea party rebelled, so they took two steps back.

The National Journal story describes an offer that was put on the table by the White House that would have met House Republicans halfway. The offer falls squarely in the ballpark of Congressman RYAN's original budget proposal with roughly $70 billion in spending cuts compared to the President's budget request. This is a significant move in the Republicans' direction. These are more cuts than many on our side might support, but it shows how seriously the White House is about wanting a compromise to avert a shutdown. If they are planning to reject such an offer, it is clear they won't take ''yes'' for an answer and are seeking a shutdown. The Republican leadership in the House, with the tea party breathing down their back, won't take

''yes'' for an answer and won't support the original proposal made by Budget Chairman RYAN of roughly $70 billion in spending cuts. We know Congressman RYAN is hardly a liberal or a moderate. It shows how far to the right the Republican leadership is being forced to move by the tea party.

This level of spending cuts was good enough for House Republicans earlier this year when HAL ROGERS released his original proposal. But the tea party hollered, and House Republicans were forced to double their proposed spending cuts to an extreme level of $61 billion. When that happened, HAL ROGERS said the House was moving beyond what was reasonable and into territory where they could never get a deal. TOM LATHAM of Iowa agreed that in forcing H.R. 1 to go from $30 billion to $60 billion in cuts, the tea party was forcing Republicans to go beyond what was ''enactable.'' These are conservative Republicans saying that the present House proposal is not enactable, cannot pass. Just as the tea party forced mainstream Republicans into extreme territory before, they are doing so again. Anyone who looks at this objectively sees that is what is happening.

The Speaker has said all along that he wants to avoid a shutdown at all costs. I believe him. He is a good man. The problem is, a large percentage of those in his party don't feel the same way. They think ''compromise'' is a dirty word. They think taking any steps to avert a shutdown would mean being the first to blink. So Speaker BOEHNER is caught between a shutdown and a hard place. He has caught a tiger by the tail in the form of the tea party. There is even a tea party rally planned for later this week to pressure the Speaker not to budge off H.R. 1.

To try to mask the divisions on their own side, Republicans have resorted to lashing out in a knee-jerk way at Democrats. Their latest trick is trying to accuse Democrats of not having our own plan. That is a diversion. It rings hollow. The only proposals that have been made that would actually avoid a government shutdown are numerous compromises that Democrats have offered Republicans.

I would like to remind my House friends, as they all know, the Senate needs 60 votes to pass a bill. We can't pass anything without Republican agreement. Yet our Senate Republican colleagues are nowhere to be found. Since the Senate rejected the Republican job-killing budget proposal that would cost Americans 700,000 jobs a month ago, Republicans have not moved an inch off their plan.

Speaker BOEHNER knows, when it comes to averting a government shutdown on April 8, it is the tea party, not the Democrats, that is causing the trouble. At this point, the only hurdle left to a bipartisan deal, the only obstacle in the way is the tea party. But for the tea party, we could have an agreement that reduces spending by a historic amount. We could have a deal that keeps the government open.

A tea party rebellion may hurt House Republican leadership politically, but a shutdown will hurt Americans, all Americans, much more. It is time for House Republican leaders to rip off the bandaid. Mr. Speaker, it is time to forget the tea party and take the deal. There are only 10 days left before the current CR expires. There is no new stopgap being prepared by House Republicans. It seems the only viable proposal is the one the Speaker walked away from. So the Speaker faces a choice: Return to the deal he was prepared to accept before the tea party rebelled last week or risk a shutdown on April 8. I think we know what the right answer is. It is clear. The Speaker has a choice: Appease the tea party and shut down the government or take the right and principled stand and move the government forward by coming to a reasonable compromise between both parties that cuts the budget significantly.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

REPEAL OF 1099

Mr. JOHANNS. Madam President, it feels a bit like deja vu standing here today discussing the ongoing saga of the 1099 repeal. Two weeks ago, I offered amendment No. 161 to the small business bill.

If we read all the press releases and the public statements, it appears that absolutely nobody could possibly oppose repeal of the 1099 requirement in section 9006 of the health care bill. Yet once again the other side is attempting to delay or derail the 1099 repeal by offering a second-degree amendment. I might have been open to a second-degree amendment when we started this process many long months ago. But now we are approaching the 1-year anniversary since we began fighting to repeal this unnecessary mandate. It had no place in the health care bill in the first place.

I can't help but question why on Earth we are still swinging and missing at this one. Is it a lack of support in my caucus? The answer to that is no. Support amongst Republicans is absolutely unanimous. Lack of Republican support certainly has not held this up.

I ask myself if there is a lack of bipartisan support that is holding up the effort. The answer to that is also no. My colleague, the junior Senator from West Virginia, has cosponsored the last several versions of this repeal legislation in the Senate. Together, Senator MANCHIN and I have secured dozens of Democrats who strongly support the repeal, and 76 Democrats voted for identical 1099 repeal in the House of Representatives. Bipartisan support is enormously, if not unusually, strong.

Might our problem be a lack of support from the White House? The answer to that is also no. The President has publicly called for repeal of this 1099 mandate on several occasions in press conferences. He even referenced it in his State of the Union Address.

Is it possible there is still confusion about how our small businesses feel about the mandate? That is not the case. The chorus of job creators opposing this mandate is almost deafening: the chamber of commerce, the National Federation of Independent Business, the American Farm Bureau Federation. I could go on and on listing organizations arguing for its repeal.

Has it been a controversial pay-for that has slowed down progress? Interestingly enough, an almost identical budgetary offset passed this Chamber unanimously only 4 months ago. Requiring someone to repay what was given to them erroneously is, plain and simple, good government.

Even Secretary of Health and Human Services Sebelius noted that repayment of improper subsidies is ''fair for recipients and all taxpayers.'' So arguments about the pay-for simply are hollow excuses to justify inaction.

Our job creators are seeing it for what it really is. It is more nonsense. It astounds me that we can seemingly pass benchmark after benchmark without going over the finish line. How can we make so much important progress only to be stymied again and again by some silent opposition?

My friends across the aisle have often complained about the slow pace of the Senate. They have blamed the other side of the aisle for preventing progress. Well, my side of the aisle has been ready for a long time to repeal this job-killing mandate. I want you to know we stand ready to vote.

Considering the high unemployment rates plaguing our country, it seems absolutely incomprehensible that we would waste even another day without addressing this mandate in the health care bill. Our job creators have watched dueling amendments and proposals and counterproposals. Well, that has gone on for 1 year.

I first circulated a Dear Colleague letter asking for cosponsors of this 1099 repeal in June of last year. When we introduced it in July, with 25 cosponsors, well, small businesses cheered. It gave them hope common sense would prevail in Congress and that partisanship is sometimes set aside to simply do the right thing.

But now they see there is yet again a delay tactic in the form of a second-degree amendment to the 1099 repeal. They have been frustrated time and time again—when it failed to advance in September and November and appeared stalled well into the new year.

Today, we have a simple choice: We can pass my amendment with strong bipartisan support and demonstrate we have the 60 votes necessary for the House version or we can pass the second-degree amendment and push this repeal off into limbo into Never Never Land yet again. We can actually fix the problem in a bipartisan way or we can continue to kick this can down the road.

If we pass the second-degree amendment, quite simply, what we have voted yes to do is delay the repeal of the 1099 amendment and eventually we are going to flirt with disaster on this and it will not get done.

We need to focus all our energy on helping our job creators grow and create more jobs, not force them into worrying about hiring more accountants. Pardon my boldness but there is no reason to delay. An identical version of my amendment passed the House with large bipartisan support: 314 to 112. I urge my colleagues, with all I have, to oppose the second-degree amendment my friend from New Jersey is proposing.

Let's be clear. This latest distraction from 1099 repeal is just that—it is a distraction. We all know it is not truly about a study to look at health care costs. If we want to do a study, put the amendment on some other piece of legislation. This is about derailing and delaying the 1099 repeal because if the second-degree amendment passes, it says: Instead of sending this to the President to become law, we need to go back to the drawing board.

While the proponents of the second-degree amendment will claim it is innocuous, make no mistake, it is designed to obliterate this amendment because of a budgetary offset. Again, I remind us, a similar offset was passed unanimously recently by the Senate. Just like a Politico article from yesterday noted: ''Senate Democrats are working on an amendment that could kill the [Republicans' pay-for in the future].''

If the second degree passes, then we are essentially adding nearly $25 billion to our debt over the next 10 years. While some may preach the virtues of pay-as-you-go rules, when it comes right down to it, they will undermine virtually any fiscally responsible pay-for.

So here we are again crossing the same bridge we have crossed so many times before. In fact, the Senate refused this idea when we rejected the Baucus amendment that repealed 1099 but was not paid for. That amendment fell 23 votes short of passage because it fiscally did not make sense.

So why are we still here aimlessly walking around in circles when we ought to be marching straight ahead? Why are we proposing to send this bipartisan legislation back to the House? Because that is what will have to happen, when it ought to go directly to the President's desk for signature.

Our vote today can send a message that we have all the votes necessary to get this done and get it on the President's desk and everybody can celebrate: our job creators, Democrats, Republicans, Independents.

The logic of the second-degree amendment is absolutely baffling. Here we are in the ninth inning and somehow our pay-for has become magically unacceptable, even after a similar pay-for was approved unanimously by the Senate before. Where were all the objections? Where was the demand for further study when we unanimously approved a similar offset for the doc fix legislation?

Let me be very clear: A vote in favor of the second degree is a vote against our business and job creators. My amendment has been waiting for a vote for 14 days now, and the repeal has been pending for nearly 1 year. Isn't enough enough?

The time for delay and further study must be over. Let's pass my amendment today by an overwhelming vote of the Senate. Let's reject the second degree. Let's get this piece of legislation to the President for his signature and we can all celebrate. Small businesses, our job creators, deserve no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

GOVERNMENT SPENDING

Mr. SESSIONS. Madam President, government funding is set to expire next week on April 8. We are in the midst of the 2011 fiscal year that ends September 30, and the Congress has only appropriated money through April 8. If Congress does not act by that time, the government would shut down.

Congress needs to act, but Congress needs to listen to the American people and listen to the financial experts whom we have dealt with and reduce spending and reduce the surging deficit we face this year, last predicted to be $1.4 trillion. Nothing has ever been seen like it before, and it has to be addressed. There is no way around it.

So we have this deadline hanging over our heads, and the reason is, my colleagues in the Democratic leadership in the Senate will not agree to the kind of substantial but realistic spending reductions the House of Representatives has sent to us. The House has sent us a budget plan that I think will work. But what we hear is, the sky will fall if we trim the $61 billion from a $3.7 trillion budget—$3,700 billion that we spend—if we reduce that spending by $61 billion, somehow this will cause the country to sink into oblivion.

The American people know better than that. That is not realistic. Of course, we can cut those kinds of numbers out of this huge budget we have, and the American people will be better off for it.

As ranking member on the Budget Committee, I have looked at the numbers, and that $61 billion reduces the baseline of Federal spending by $61 billion this year, but over 10 years—because it is a baseline reduction—it would save $860 billion. This is the kind of small but significant step that does make a difference.

People say: It does not make any difference. Why don't we just increase spending? Why do we cut spending at all? Of course, we have to reduce spending. The American people know the borrowed money and overspending of the past 2 years have failed to produce what it promised. Instead, all that has been achieved through this massive surge in Federal spending, through the stimulus package and other programs, is a crushing debt burden that weakens our economy and is a drag on our economy, as expert witnesses have told us. It threatens our economic future. Alan Simpson, former Republican Senator, and Erskine Bowles, formerly the Chief of Staff to President Clinton, were appointed by President Obama to cochair the debt commission. The fiscal commission reported to us, and jointly they submitted a written statement that said if the United States fails to act, it faces ''the most predictable economic crisis in its history.'' This is a real warning. They said such a crisis could arrive in as soon as 1 or 2 years.

People have been saying: Oh, we are on the wrong track. If we do not get off it, in 3 or 4 or 5 years, we are going to have a crisis. More and more people are warning us that crisis is sooner. Mr. Bowles said: In 1 year, give or take a little bit, we will have a crisis. Mr. Simpson said: I think within 1 year.

The American people rightly expect their elected leaders to confront this threat with seriousness and candor. But the President has never once looked the American people in the eyes and told them the truth about the financial crisis we face. Has he ever discussed those kinds of words with the American people, that we face an actual crisis? We could have a debt problem that hits us very quickly, just like the one in 2008 that put us in a deep recession. We are in a fragile recovery now, and we need to keep that recovery going. The last thing we need to do is have another recession, or some sort of other financial collapse that puts more people out of work and weakens an already struggling economy. It is not necessary this occur.

The President and his Budget Director have, instead of being truthful with us, falsely boasted to the American people that under their budget we will ''live within our means'' and ''not add more to the debt'' and that ''we're not going to spend any more money than we're taking in.'' He submitted his 10-year budget to the Congress, and that is what he says his budget will do. But not one of those statements is true—not one.

When the budget was announced, Mr. Bowles, whom the President appointed to head the debt commission, said it is nowhere close to what we need to be doing to get our house in order. In fact, the Congressional Budget Office finds this: that our annual deficits never once fall below $748 billion. I was saying $600 billion before based on the President's estimates of his budget. Now the Congressional Budget Office has done an independent analysis of the President's budget, and they say the lowest single annual deficit, in 10 years, would be $748 billion.

Is it going down, you ask? Is this budget going to put us living within our means and live on what we take in? In the outyears, the deficits out 7, 8, 9, 10 years of the President's budget, they are going up. In the 10th year, the budget deficit is $1.2 trillion—a $1,200 billion deficit that year.

You might ask: What do those numbers mean? We spend, this year, about $3.7 trillion through September 30. We take in $2.2 trillion. This is why we are on an unsustainable path and we have to get off of it. It is not a partisan matter; it is a matter of facing reality. We still have Members of the Senate in denial. We have the majority leader down here complaining that he might not get money for his cowboy poetry festival in Nevada. Give me a break. This country is headed on the path of great danger and we need to turn around.

Imagine the fate a CEO would face if, in the process of asking for shareholders to buy company stock, he declared, ''We are not adding to the debt,'' while his accountants were telling him the company's debt was on a path to double, as our debt is. The President even nominated a deputy director for OMB, Heather Higginbottom, who has no budget experience and who attempted to defend these claims before the Budget Committee last week. I don't know, maybe they couldn't find anybody with experience who would take the job. The best I can tell, she has never had a single business course or an economics course, never managed any kind of organization on budget, ever. She majored, I think, in political science and campaigned for President Obama and Senator JOHN KERRY.

We need some seriousness here. We in Congress are not stepping up to the plate, frankly. We are not taking the kind of decisive action needed to curb our rising debt. And the majority leader, my good friend, Senator REID—which is a tough job, I have to tell my colleagues; it is a tough job—but now he is saying the problem is there is a division within the Republican Party. You see, we have these extremists over here, the new Republicans who got elected the last election promising to do something about spending and they are out of touch. They are extremists. There are some good Republicans over here. They have been here a long time, and we know how to get along and cut deals and we are going to take care of this thing. You just have to keep these people under control.

I might remind the leader that every single Republican either voted for the $61 billion in cuts or called for more cuts. There is no division in the Republican Party about the need to have reasonable and significant reductions in the expenditures. There is essentially unanimous Republican agreement that we ought to cut $61 billion or more from this year's discretionary budget. By contrast, the majority leader lost nearly one-fifth of his caucus on his proposal, which was basically to do nothing—reduce spending by $4 billion. Ten Members or more defected. They knew that wasn't enough, even under pressure from the President and from the majority leader. So it is clear where the momentum lies.

I wish to repeat again, though: This is not and cannot be seen as a partisan squabble. The Chairman of the Federal Reserve talked to us a few weeks ago, and he submitted a written statement to the Budget Committee. This is what Mr. Bernanke said. He talked about the Congressional Budget Office debt projections. I have made some reference to those and how dangerous they show our path to be.

This is what Chairman Bernanke said:

> The CBO projections, by design, ignore the adverse effects that such high debt and deficits would likely have on our economy. But if government debt and deficits were actually to grow at the pace envisioned in this scenario, the economic and financial effects would be severe. Diminishing confidence on the part of investors that deficits will be brought under control would likely lead to sharply rising interest rates on government debt and potentially to broader financial turmoil. Moreover, high rates of government borrowing would both drain funds away from private capital formation and increase our foreign indebtedness, with adverse long-run effects on U.S. output, incomes, and standard of living.

He goes on to say:

> It is widely understood that the federal Government is on an unsustainable fiscal path. Yet, as a nation, we have done little to address this critical threat to our economy. Doing nothing will not be an option indefinitely; the longer we wait to act, the greater the risks and the more wrenching the inevitable changes to the budget will be. By contrast, the prompt adoption of a credible program to reduce future deficits would not only enhance the economic growth and stability in the long run, but could also yield substantial near-term benefits in terms of lower long-term interest rates and increased consumer and business confidence.

This is the head of the Federal Reserve, the man supposedly most knowledgeable about the economy of the United States of America. We are not making this up.

We have a proposal from our Democratic majority in the Senate to do nothing, basically—to do zero, nada—despite this kind of warning.

We are living in a fantasy world if we don't think we can cut $61 billion from this budget. My friend John McMillan, just elected the director of Agriculture and Industries in Alabama, is facing a critical crisis in his department. I saw the headline in the paper. He has 200 employees. He is going to have to lay off 60 of them. Cities and counties are doing this kind of thing all over the country. Do we think the State of Alabama will cease to exist if that happens? It is sad that they have that kind of challenge before them. We don't have to do that much right now, but if we took those kinds of steps—something significant—we could make a bigger difference than a lot of people realize in the debt we are facing.

Governor Cuomo in New York and Governor Christie in New Jersey and Governor Brown in California and others all over the country are making real, significant alterations in the level of spending, while we worry about protecting the cowboy poetry festival in Nevada.

Remember this—people have forgotten this. Since President Obama took office, Congress has increased discretionary spending on our non-defense Federal programs by 24 percent. We didn't have the money for that. We never should have increased spending that much. It was a big error. But we know what they said: Don't worry, we are making investments in the future. But you have to have money to make investments. If you don't have money, how can you make investments? All of this increase was borrowed. We are in huge debt and when we increase spending, we have to borrow the money to increase spending. Every penny is borrowed. We did an $800 billion stimulus package. Every penny was borrowed. We pay $30 billion-plus a year interest on that borrowed money for as long as I am alive and longer, no doubt. There is no plan to pay off that debt. I know people are talking and they are working things out and they said they are going to try to reach a compromise so we don't have to shut down the government, and I certainly hope that is true. But I do not believe we need any tax-and-spend compromise. I will not support that. I don't think the American people will support it, either. They know we spend too much. They know we have ramped up spending $800 billion with the stimulus package, that nondefense discretionary spending has gone up 24 percent in 2 years, and they know we can reduce Federal spending without this country sinking into the ocean. That is what they expect us to do. That is what Governors and mayors are doing, county commissioners are doing, all over my State and all over America.

We have to recognize that Washington is spending too much—not taxing too little. How can we ask Americans to pay more in taxes when Washington is not even willing to cut $61 billion?

I have a proposition for my colleagues who wish to raise taxes before we consider asking the American people to pay another cent in taxes: Why don't we first drain every cent of waste from the Federal bureaucracy? We will never truly dig ourselves out of this crisis and put this Nation on a real path to prosperity unless we bring our spending under control. America's strength is measured not by the size of our government but by the scope of our freedoms and the vigor and vitality of the American people and their willingness to invest and work hard for the future. That is what makes us strong. Endless spending, taxing, and borrowing is a certain path to decline, and we are on that path today, and we must get out of it.

We know the threat. We know what we need to do. The economy is trying

to rebound. So let's take some good steps today. Let's pass this $61 billion reduction in spending this fiscal year. It will amount to about $860 billion over 10 years. It will be a very significant first step. That is what is before us today—not the other issues. We have to decide what we are going to do about funding the government between now and September 30. That is the rest of this fiscal year. Let's take a firm step on that. Let's begin to look at what we are going to do for next year's budget and what we are going to do about our surging entitlement programs that are on an unsustainable course. We can do all of those things and leave our country healthy and vigorous and prosperous for the future. I truly believe that is the kind of thing we need to be doing now.

I am baffled that we don't know why the President is not leading more. He is not talking directly to the American people about why this is important. Is it just a political squabble to be ignored, with the President going to Rio and talking about Libya? Or is it true, as Mr. Bernanke says, we are on an unsustainable path? Or is it true that Mr. Erskine Bowles, the President's own director of the fiscal commission, says that we are facing the most predictable economic crisis in this country's history, and he said it could happen within 2 years? Are we making this up?

The American people get it. They say, What is going on in Washington? You have to get your house in order. That is what this past election was about. People understand we need some action and some leadership, but we are not getting it. I truly believe if we could get together and if we could get a bipartisan effort to look at this $61 billion—we could disagree on how to reduce that spending; maybe the Republicans have this idea and the Democrats have this idea—let's work all of that out. But let's reach an agreement that actually reduces spending by enough to make a difference. Then the world would say, Wow, now the Congress is beginning to take some steps. That was a nice, good, strong first step. Now if they will stay on that path, maybe the United States is going to get on the road to prosperity again and stay out of this dangerous debt crisis area we are in today and get on the right path to prosperity. This country is ready to grow. It is ready to rebound. It just needs a clear signal from Washington, in my opinion.

America's leaders, those of us in this Congress, have no higher duty, no greater moral responsibility, than to take all appropriate steps to protect the good people we serve from the clear and present danger we face.

It is time to get busy about it, Madam President. I believe if we act strongly and with clarity the American people will not only support it but they will be happy with it, and it will make a positive difference for our country.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

REPEAL OF 1099

Mr. MENENDEZ. Mr. President, later, as we move to the bill on small business, I will be offering, I hope, a second-degree amendment to the amendment offered by Senator JOHANNS, and I speak today on behalf of middle-class families and on behalf of small businesses.

I wish to start by saying that I fully support—as I have already done in a series of votes—repealing the 1099 reporting requirement, but I strongly believe we have to do so in a manner that does not—does not—increase the burden on our small businesses and employees. The amendment of Senator JOHANNS certainly helps only small businesses through the repeal of the 1099 provision, but—and this is less well-known—I believe it actually hurts small business employees. It is a double-edged sword. The Johanns amendment risks driving up health insurance costs and cutting health insurance coverage for small businesses.

As you know, the affordable care act provides tax credits to families who earn under $74,000 per year to help them purchase health insurance. Those tax credits are set at the start of the year. At tax time, when families actually report their annual income, the tax credits are reconciled with their annual household income to ensure they receive the correct amount of assistance. But because income and other family circumstances can change during the course of a year, individuals might end up getting excess tax credits even though the amount of the payment was correct at the time.

For example, a family with an unemployed worker who secures a job at a small business midway through the year—and, hopefully, can do so, as we continue to work on this economy to have it grow—has rightfully received a tax credit while unemployed but could face a stiff tax hike to repay the amount of the subsidy because the family's annual income ends up higher for the second half of the year. This family received the correct amount and did nothing wrong. Let me say that again. These individuals did nothing wrong. While unemployed, these individuals needed those tax credits to be able to get health insurance. That is why we passed this reform, to help those very same middle-class working families in need.

Now, under current law, we provide a reasonable repayment requirement if the tax credit an individual receives exceeds the amount they should have received because of unexpected changes in income or family status. We don't give them a pass, but we don't expect all families with an annual income of $70,000 to have $10,000 in savings to pay the surprise tax bill they will get in April, either. So we set caps on what they would have to pay back depending on what they earn. The Johanns amendment makes harmful changes to these repayments for middle-class families. Under the Johanns amendment, some families could have to pay back as much as $12,000 in some cases, and that is too high a price. We shouldn't ask small business employees to take that much of a hit. They are the ones who are going to the exchanges to purchase coverage. They are the ones working for the mom-and-pop shop that doesn't offer coverage.

My amendment isn't about these families alone, however, as difficult a situation as they may be in. This amendment is about what the Johanns offset could do to health care costs and coverage for small businesses and for those who make their living from small businesses. This risky offset could drive up premiums and force more individuals to refuse coverage. We are not talking about paying back tax credits; we are talking about driving up the costs on families and small businesses, many who have never even taken a tax credit to begin with.

My amendment would simply direct the Secretary of Health and Human Services to decide the offset in the Johanns amendment and determine its effect on small business. What is so wrong about that—determining its effect on small business? We are trying to help small businesses by eliminating the 1099 provision. Let's make sure we continue to help them and not put extra costs on them. Specifically, we want to determine whether there is an increase in health insurance costs or a decrease in health coverage for small businesses. If the study finds either, then current safe harbor provisions would remain in effect—the same safe harbors we supported in the SGR bill, or the doc fix, in December.

Passing 1099 would not be affected. That would move forward. So the claim that somehow, ultimately, 1099 wouldn't be eliminated is false. The 1099 would not be affected. That would move forward. We would eliminate that responsibility from small businesses. So you can be both for my amendment and the Johanns amendment because it would still repeal 1099.

Let me make it clear. We all want 1099 repealed, and I have voted in a series of ways to do exactly that. My amendment does not in any way affect or delay the repeal of 1099. The only potential change my amendment makes would be to the risky offset in the underlying amendment and only if this study finds that it actually hurts small businesses.

My colleagues on the other side of the aisle have come to the floor arguing that a study would simply delay repeal of 1099; that further studying this risky offset would prolong the 1099 issue; that if we just passed the amendment without protecting small businesses, this bill can go right to the President. Well, we have actually passed 1099 repeal already and shown we have the votes necessary to make this become law. It is not going to the President to become law in this bill because this bill hasn't even cleared the House.

At the same time, I have heard no mention of what this offset could do to small businesses and their health care costs—not one word. I did hear that further studying the impacts it may have on small businesses would only delay repeal of 1099. A simple read of my amendment would be enough to know that is incorrect. My amendment directs a study to be done after—after—repeal of 1099 is signed into law. Let me make it clear. Nothing in my amendment slows down repeal of 1099.

My colleagues on the other side of the aisle are also trying to frame this debate as either you are for or against small businesses. But they are helping and harming them at the same time with the Johanns amendment. With this second-degree amendment, we can have a conversation about helping small businesses and ensuring that small business employees will not get hurt at the end of the day.

Now, we haven't had the Joint Tax Committee determine a revenue score as yet, but it is important to point out that this amendment does not spend—does not spend—an additional dime. It simply protects small businesses from higher health care costs and coverage cuts.

If there is any revenue score associated with it, that would only be due to the study finding that this offset drives up health care costs or drives down health coverage for small businesses. Would we not want to know that?

We are all here supposedly arguing to try to enhance the opportunity for small businesses to have less burdens, to be able to grow, to be able to prosper, to be able to create jobs. Well, we certainly would want to know—we certainly would want to know whether this offset drives up health care costs associated with small businesses or drives down the health care coverage for small businesses.

Why is anyone afraid of that? Why is anyone fearful of that? So to those who may consider opposing my amendment, think of this: On the one hand, if you do not believe this offset will hurt small businesses, there is no harm in voting for it because you believe the study will not show premium increases or coverage cuts. So the offset would remain in place. If you believe my amendment would have a revenue score, then you are assuming the offset hurts small businesses. It is one way or the other, not a gray area.

The idea of protecting small businesses in this manner has precedent. I have a history working across the aisle to support small businesses, including cosponsoring a Republican amendment to the Wall Street reform bill which requires regulators to ensure new rules do not harm small businesses. We thought it was a good idea then to protect small businesses in the event new rules might unfairly impact them. I strongly believe we should come together now to protect small businesses if this risky offset drives up health care costs on small businesses or forces cuts in their coverage.

I would just simply ask, who in the world, especially during these fragile economic times, would want to do anything that could raise costs on small businesses? Let's protect them and the 1099 repeal by supporting my second-degree amendment.

Now, I listened to my colleague from Nebraska with whom I have worked on some bipartisan efforts on housing for the disabled. We get along very well. I respect him, and actually I supported 1099 repeal as one of the 20 Democrats who voted for his amendment in November and other issues such as housing for the disabled. So it is with some regret that we find ourselves in a different view.

There have been questions raised about the sincerity of our opposition to the manner in which the offset is included in the Senator's amendment. The Senator from Nebraska says an almost identical offset was passed unanimously by the Senate just 4 months ago. I think our definitions of ''almost identical'' are very different.

Yes, it is true we made changes in the payback tax to pay for the doc fix in December, but that provision was very different from the one we are debating today. The one today, unlike before, removes protections we included in December in the doc fix to protect families from unlimited tax liability which could be as high as $12,000. I mean, you are talking about taxing these families, through no fault of their own. What family of three making $74,000 annually, gross, can afford an unexpected $12,000 tax bill in April? I cannot think of many. But that is exactly what could happen under the Senator's amendment.

That was not the case—not the case—in the provision that was enacted at the end of last year in the doc fix. We provided a phaseout that would have avoided this clip and thus tax shock on middle-class families.

The Senator from Nebraska also said my second-degree amendment was just a delay tactic. That simply is not true. I and 80 of my colleagues have already passed 1099 repeal in the Senate this year. So to question our support for 1099 repeal would be misleading.

My understanding is that the Johanns proposal is an amendment to the small business bill we are debating, which has not passed the House. So this amendment we are debating today would not go directly to the President for his signature. It still needs to go through the whole process of the House. We are not delaying anything in that regard.

Finally, the only way there would be any revenue shortfall—I say to those who would make the assertion that our amendment creates a revenue shortfall, well, then, what you have to be saying, if you make that statement, is you believe the savings from the Johanns offset comes from increasing premiums and reducing coverage on those who earn it through making our Nation's small businesses run. That is not a proposition I think they want to assert.

So I will come back to the floor later to offer this second-degree amendment. And because it works to both repeal 1099 and ensure there is not a tax on our small businesses and small business employees or a diminution of health care coverage, I am sure we will get the support of our colleagues.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

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

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, could I ask the Chair—I know we are discussing the bill. But do we have a time constraint? I understand that at 12 o'clock there may be some additional commentary.

The PRESIDING OFFICER. There is no formal time constraints at this time.

Ms. LANDRIEU. Let me try to recap for just a moment because it is my understanding there may be some colleagues coming down to the Senate floor around 12 o'clock to pay tribute to an extraordinary woman and extraordinary American, Geraldine Ferraro, whom we lost this week. I most certainly want to be respectful to the Members who are coming to the floor to pay tribute to our former colleague and an extraordinary leader. But let me remind colleagues we are still trying to get to this bill, an important bill for the country, an important bill to help put this recession in our rearview mirror, an important bill that gives us yet one more very carefully crafted tool to help create jobs on Main Street, in rural areas, in suburban areas, and in urban areas all across this country; that is, the 8-year reauthorization of the Small Business Innovation and Research Program and Small Business Technology Transfer Program.

This program is approximately 20 years old, first passed by Senator Warren Rudman, when a report found its way to Congress that said, alarmingly, agencies of the Federal Government, whether it was the Department of Defense or NASA or NIH, were not accessing the power and the technology of the small business community; that when they went out to do research they were just looking at research offered by either just universities and we are very proud of the work that our universities do, but they were looking at large businesses. What did GE have to offer? What did IBM have to offer?

It occurred to many Members of Congress at that time that there was a tremendous amount of brain power and agility and quickness and cutting-edge, innovative technologies resting in the minds and hearts and dreams of entrepreneurs and small businesses in America the taxpayers were not benefiting from.

As you can imagine, people might think of all this technology coming out of New York or California. They might skip over a place such as Montana where the Presiding Officer is from or Louisiana where this Senator is from. So there were some very wise Members who said: Let's create a program that will direct at least a portion of the research and development funding of these large agencies so small businesses can compete.

Now, these are grants not given out by formula or on a first-come/first-served basis. These grants and contracts are given out based on merit, about what looks promising, about potential, and about what the taxpayers need in terms of dealing with problems.

One thing that comes immediately to mind is the terrible tragedy unfolding in Japan as we speak with the potential meltdown, the process of a nuclear reactor melting down. Some of the technology being deployed to that situation, which is technology developed in the field of robotics, was developed, a portion of it, through this SBIR Program. So that makes very relevant the debate that we are having on the floor today.

When people go home and now are turning on their televisions or listening to their radios or over the Internet following those unfolding dramatic developments in Japan, they know that one of the companies that has been deployed and some of the material from the United States actually was developed through this program. So that is just one of a thousand examples that Senator SNOWE and I have provided in terms of testimony before the Small Business Committee to the CONGRESSIONAL RECORD, and in our numerous speeches on the floor to talk about the importance of this program.

I would like, as the manager of this bill—I am not sure it is going to be possible, but I would most certainly like to have this bill voted on and passed by the end of this week. I am not sure the leadership has decided that is something that is possible. But I would like to send a strong bill over to the House—hopefully, a bill that does not have amendments on it that would warrant a Presidential threat of a veto—and get this bill passed through the House and then passed on to the President so he can sign it and send a very positive signal for his agenda and all of our agendas for innovation—having America be the best educated, the best competitors in the world in terms of the economy, and giving our small businesses yet another tool.

We have worked on reducing the abuses in the credit card industry. We have worked on capital access through a new lending program. We have reduced fees, reduced taxes to the tune of $12 billion to our small businesses throughout the country in the last Congress. We want to continue to work on lowering taxes where we can, eliminating regulations and supporting programs like this that work.

Let's eliminate or modify those programs that are not working, and let's step up our support and reauthorize the programs that are. The assessments done and the reviews of this program by the independent researchers have been very positive across the board and outstanding.

Senator SNOWE and I have taken into consideration those many reports in the drafting of this bill and made some changes to the program so that as it moves forward for the 8 years it will even be better.

One of my key goals and objectives is to make sure States such as Louisiana or Mississippi or Montana or Wyoming, States that have not previously been awarded many of these grants, know we have stepped up some technical assistance and help so we can find the best technology in this country to apply to some of our most pressing problems, regardless of whether they are in the big cities and big places such as New York, Los Angeles, CA. But we need our entrepreneurs around the country to benefit by a program that they have access to as well.

So I am pleased that we can get back on the small business innovation and research bill and small business technology transfer bill. Senator SNOWE and I will be coming to the floor periodically during the day to continue to move this bill along.

I see my colleague, the Senator from Maryland, who is scheduled to speak in just a few minutes. So at this time I will yield the floor. Again, I hope, and I thank our colleagues for their cooperative nature that they have been working in in terms of trying to get our bill passed that will be so important to so many people in all of our States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

REMEMBERING GERALDINE FERRARO

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for 5 minutes each on the subject of Geraldine Ferraro: Senators BOXER, HUTCHISON, STABENOW, SHAHEEN, SNOWE.

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

Ms. MIKULSKI. We come to the floor with a heavy heart and great sadness. Geraldine Ferraro, a former Member of the House of Representatives, a Congresswoman from New York who was the first woman to be nominated by a major party for Vice President, has lost her gallant and persistent fight against cancer and has passed away.

I thank the leadership for offering the resolution noting the many contributions she made to America and to express condolences to her family.

For we women, before 1960, Gerry was a force of nature, a powerhouse. She changed American politics. She changed the way women thought of themselves and what we believed we could accomplish.

On July 11, 1984, when Walter Mondale called Gerry Ferraro and asked her to be his Vice Presidential running mate, an amazing thing happened. They took down the ''men only'' sign on the White House. For Gerry and all American women, there was no turning back, only going forward.

America knows Gerry as a political phenomenon. I knew her as a dear friend and colleague. We served in the House together in the late 1970s. She left in 1984 to run for Vice President, and I left in 1986 to run for the Senate. We were among the early-bird women in the House of Representatives. And as early birds, we were not afraid to ruffle some feathers. We had some good times and passed some good legislation. It must be historically noted that when Gerry came to the House in 1979, only 16 women were there. In 1984, when she left, we had moved to 23. But in 2011, on the day of her death, 74 women now serve in the House, 50 Democrats, 24 Republicans, and 26 of those women are women of color.

In the Congress, Gerry was a fighter. She was a fighter for New York. She fought for transit, for tunnels. She loved earmarks, earmarks that would help move her community forward. She also fought for the little guy and gal. She was known for her attention to constituent services—the senior getting a Social Security check, the vet who needed his disability benefits, the kid from a blue-collar neighborhood like herself who wanted to go to college. And she fought for women. She fought for our status and she gave us a new stature.

When the campaign was over, she continued for all of her life to be a source of inspiration and empowerment for women. In those early days of the second wave of the American women's movement, the movement defined women on what we did not have, what we did not have access to. What was it we didn't have? Equal pay for equal work. It is hard to believe we were not included in research protocols at NIH. And when it came to having access to credit, we could not get a loan or a mortgage in our own name in many circumstances. We needed a husband, a father, or a brother to sign for it. But when Gerry was chosen for Vice President, she showed us what we could be, what modern women in America had become. Women felt if we could go for the White House, we could go for anything. Gerry inspired.

On the night of July 19, 1984, in San Francisco at the Mosconi Center, Gerry gave her acceptance speech. She became the first woman to be nominated for Vice President for a major party. What a night. I was there—the thrill, the excitement in the room, the turbo energy that was there: 10,000 people jammed the Mosconi Center. Guy delegates gave their tickets away to alternates, to their daughters, to people who worked and helped out. They wanted to be there. People brought their children. They carried them. They put them on their shoulders to see what was about to occur.

When Gerry Ferraro walked on that stage, she electrified all of us. The convention gave her a 10-minute standing and resounding ovation. We couldn't sit down because we knew a barrier had been broken. And for the rest, as she history, there would be more on the way.

The campaign was hard fought. She traveled over 55,000 miles, visited 85 cities, campaigned her heart out. But it was not meant to be. The ticket lost to Reagan-Bush. But though she lost the election, she did not lose her way. Gerry never gave up and never gave in. Her storied career continued: a teacher at Harvard, a U.N. Ambassador on human rights, always teaching, always inspiring, always empowering thousands of women here and around the world.

Then in 1998, she was diagnosed with blood cancer. Once again, she was determined not to give up and not to give in. She began the greatest campaign of her life. She began the campaign for her own life. She fought her cancer. She not only fought her cancer, she also fought for cancer victims. She forged a relationship with Senator KAY BAILEY HUTCHISON as well as my friendship. Senator KAY BAILEY HUTCHISON will tell the story herself. Her brother Allan Bailey suffered from the same disease as Gerry. They met through an advocacy group on multiple myeloma. Allan Bailey and Gerry Ferraro joined hands and joined together and KAY BAILEY HUTCHISON and I did, and we introduced the Gerry Ferraro Research Investment and Education Act. I wanted it to be Ferraro-Bailey, but Allan graciously said, Gerry is a marquis name. She will attract a lot of attention, and we can get more money for research and more interest in this dreaded disease.

That legislation passed. It showed sometimes when we come together out of common adversity, we find common cause and we get things done. That bill passed, and it is changing lives.

Gerry did various clinical trials. Often we talked. This is what she said to me during the last few weeks. She said: I am glad I could be in those clinical trials. In many ways they helped me live. But we also knew the research would provide lessons so that others could live. Once again, her mantra was: Never give up, never give in. She had toughness, persistence, tenacity, and unfailing optimism in the face of adversity.

I believe it came from her own compelling and often riveting story. It was that personal story that brought us together. We were both from European ethnic backgrounds: She Italian, my proud Polish heritage. We grew up in neighborhoods that were urban villages. Her father owned a small neighborhood dime store. My father owned a grocery store, and they were very much involved with their customers and community. We had strong mothers who wanted to make sure we had good educations. When Gerry's dad died, Gerry's mother took a job in the garment industry. She sewed little beads on wedding dresses to make sure her brother and Gerry had an education. Gerry did have that education. She went to Marymount. She became a scholarship girl because she was so smart and had so much talent. She felt it was the nuns who played such a big part in her life. They coached her to be smart, and they coached her to be a great debater. They taught her about her faith. For her, her faith was about the beatitudes, especially the one that said: Hunger and thirst after justice.

The other day when Gerry and I were talking, she reminded me that not only did she go to Marymount, but so did Lady Gaga. She said: I am just sorry I can't live to go to more alumni associations.

Then there was John, her beloved husband, a love story for the ages. I was there at the church over a year ago when they renewed their vows for their 50th anniversary. Their vows were not just for a day or for a year or a decade. They believed their vows were for an eternity. Gerry loved her husband, and she loved her children Donna, John, and Laura. She was so proud of them—one a doctor, one an accomplished businessman, another a TV producer and also worked on Wall Street. And the grandchildren, there were always the pictures and the stories of their many storied accomplishments.

Gerry Ferraro loved her family. She loved her extended family. That went to her friends and her community. She loved America. Because she believed, as she said to me: Only in America, Barbara, could somebody who started out in a regular neighborhood, whose father passed away, leaving a mother who taught her grit and determination, go on to run for the Vice Presidency of the United States, to be an Ambassador for human rights, and to make a difference in the lives of her family and her community.

Gerry, we will miss you, but your legacy will live forever.

Mr. President, I now turn to the Senator from California, BARBARA BOXER, and then to Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am so proud to be here with my colleagues Senator MIKULSKI and KAY BAILEY HUTCHISON because of a woman who brought us all together despite any differences we might have, Geraldine Ferraro. I rise to pay tribute to Gerry.

I thank Senator MIKULSKI. Her remarks touched on every single point that needs to be made about our friend. Gerry was a trailblazer. We all remember the first female Vice Presidential nominee of a major party, the first in U.S. history. She cracked open that glass ceiling for women seeking higher office. It was a long time ago.

I just looked at an Associated Press photo of when Gerry arrived in San Francisco to prepare for her speech at the convention. I was there waiting for her to arrive—a much younger version of myself, I might say. I don't remember what I said or did, but this picture tells a story. We know the old saying: A picture says a thousand words. This one says a million words. I have never

seen anyone as excited as I appear to be and was in this picture. Arms open wide, body language, just incredulous that we had reached this milestone, all the while knowing what a tough, tough time it would be for Gerry, as it is for many women, whether they run for the Senate or for Governor or for Vice President. It is a tough road still, especially all these many years ago, more than 20 years.

Gerry was given a very hard time by the press. Gerry was given a very hard time by her opponent. She proved without question that women can stand up to the grilling. Women can stand up to the pressure. Women can go toe to toe with anybody. I often say women are equal. We are not better or worse. We are equal. Gerry proved it. When her campaign took a tough turn and a lot of others would have tried to contain the problem, she stood there in front of the press and said: Here I am. You ask me anything you want, and I will stay here hour after hour. They knew she meant it. She would have stayed there for days because that was Gerry. She was open-hearted. She was straight from the shoulder. She always said what was on her mind, and she did it in a way that was also very appealing because you knew this was a woman who was willing to look you in the eye and not give you any song and dance. It was what it was. And for that she will be missed as a friend, as a colleague.

It is difficult today to imagine what it was like then. Now we see our women figures here in the Senate and in the President's Cabinet and in the Republican and Democratic Parties making a run for President and Vice President. It is hard to imagine today that women were not actively engaged in the highest of offices. Frankly, that is Geraldine Ferraro's abiding legacy because, as Senator MIKULSKI so eloquently stated, she did not win that race—it was a tough race; it was a very tough race—but she proved a woman could do this.

When Gerry spoke about change, she felt in her heart the history-making moment. I remember her in a white suit, as if it were yesterday. In those years, TV people always said: Don't wear white. Gerry wore white.

Ms. MIKULSKI. She was beautiful.

Mrs. BOXER. She was magnificent. And that smile and her togetherness—at that moment in history, when not only was the whole country watching, the whole world was watching—it was an electric moment. I want to read what she said that night. She said:

> By choosing a woman to run for our nation's second highest office, you sent a powerful signal to all Americans. There are no doors we cannot unlock. We will place no limits on [our] achievements.
>
> If we can do this, we can do anything.

And those words resonated not just with people who were interested in politics but with women who were in the corporate world; women who were going to law school—just a few in those years, now so many more; women who just dreamed of going into health care, not as a nurse, although some chose that—and some men do as well—but as physicians. This was something I truly believe changed.

Mr. President, I ask unanimous consent for 5 additional minutes, and then turn it over to Senator HUTCHISON.

The PRESIDING OFFICER. Without objection, it is so ordered. It is going to run us way past the recess time.

Mrs. BOXER. Well, Mr. President, there was only one Gerry Ferraro, so I would go 5 minutes and turn it over to Senator HUTCHISON for as long as she would want.

After graduation from college, Gerry got a job as a second grade teacher at a public school in Queens. She applied to Fordham Law School. That is the law school my husband went to. She was accepted into the night program, despite a warning—listen to this—from an admissions officer that she might be taking a man's place. She got into law school. She was one of 2 women in a class of 179. Imagine, they said to her: You will be taking a man's place in law school. She persevered—one of just 2 women out of 179 students graduating in 1960.

Yes, she raised her family. She adored her family. There was not a second that went by without her saying to one of us, anywhere in earshot: I have to tell you about Laura, I have to tell you about John, I have to tell you about what my kids are doing.

Did my colleague want to ask a question?

Mr. DURBIN. I ask if the Senator from California will yield for a brief statement.

Mrs. BOXER. As long as it will not interrupt my statement.

Mr. DURBIN. I will have a longer statement for the RECORD because I know Senator HUTCHISON is waiting, but I want to make one or two comments about Geraldine Ferraro.

Mrs. BOXER. Yes.

Mr. DURBIN. First, my image of Geraldine Ferraro is this young Congresswoman from California, with her arms outstretched, as you raced toward one another in an iconic photograph of the two of you after she won the Vice Presidential nomination. I will remember you and her in that context forever. Second, it was my honor to serve with her in the House and to count her as a friend. Third, in this long, long battle she had, this medical battle, she never failed to remind all of us that she was indeed one of the fortunate ones who had the resources to be able to fight the battle, where many people did not.

I am going to miss Geraldine Ferraro. She was a great American.

Mrs. BOXER. I am very glad the Senator made that statement, and I appreciate it very much.

When Gerry worked as an assistant district attorney, she formed a Special Victims Bureau. She investigated rape, child and women abuse, and abuse against the elderly at a time when no one was talking about it.

She was elected to Congress. Senator MIKULSKI has gone into that, the work on the Economic Equity Act. I was proud to work with both Senator MIKULSKI and Gerry Ferraro on that and Senator SNOWE and others.

I remember Senator MIKULSKI, OLYMPIA SNOWE, Gerry Ferraro, and myself—we worked to open the House gym to women. It was a battle. We had to resort to singing and everything else. We finally got into the House gym. We said, yes, women need to work out too. That is the way it was then. We only had 24 women in the House and Senate. Now we have 88 of us.

I will skip over her time as a broadcaster and all the things she did that Senator MIKULSKI talked about—her work in women's rights—but I wish to conclude with her brave spirit as she faced multiple myeloma, the bone cancer that ultimately took her life. I wish to do it in this context.

I have a good friend now, whose name is Robin, and her mother is battling the same kind of cancer Gerry was battling. As we know, Gerry was given 4 or 5 years and went on, thank God, for much longer.

This woman lives far away from her daughter Robin. When Gerry passed, she called her daughter and said: I need to see you. Will you come out and stay with me, as I battle this cancer?

Robin said: Well, what is it, mom? You are doing great.

She said: We just lost Gerry, and she was the one who kept my heart and soul together and my spirits up, and I knew she was there battling. Now that I have lost her, I don't know, I feel a hole, I am empty.

That is just the most eloquent thing I could say about Gerry. This woman never met Geraldine Ferraro in person, but Gerry had that way about her that she could reach you as if she was touching you. It is a tremendous loss, first and foremost for the family, whom she adored beyond words, and, secondly, for all the rest of us who just need someone like that out there standing up and being brave and telling it like it is and never giving up.

Mr. President, I am so honored I could be here with my colleagues, and I am proud to yield to Senator HUTCHISON for as much time as she needs.

Ms. MIKULSKI. Mr. President, I say to Senator HUTCHISON, the time is allocated as 5 minutes, but I know you want to speak and were a very dear friend. Please proceed.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank Senator MIKULSKI and Senator BOXER.

Mr. President, I do want to talk about this remarkable woman because I think, as has been mentioned before, her loss is being felt throughout America for many different reasons. She was a trailblazer, and she was one of the great female role models of her generation.

I wrote a book in 2004 called ''American Heroines: The Spirited Women

Who Shaped Our Country.'' It was to profile the women who were the earliest trailblazers in different fields—education, sports, politics, journalism. Then I interviewed contemporary women who were still breaking barriers in those fields.

In the public service chapter, I profiled Margaret Chase Smith because she was the longest serving woman elected to the Senate in her own right at the time and she was a true trailblazer. I then interviewed Sandra Day O'Connor, our first woman Supreme Court Justice, and Geraldine Ferraro, our first woman nominee for Vice President of a major party.

I asked Gerry Ferraro in my interview with her: What was your most important trait for success?

And she said:

I think the ability to work hard and, if something doesn't work, to learn from the mistake and move on. That's what's happened with my own life. It goes to the personal side from watching my mother, who moved on after becoming a widow with two kids to support. She was thirty-nine years old. . . . Then I watched her move on and do whatever was necessary to get the job of educating her children done. I'm exactly the same way. I'll do whatever is necessary to get the job done, whatever it is. And then if I do something that doesn't work, then I go to the next goal.

I asked her what was her biggest obstacle. She almost laughed. She said:

I'm sixty-eight. The obstacles in my life have changed with time. An obstacle when I was a kid was being in a boarding school away from my mother because my father had died. I had no choice. It wasn't like the boarding schools or the prep schools of today. I was in a semicloistered convent. It was lonely, and I had to work hard. I wanted to go to college, but we didn't have the money for college, so I knew I had to get top marks in order to get scholarships. That was my obstacle then.

Money was always an obstacle when I was a kid. I taught when I went to law school at night, because I couldn't afford to go during the day. When I applied [for law school], they would say things like, ''Gerry, are you serious, because you're taking a man's place,'' you know. . . .

And then [after getting out of law school]—

As was mentioned earlier, she was one of only two women in her class—

I was faced with the challenge of trying to find a job. I interviewed at five law firms. I was in the top ten percent of my class.

But she did not get a job offer. Well, I related to that because I graduated from law school, after her, in 1967, and law firms in Texas did not hire women then either. So I know how she felt as she went through obstacles and obstacles and obstacles. But she said: In the end, ''each thing was an obstacle that I had to get by'' at the time. But she didn't have too many obstacles because she just picked herself up and kept right on going. She truly was an inspiration and a trailblazer for women of our time.

Throughout her life as a public school teacher, as an assistant district attorney, as a Congresswoman, and as a candidate for Vice President, Gerry Ferraro fought for the causes that were important to her. When she learned she had multiple myeloma, a somewhat rare blood disease that is incurable, she drew upon that same fighting spirit. As she waged the battle with her own disease, Gerry stepped into the spotlight because she knew if she talked about it, with her high profile, she could bring help to others.

Her testimony before Congress was instrumental in the passage of a bill that Senator MIKULSKI, who is on the floor leading this effort today, and I cosponsored together in 2001 and 2002. Our legislation gave the research community the tools they need to discover what triggers these deadly blood diseases, to devise better treatments, and to work toward a cure. In our bill, BARBARA and I decided to name the Geraldine Ferraro Blood Cancer Education Program for Gerry Ferraro to raise awareness and spread the lifesaving information about myeloma, leukemia, and other forms of blood cancer. Gerry Ferraro was on the floor of the House when her bill—our bill—passed the House of Representatives on April 30, 2002. Her daughter was in the gallery with my staffer, and there was so much joy in her eyes and her demeanor.

But then Gerry Ferraro went about the business of fashioning the education program. She consulted with the doctors at Harvard, at Dana-Farber, with Dr. Ken Anderson, her doctor. She consulted with him because she wanted an interactive Web site because she knew that doctors all over the country were searching for information on the treatment of this disease because they were so unaware at the time of what you could do to help patients.

Well, this is personal to me because my brother Allan also has multiple myeloma, and I got involved in this because I watched him bravely fight like Gerry Ferraro was doing. And my brother is a great patient. He is tough like Gerry. He is fighting like Gerry. And he is doing really well. But we knew how hard it was because we watched Allan fight this disease and take many of the same drugs and have the same doctor consultations as Gerry. So Gerry and Allan knew each other and traded information, and the patients with these diseases do that. They reach out, they help each other because they know it is the person with the experience who knows how you feel when you just don't feel as though you can get up in the morning. People such as Kathy Giusti, who was also a good friend of Gerry Ferraro's, and Ken Anderson, they traded information, and it helped all of them to know they had that kind of support.

So she was an inspiration. Her dignity and grace in fighting multiple myeloma will be one of the trademarks in her life, along with the other great trailblazing she has done.

Just last month, the women of the Senate pulled together to return the encouragement. We knew Gerry was having a hard time, and we took a picture of the women of the Senate, we all signed it around the edges and we sent it to her, saying: Thanks for being our champion. Thanks for all you do for the women of our country.

Gerry was not just a champion for women running for public office, she was a champion for women to succeed in every field, in every sector. She took the first powerful swing at the glass ceiling. She will not be here to see the woman President who is sworn into office, who will finish the breaking of that glass ceiling. But we will all be standing on the shoulders of Gerry Ferraro, and certainly that first woman President will as well, because she took those first steps, such as so many of the early trailblazers in all the different sectors. The first ones don't see their success, but what they do by showing the dignity and the courage and the tenacity and the grace does prepare the way for the next generation or the next woman to move to the next level, and that is what Gerry Ferraro has done for all the women of our country.

I will always remember her friendship. I appreciate her leadership. We will all miss her on a personal level, but we will always remember in the bigger picture what she did for this country.

Thank you, Mr. President. I thank Senator MIKULSKI. I yield the floor.

Ms. MIKULSKI. Mr. President, I yield the floor to Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to join with my good friends and esteemed colleagues, Senator BARBARA MIKULSKI of Maryland and Senator BARBARA BOXER of California, as we honor a compatriot of ours from the House of Representatives, an electoral trailblazer, and political torchbearer—the incomparable and courageous, Geraldine Ferraro, who passed away last Saturday after a brave and resilient 12-year battle with cancer.

As this august body will hear many times over, Geraldine was a pioneering champion and a dynamic force for women and women's rights, a stalwart legislator and colleague of all three of ours in the U.S. House of Representatives, and always a dear friend through more than three decades. As America's first female Vice-Presidential nominee for a major party, Geraldine has forever secured a legendary position along the timeline of American political history, as Walter Mondale selected her as his running mate in the 1984 Presidential election.

(Ms. MIKULSKI assumed the Chair.)

While America was learning about Geraldine on the national stage, BARBARA MIKULSKI, BARBARA BOXER, and I knew her as a legislative, sister-in-arms, if you will, as all of us served together in the U.S. House of Representatives. Geraldine and I were members of the same House freshman class that began service in January 1979 that brought the total number of women in the 96th Congress in the House to 16.

And all four of us fought for myriad causes, most especially those affecting America's women. Looking back, I take enormous pride, as I know both Senators MIKULSKI and BOXER do, that we spoke as women first, not as Republicans or Democrats, that women's issues transcended partisan lines for us. The fact was, we just couldn't afford to draw partisan lines with women underrepresented in Congress. And that idea is what drove our agenda at the bipartisan Congressional Caucus for Women's Issues, which I cochaired for over 10 years in the House of Representatives and where Geraldine Ferarro was also at the vanguard in amplifying issues for literally generations of women.

Our adherence to working together—and to the ideal of principle over politics—became our foundation. We determined if we didn't act, who would? And we started to make a difference for women, and not a moment too soon. Indeed, there was indeed a time in America when our laws specifically worked against women, when economic equality pertained only to economic equality among men—not women, when our laws didn't reflect the changing, dual responsibilities of women who were increasingly working as well as caring for a family.

Well, we weren't going to accept the status quo any longer, and certainly Geraldine was not one to ever countenance the notion of ''that's just the way it is.'' To the contrary. We confronted these disparities for women head on and introduced a package of laws that opened the doors of economic opportunity for the women of America by revising laws and giving women the tools required to succeed. That package was the multifaceted Economic Equity Act. Among a litany of provisions, we called for a study of the government's pay practices, sought to ensure equal credit for women in business ventures, and battled with Geraldine Ferraro who led the effort to end pension award discrimination against women who were discovering upon their husband's death that, unbeknownst to them, they had been left with absolutely no pension benefits.

And in a group of women legislators that was not, shall we say, comprised of shrinking violets, no one gave greater voice to these issues, no one demonstrated more passion in their advocacy, and no one pressed for remedies to right these wrongs with more verve or skill than Geraldine Ferraro. She was a bulwark against injustice and a cherished champion for fairness in an America where women were increasing their roles in American life and their presence in the U.S. workplace and economy.

On a personal note, I can't help but think that part of our mutual bond was that we came from similar backgrounds. Our families immigrated to this great land—hers from Italy and mine from Greece. Our heritages spoke to the very best of our Nation's mosaic and the American dream where anything is possible and the only limits you have are those you place on yourself. Indeed, the New York Times mentions how Geraldine's mother crocheted beads on wedding dresses to send her to the best schools. My Aunt Mary worked the 11 p.m. to 7 a.m. night shift at a textile mill in Lewiston, ME, to earn money to ensure my cousins and I received a good education. Although Geraldine and I didn't agree on everything, we shared an unequivocal determination to make a lasting difference on issues for women and working families—an unerring focus that surmounted politics and party labels.

Not surprisingly, more than 30 years later, Geraldine's legacy lives on through the 74 women serving the other body today, as well as the 17 women currently serving in the Senate. How fitting it is that on the Monday after she passed away, my 16 Senate women colleagues and I submitted a resolution advocating for women's rights in North Africa and the Middle East. We have the moral high ground in that clarion call in no small part because of Geraldine's historic leadership and legacy.

In closing, I can't help but recall the great Lady Astor, who was the first woman to ever serve in the British House of Parliament. In fact, on the day she took her seat in that distinguished body, a Member of Parliament turned to her and said, ''Welcome to the most exclusive men's club in Europe.'' Demonstrating the kind of moxie and sense of obligation that were hallmarks of America's Geraldine Ferraro, Lady Astor responded ''it won't be exclusive for long.'' she said. ''When I came in, I left the door wide open!''

Geraldine Ferraro espoused and exemplified what Lady Astor so memorably articulated—that it is not enough to break old barriers and chart a new course, you have to ensure that others are able to traverse it as well. Geraldine spent a lifetime making certain that the path she helped pave was available and accessible to every woman with the courage and will to travel it. And so, today, it is a privilege for me to extol this remarkable woman whose indelible imprint upon the political and public policy arenas will be felt for generations to come.

At this most difficult of times, our thoughts and prayers remain with her husband of 50 years, John—as well as their children, Donna, John Jr., and Laura and Geraldine's grandchildren. May they be comforted by the knowledge that so many share in their profound sense of loss, as well as the memory of a trailblazing woman who, above all else, was an adoring and beloved mother and grandmother who leaves an indelible mark upon her family, as well as an entire Nation.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I know we are about to recess, but I wish to take a minute or two to add my voice to all the women in the Senate who have been here today and thank the Presiding Officer for her leadership for encouraging us to honor Geraldine Ferraro.

I remember being on the floor of the 1984 Democratic Convention when she gave her acceptance speech for the Vice President of the United States, and it was electric listening to her. It epitomized for me, and I am sure every woman there, the fact that women could do anything.

Geraldine Ferraro worked tirelessly on behalf of human rights and women's rights around the globe. She dedicated her public service to the ideals of respect and equality and she lived a career that called on all women to challenge the glass ceilings of the world. I think it is particularly important because just because one woman breaks the glass ceiling doesn't mean opportunities are open to every woman, and she understood that and continued to encourage all the ceilings across the world to be broken for women.

Gerry's life was a powerful example for all of us who are honoring her today and for our daughters and granddaughters. We thank her for leading the way. She will be missed.

Thank you. I yield the floor.

Mrs. FEINSTEIN. Madam President, I rise today to reflect on the life and legacy of Geraldine Ferraro who lost her heroic battle with cancer on Saturday.

Geraldine Ferraro was first elected to public office in 1978 to represent Queens in the U.S. House of Representatives.

As a member of the Public Works and Transportation Committee, she pushed to improve mass transit around La Guardia Airport.

Later, she would cosponsor the Economic Equity Act, which was intended to accomplish many of the aims of the never-ratified equal rights amendment.

In 1984, former Vice President and a distinguished Member of this body, Walter Mondale, chose Gerry to join him as his Vice Presidential running mate, the first woman to be placed on a national ticket.

I was privileged to serve as the mayor of San Francisco in 1984 where the Democratic Party held its convention that election year.

Twenty-seven years later, as I look back on that time, I realize what an important and historical moment her selection was to American politics.

I recall the emotion and enthusiasm of people—men and women—at the Moscone Center in San Francisco when Gerry took the podium.

Sixty-four years after women won the right to vote, Geraldine Ferraro represented a new beginning for our politics. It was an amazing feeling.

While the election didn't go the Democrats' way that year, Gerry's selection was a victory for a generation

of young women who saw that anything is possible and no position in government has a ''men only'' sign on the door.

As the first Vice Presidential nominee of a major party, she not only put a crack in the glass ceiling that year, she demonstrated the dedication and the competence of women in the political arena.

I didn't know her well, but I do know her experiences well.

I know how tough it was as a woman running for political office—only to find out everyone else was discussing the style of your outfit.

I know how tough it was to be one of the first elected officials to speak using phrases like, ''As a mother,'' or ''If I were pregnant . . .''

I know how tough it was as a woman debating men in political debates and then when it was over, debating a dozen reporters.

I know how tough it was as a woman who fought and won for change to live to see other women make a dozen other cracks in that glass ceiling.

But the same ideals Geraldine Ferraro fought for during her public life are the same ideals we fight for today.

It would be another 24 years after that night in San Francisco before another woman from a major party was nominated for Vice President.

And even though Hillary Rodham Clinton came close to being nominated in 2008 as the Democratic Presidential candidate, a woman has yet to occupy the Oval Office.

There are only 16 other women besides myself serving in the U.S. Senate. In the 435 Member House, just 71 are women. And just six States have women Governors.

Despite these statistics today, Geraldine Ferraro's career and example gave women across the country hope and heart.

At the time when Gerry Ferraro and I were in office, people had reservations about women in office. So the press pushed you further and further—just to see how smart you were or how you would react.

When I was mayor, I had to do more homework than my counterparts; I had to be prepared for every possible question—more questions and detail than my counterparts.

There was a judgment that women were not effective. But that judgment of effectiveness has changed.

It took some time, but women in office have shown we are capable of offering legislation, working to pass it, and being just as effective as our male counterparts.

Geraldine Ferraro gave it her all. She gave women everywhere an example of determination. She continued that drive when she supported other women in national office.

And she will continue to give us all hope and heart for decades to come in her place in history.

Ms. CANTWELL. Madam President, I rise today to honor the life, achievements, and legacy of Geraldine Anne Ferraro, who paved the way for aspiring women leaders and politicians across the Nation and the world to reach the highest positions of power.

Geraldine dedicated her life to defending women's and children's rights and helping the less fortunate, whether in public service, as an attorney, as a Congresswoman, or as Ambassador to the United Nations Commission on Human Rights. Her career was a turning point for women in politics, and an inspiration for women everywhere.

In the early 1950s, when women were not expected to attend college, Geraldine was already breaking through the ''glass ceiling.'' The daughter of Italian immigrants, she worked her way through college and in 1956 became the first woman in her family to receive a college degree. In 1960, she graduated with honors from law school, where she was one of only 2 women in her graduating class of 179 students. She became a strong advocate for abused women and for the poor while serving as assistant district attorney for Queens County, NY, where she headed a new bureau that prosecuted sex crimes, child abuse, and domestic violence.

Her passion to change America for the better took her all the way to the U.S. Congress, where she fought for equal pay, pensions, and retirement plans for women. She was also a leader on environmental issues. In 1984, she led passage of a Superfund renewal bill and called for improvements in the handling of environmental site cleanups.

Geraldine will be remembered not only as a pioneer for women's and children's rights but for human rights around the world. As the U.S. Ambassador to the United Nations Commission on Human Rights, Geraldine supported the Commission's decision to condemn anti-Semitism as a human rights violation. And in 1995, she led the U.S. delegation in the historic Fourth World Conference on Women in Beijing.

But what Geraldine will forever be remembered for is that she made possible what was previously unthinkable, that a woman could be a candidate for Vice President of the United States. When former Vice President and Presidential candidate Walter Mondale selected Geraldine Ferraro to be his running mate in 1984, she became the only Italian American to be a major-party national nominee as well as the first woman.

In 1984, Geraldine fought a tough race, venturing into unchartered territory and blazing a trail. Even though Geraldine lost that race, she went where no woman had ever been before, teaching us that ''when women run, women win.''

A tireless champion for women in the political arena, Geraldine helped women politicians gain a stronger voice and run for public office. It is because of Geraldine that women today, including myself, can go even farther than before. Generations of female politicians will forever stand on her shoulders.

Mr. DURBIN. Madam President, an incredible woman died this week after a long and hard-fought battle with cancer.

Geraldine Ferraro led a trailblazing life, constantly achieving and proving the naysayers wrong.

She was one of two women in her graduating class from Fordham law school, taking night classes after teaching all day.

She was an attorney in a male-dominated New York District Attorney's Office.

She was the first woman elected to the U.S. House of Representatives from New York's 9th District in Queens—a district that most people assumed would not elect her, not because she was a woman but because she was a Democrat.

If she had done nothing more, Gerry Ferraro would have earned her place in history.

But then, on July 11, 1984, just 64 years after American women won the right to vote, Geraldine Ferraro agreed to be Walter Mondale's running mate in his race for the White House—the first time in history that a woman had ever run on the Presidential ticket of a major political party.

''I didn't pause for a minute'' she later wrote.

It's hard for many people today, particularly young people, to understand what a revolutionary act it was for Geraldine Ferraro to agree to break that barrier. Less than 20 years earlier, want ads in American newspapers were still segregated into ''men's jobs'' and ''women's jobs''—and believe me, Vice President of the United States was not listed under ''women's work.''

As a result of Gerry Ferraro's courage, the doors of opportunity swung open for millions of women—not just in politics, but in every profession.

She said often that ''[c]ampaigns, even if you lose them, do serve a purpose . . . [the] days of discrimination are numbered.'' She was right.

For the last 12 years of her life, Gerry Ferraro fought a terrible blood cancer called myeloma. Once again, she was a pioneer, using a new drug which enabled her to live well beyond her physicians' initial estimate.

Each injection cost over $1,000 and she went to twice weekly treatments. She was always aware that she was fortunate to be able to afford those life-extending treatments. Even when times were the worst, Gerry Ferraro was an eloquent and energetic advocate for more funding for cancer research, and for help for the 50,000 Americans who are living with cancer and can't afford the treatments for their illness.

Gerry's mother taught her the first lessons about being a strong and independent woman.

When Geraldine was just 8 years old, her father died. She saw her widowed,

immigrant mother work long hours as a seamstress so that she could afford to send her children to good schools. She was living proof for Gerry that, with hard work, you can make a good life for your children in America. She never forgot what her mother did for her and kept her maiden name after she married as a sign of respect.

Gerry Ferraro was a true egalitarian. When she learned that because she was married she was paid less than male attorneys, she quit and ran for Congress. She fought for the equal rights amendment and cosponsored the Economic Equity Act to end pension inequality.

President Clinton appointed her to the United Nations Commission on Human Rights, and later the U.S. Ambassador to the United Nations Commission on Human Rights.

I had the opportunity to serve with Gerry in the House of Representatives in a very difficult time, and I am honored to have called her my friend. I offer my deepest condolences to her husband John, her children Donna, Laura and John Jr., and her eight grandchildren. Geraldine's passing is a deep loss for so many people, but her hard work and accomplishments will continue to live.

Mr. REID. Madam President, America's favorite people are pioneers. We are a nation that celebrates those who first touched the moon, discovered the technologies that changed the world, and fought for what is right before everyone else.

We believe in the brave and admire those who believe in their own dreams—those who pursue them fearlessly, who leave a trail for the rest of us to follow and a legacy to emulate.

This week, America honors a woman we will always remember for breaking one of the highest glass ceilings in history. For two centuries, in election after election, Americans went into voting booths and saw lots of Williams and Johns and Jameses on the ballot. Then, in 1984, they saw the name Geraldine.

As the first woman on a major Presidential ticket, Geraldine Ferraro continued America's proud pioneer tradition. It wasn't the first time she led the way. Congresswoman Ferraro worked her way through law school at a time when few women did so. When the people of Queens, NY, elected her to the House of Representatives she was 1 of only 16 women Members. There was only one at the time serving in the Senate. Today there are 76 women serving in the House—one of whom was the first woman Speaker of the House—and 17 in the Senate.

I served in the House of Representatives with Congresswoman Ferraro and am deeply saddened by her death. She was an inspiration to my daughter and nine granddaughters, and to all of us who believe in our Nation's eternal pursuit of equality. On behalf of the people of Nevada—a State settled, built, and strengthen by pioneers—I honor the memory of my friend, Geraldine Ferraro.

RECESS

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

Thereupon, at 12:42 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

FINANCIAL TROUBLES

Mr. NELSON of Florida. Mr. President, I wish to talk about our Nation's financial troubles. Over the years, I have supported a balanced budget amendment, spending caps, and spending cuts. Recently, we had a proposal to fund the government for the remainder of the fiscal year, and I voted against it because I felt we needed to do more than the amendment proposed.

The fact is, we need to do much more. I agree Congress should cut expenses. But taking whacks at only 12 percent of the budget—that part of the budget that is the so-called discretionary spending portion outside of Defense, that is not part of the mandatory spending, such as all the entitlement programs, and that is only 12 percent of the budget and includes funding for education and roads and bridges and medical research and NASA and environmental research—even if we whacked all that, it is still not going to solve the problem.

Cutting this domestic discretionary spending alone is barely a bandaid, let alone a real cure.

What we need is a comprehensive long-term package. For example, when American families fall on hard times, they just do not cut back on eating out or going to the movies. The American family is forced to make wholesale lifestyle sacrifices. Or take, for instance, when a company, a corporation, faces the threat of bankruptcy. They do not only cut salaries or stop buying office supplies, they go in and restructure entire delivery schemes and future investments.

In the same way, we just cannot focus on slicing what is the conversation that is going on down in the House of Representatives right now, slicing one small part of the budget, which is discretionary spending, because that is not going to reduce the annual deficit and get at the national debt. We have to do more.

Even if we cut huge swaths of discretionary spending, including the programs that help those who need it the most, our expenses for all the other programs in government, mandatory programs, are still growing exponentially. So everything has to be on the table.

Now, how in the world are we going to do this in the next few days? By the time the clock runs out on April 8, where we are faced with funding the government for the remaining 6 months of this fiscal year, how are we going to do it? What would it look like if our debt keeps growing?

Well, the Federal Government is going to have to start writing huge checks to our creditors. Who is a creditor? China is a creditor, and we are having to write for them huge checks on interest payments alone. We will not have anything left to pay for things that we promised to our people, and no one else will want to lend us any more money.

The money people have spent their lives paying in to Social Security may not come back to them unless we can solve this budgetary crisis. Bonds that have been bought and held for decades will go down in value if we cannot meet our debt obligations. Of course, if we do not get to the point that we can pay our debts, then the stock market could even have a worse crash than we had last time.

So if we do not address this pending debt crisis now, our children and grandchildren could be sorely affected by the financial condition of this country in the future.

Every economist we have listened to lately has said that we need to provide certainty to our creditors and to the markets. In other words, they need to know that we will get our debt under control before interest payments skyrocket and overwhelm our obligations. No one knows how long we have before our creditors get nervous and start to make it harder for the United States to borrow money. But they all agree we have to put into place a long-term plan instead of waiting to act until the crisis is upon us. The crisis is coming. It is coming on April 8. That is the first crisis.

Assuming that we can get through this and get the government funded for the remaining 6 months of the fiscal year—until the end of September—the next crisis that is coming is the debt ceiling—probably in early June—that has to be raised in order for the government to pay its obligations.

And then we are going to have to have a plan for next year's budget, the fiscal year that starts October 1, in order to get the votes to increase the debt ceiling. So between now and June, first in a couple of weeks, and then in a couple of months, we are going to have to devise a comprehensive plan.

I am going to support cuts across the board. I am going to support cuts in discretionary spending. But I also want

to see cuts in what we call tax expenditures, which are equivalent to spending, but are nothing more than outrageous tax breaks to big corporations that make billions of dollars in profits each year. For example, some of the royalty payments that are not being paid by oil companies for their privilege of extracting oil from Federal lands, particularly those lands in the bottom of the Gulf of Mexico. There are corporations that ship massive amounts of jobs overseas, and they get tax breaks for it.

There is also money made by U.S. citizens that is being held offshore in foreign accounts, which is not reported to the United States, and tax is not being paid on that income. So there is plenty of opportunity to tighten up.

Another place that we can tighten up is to implement the changes that we made in the health care bill that cut the fraud that plagues programs like Medicare and Medicaid. It is costing us billions and billions of dollars.

So there are tireless efforts that are being made by a lot of Senators right now trying to work together to draft a comprehensive plan. I came to the Senate to fight for my State and for our country, and if we continue to allow a debt crisis to happen when, in fact, we had the opportunity to avoid it, it is going to be far more reckless than casting a vote that is going to be disliked by some. I am ready to stand and have that fight. Yet we should not have to. We should, as the Good Book says, ''Come, let us reason together.'' Then we can find a comprehensive solution to this budgetary crisis.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized as in morning business.

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

LIBYA

Mr. MCCAIN. I would like to take time today to address the ongoing situation in Libya. Last night, the President made a strong defense of our military action in Libya. I welcome his remarks, and I appreciate that he explained why this intervention was both right and necessary, especially in light of the unprecedented democratic awakening that is now sweeping the broader Middle East.

There has been much criticism of the President's handling of the situation in Libya—some legitimate, some not. But the fact is, because we did act, the United States and our coalition partners averted a strategic and humanitarian disaster in Libya.

Even as we seek adjustments to U.S. policy where appropriate to ensure that we accomplish the U.S. goal as stated by the President of forcing Qadhafi to leave power, I believe the President's decision to intervene in Libya deserves strong bipartisan support in Congress and among all Americans.

It is worth remembering, especially for the critics of this intervention, exactly what we would be facing in Libya now had we not taken action. Just over 1 week ago, Qadhafi was bearing down on Benghazi, a city of 700,000 people, and the main seat of the Libyan opposition, as well as the provisional government that has now emerged.

Qadhafi pledged in his words: No mercy for these people. He pledged to go house to house, to crush everyone opposed to him. Had we not taken action in Libya, Benghazi would now be remembered in the same breath as Srebrenica, a scene of mass slaughter and a source of international shame.

Libyan refugees would now be streaming into Egypt and Tunisia destabilizing those critical countries during their already daunting political transitions. If we had allowed Qadhafi to slaughter Arabs and Muslims in Benghazi who were pleading for the U.S. military to rescue them, America's moral standing in the broader Middle East would have been devastated. Al-Qaida and other violent extremists would have exploited the resulting chaos and hopelessness. The forces of counterrevolution in the region would have gotten the message that the world would tolerate the violent oppression of peaceful demonstrations for universal rights. This would have been a dramatic setback for the Arab spring which represents the most consequential geopolitical opportunity in centuries.

That is why Libya matters and why we were right to intervene. Yes, there are many other places in the world where evil resides, where monsters brutalize civilians. The United States cannot and should not intervene in all of these places. But we were right to do so in Libya because of the unique position this country now occupies at a moment of historic change in the Middle East and North Africa. This does not mean we should take the same actions toward other countries in the region as we have toward Libya.

Each of these countries is different. Their challenges and situations are different. When governments, both friend and foe, use force and oppression to crush peaceful demands for universal rights, we need to be clear in our condemnation, and we need to support the aspirations of all people who seek greater freedom, justice, and economic opportunity.

But let's be clear. Qadhafi's brutal and vicious slaughter of fellow Arabs and Muslims has set Libya completely apart from other countries in the region, and it warranted the decisive military response we and our international partners have taken. While some believe the President should have sought a congressional authorization for the use of force, or even a formal declaration of war prior to taking military action in Libya, I think his actions were in keeping both with the constitutional powers of the President and with past practices, be it President Reagan's action in Grenada or President Clinton's action in the Balkans.

Had Congress taken even a few days to debate the use of force prior to acting in Libya, there would have been nothing left to save in Benghazi. That is why our Founders gave the President the power as Commander in Chief to respond swiftly and energetically to crises. What we need now is not a debate about the past; that can come later. Many of us who wanted a no-fly zone at the time still are convinced that this could have been over by now. But the fact is, it is in the past.

What we need is a forward-looking strategy to accomplish the U.S. goal—as articulated by the President—of forcing Qadhafi to leave power. We have prevented the worst outcome in Libya, but we have not yet secured our goal. As some of us predicted, U.S. and coalition airpower has decisively and quickly reversed the momentum of Qadhafi's forces, but now we need to refine U.S. strategy to achieve success as quickly as possible.

As every military strategist knows, the purpose of employing military force is to achieve policy goals. Our goal in Libya is that Qadhafi must go, and it is the right goal. But let's be honest with ourselves: We are indeed talking about regime change, whether the President wants to call it that or not. While I agree with the President that we should not send U.S. ground troops to Libya to remove Qadhafi from power, that is exactly what Libyan opposition forces are fighting to do. They are now on the outskirts of Qadhafi's hometown of Surt, and they appear to have no intention of stopping there.

Thus far, U.S. and coalition airpower has cleared a path for the opposition to advance. U.N. Security Council Resolution 1973 authorizes the use of ''all necessary measures'' to protect civilians in Libya. As long as Qadhafi remains in power, he will pose an increasing danger to the world, and civilians in Libya will not be safe.

Ultimately, we need to be straight with the American people and with ourselves. We are not neutral in the conflict in Libya. We want the opposition to succeed, and we want Qadhafi to leave power. These are just causes. And we must therefore provide the necessary and appropriate assistance to aid the opposition in their fight. That certainly means continuing to use air power to degrade Qadhafi's military forces in the field, and I am encouraged by the fact that we are now bringing in AC–130 and A–10 attack aircraft to provide more close-in air support.

This is the Libyan people's fight, but we need to continue to help make it a fairer fight, until Qadhafi is forced to leave power. I was very encouraged today to hear our ambassador to the United Nations suggest that the United States may provide arms to the opposition. We should also provide them, if requested and as appropriate, with resources, command and control technology, communications equipment, battlefield intelligence, and training. We need to take every responsible measure to help the Libyan opposition change the balance of power on the ground.

Yes, it has been documented that many eastern Libyans went to fight in Iraq, Many met their end there too. But Libyans are not rising up against Qadhafi now under the banner of al-Qaida. To the contrary, they have largely pledged their support to the Transitional National Council, which is based in Benghazi, and representative of tribes and communities across Libya. The leaders of this council are not unknown to us. They have met with senior administration officials, including the Secretary of State, as well as other world leaders. Their supporters are brave lawyers, students, and human rights advocates who just want to choose their own future free from Qadhafi. They have declared their vision for Libya as, quote, ''a constitutional democratic civil state based on the rule of law, respect for human rights and the guarantee of equal rights and opportunities for all its citizens.'' If these moderate, democratic forces do not succeed in Libya, we know exactly who would fill the void: the radicals and the ideologues. We have seen this movie before.

We cannot make the assumption that time is on our side. It is not. Perhaps Qadhafi's regime will crack tomorrow. I hope it will. But hope is not a strategy. If our strategy does not succeed in forcing Qadhafi to leave power sooner rather than later, we run the risk of a prolonged and bloody stalemate. That is not in America's interest or in the interest of the Libyan people. The risks are still too high of repeating a similar outcome from the first gulf war—where we had crushing sanctions and a no-fly zone in place, but still Saddam Hussein managed to hold onto power, threaten the world, and brutalize his own people for another 12 years. And only then, it took an armed invasion to remove him from power. That is not a definition of success in Libya. And it certainly is not a limited mission. It is a recipe for a costly and indefinite stalemate. We must avert that outcome.

Our mission in Libya is going well, but we have not yet accomplished our goal. I am extremely thankful and grateful for our many friends and allies, especially our Arab partners, who are contributing to this mission. However, none of this is a substitute for sustained U.S. leadership. If our goal in Libya is worth fighting for, and I believe it is, then the United States must remain strongly engaged to force Qadhafi to leave power. Nothing less is desirable or sustainable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

SBIR/STTR REAUTHORIZATION ACT OF 2011—Continued

Mr. WEBB. Mr. President, I was originally going to call up a pending amendment, No. 215, the Rockefeller amendment. I am informed that amendment is at present the subject of some negotiation and a consent package. I do wish to speak briefly today in support of the amendment filed by Senator ROCKEFELLER and on his behalf, since he is away from the Senate today attending the funeral of a close friend.

Like Senator MCCONNELL, I have expressed deep reservations about the consequences of unilateral regulation of greenhouse gases by the EPA. In my view, this will result in long and expensive regulatory processes that could lead to overly stringent and very costly controls on carbon dioxide and other greenhouse gas emissions. This regulatory framework is so broad and potentially far-reaching that it could eventually touch nearly every facet of this Nation's economy, putting unnecessary burdens on industry and driving many businesses overseas through policies that have been implemented purely at the discretion of the executive branch and absent a clearly stated intent of the Congress.

Our farms, factories, transportation systems, and power-generating capacity all would be subject to these new regulations. This unprecedented, sweeping authority over our economy at the hands of the EPA is at the heart of the concern expressed by Senator MCCONNELL, and ultimately, whichever way one ends up voting on his amendment, that common concern defines this debate.

It is not a new concern for me. When this administration declared in November of 2009 that the President would sign a politically binding agreement at the United Nations framework on climate change in Copenhagen, I strongly and publicly objected. I sent a letter to the President stating:

> Only specific legislation agreed upon in the Congress or a treaty ratified by the Senate could actually create such a commitment on behalf of our country.

I have also expressed on several occasions my belief that this administration appears to be erecting new regulatory barriers to the safe and legal mining of coal resources in Virginia and other States. My consistent message to the EPA is that good intentions do not in and of themselves equal clear and unambiguous guidance from Congress. We can see this in the approach the EPA has taken or attempted to take on the regulation of coal ash, on regulating industrial and commercial boilers, on approving new levels of ethanol into gasoline, and, most importantly, its overreach to regulate greenhouse gases from stationary sources. I have repeatedly raised these issues with the administration and my colleagues in the Senate.

In examining this issue, I have also reviewed carefully the Supreme Court's holding in Massachusetts v. EPA.

My opposition to the EPA's present regulatory scheme with respect to carbon dioxide or stationary sources stems in part from my reading of this case. I am not convinced the Clean Air Act was ever intended to regulate or to classify as a dangerous pollutant something as basic and ubiquitous as carbon dioxide. I say that as one of the few Members of this body who are engineers.

To quote one of the most influential Supreme Court Justices from the last century, Justice Cardozo:

> The legislation which has found expression in this code is not canalized within the banks that keep it from overflowing.

The case Justice Cardozo was commenting on dealt with a different issue but the constitutional precept still applies. Congress should never abdicate or transfer to others the essential legislative functions given to it and it alone by the Constitution.

The sweeping actions the EPA proposes to undertake clearly overflow the appropriate regulatory banks established by Congress, with the potential to affect every aspect of the American economy. Such action represents a significant overreach by the executive branch.

Notwithstanding these serious concerns with what I view as EPA's potentially unchecked regulation in a number of areas important to the economy, I do have concerns about the McConnell amendment for a number of reasons.

First, the McConnell resolution would jeopardize the progress this administration has made in forging a consensus on motor vehicle fuel economy and emission standards. The Obama administration has brokered an agreement to establish one national program for fuel economy and greenhouse gas standards. This agreement means that our beleaguered automotive industry will not face a patchwork quilt of varying State and Federal emission standards. Significantly, this agreement is directly in line with the holding in Massachusetts v. EPA which dealt with motor vehicle emissions. In fact, it dealt with new car motor vehicle emissions.

Both in the Clean Air Act and in subsequent legislation enacted by the Congress, there has been a far greater consensus on regulation of motor vehicle emissions than on stationary sources with respect to greenhouse gas emissions. It has been estimated that these new rules, which are to apply to vehicles of model years 2012 to 2016, would

save 1.8 billion barrels of oil and millions of dollars in consumer savings. That agreement, however, and the regulations that would effectuate it rest upon enforcement of the Clean Air Act, which would essentially be overturned by the McConnell amendment.

We have before us a different but equally effective mechanism to ensure that Congress and not unelected Federal officials can formulate our policies on climate change and on energy legislation. The Rockefeller amendment, which I have cosponsored, would suspend EPA's regulation of greenhouse gases from stationary sources for 2 years. This approach would give Congress the time it needs to address legitimate concerns with climate change and yet would not disrupt or reverse the progress made on motor vehicle fuel and emission standards.

The majority leader had previously assured me and Senator ROCKEFELLER of his commitment to bring the Rockefeller amendment to the floor. I very much appreciate his stated intention to do so. I hope we will have the opportunity to vote on this measure within the next day or so.

Finally, let me say that I share the hope of many Members of this body from both sides of the aisle that we can enact some form of energy legislation this year. I have consistently outlined key elements I would like to see in an energy package. I have introduced legislation, along with Senator ALEXANDER, to encourage different forms of energy legislation that would in and of themselves help produce a cleaner environment and more energy independence. We should all be exploring those types of mechanisms that will, at the same time, incentivize factory owners, manufacturers, and consumers to become more energy efficient and to fund research and development for technologies that will enable the safe and clean use of our country's vast fossil fuels and other resources.

The second thing I would say—just as a comment—since I was shown a letter earlier today from the Chamber of Commerce strongly suggesting the only viable alternative in this debate is the McConnell amendment, I ask unanimous consent to have printed in the RECORD a letter that was sent last September by the Chamber of Commerce and more than a dozen other business entities, associations in support of the Rockefeller amendment.

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

SEPTEMBER 14, 2010.

Hon. DANIEL INOUYE,
Chairman, Senate Appropriations Committee, U.S. Capitol, Washington, DC.

Hon. THAD COCHRAN,
Vice Chairman, Senate Appropriations Committee, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN INOUYE AND VICE CHAIRMAN COCHRAN: Unless Congress acts this Fall new Environmental Protection Agency (EPA) rules regulating greenhouse gas (GHG) emissions under the Clean Air Act will go into effect on January 2, 2011. The rules impose a significant burden across the U.S. economy, including the sectors that will create jobs and lead us in our economic recovery. It is Congress' prerogative to enact a national climate policy, not the EPA's. Fortunately, there are opportunities for Congress to exercise its prerogative prior to the end of the legislative session.

We urge your strong support for measures to temporarily restrict EPA's authority to implement the GHG rules affecting stationary sources, and to give Congress the time necessary to consider the appropriate regulatory approach for those sources.

According to EPA, as many as six million of America's industrial facilities, power plants, hospitals, agricultural and commercial establishments eventually will be subject to these rules, at a considerable cost and burden on jobs, state resources and the ability to move forward on a national climate policy. State implementing agencies have no guidance on issuing the required permits, the measures needed to comply are not known, and both state implementing agencies and covered commercial facilities will be left in a bind. There is the very real prospect that investments by businesses across the entire economy—the investments that will drive economic recovery and job creation—will be delayed, curtailed or, even worse, cancelled.

The appropriations process can ensure that the potentially damaging impacts of EPA's rules are postponed for a two or three year period pending Congressional action. Indeed, the approach would allow any restrictions on funding in a manner that still allows EPA's rules on motor vehicles to continue in effect unchanged. More importantly, the appropriations process provides Congress an important oversight and management tool that will inform the further development of a national climate policy. Other approaches, such as a codification of EPA's ''tailoring'' rule to ease the potential burden on smaller businesses have been suggested. Unfortunately, the vast majority of American businesses affected by the GHG rules will not be protected by a simple codification of EPA's rules.

Representatives Nick Rahall and Rick Boucher and Senator Jay Rockefeller have introduced legislation (the Stationary Source Regulations Delay Act, H.R. 4753 and S. 3072, respectively) to place a two year moratorium on the EPA's actions to regulate GHGs from stationary sources.

Senator Rockefeller has received a commitment from Majority Leader Harry Reid to hold a vote on his bill in September. We support the concept of a two-year postponement and urge your strong support as an appropriate legislative measure is developed and considered. Simply, a two-year moratorium will prevent the negative economic impacts anticipated from the EPA GHG rule.

In short, American businesses, investment, and jobs need your active support. We urge you to support efforts to postpone EPA regulation of GHG emissions from all stationary sources through targeted amendments to relevant appropriations measures or legislation based on the Rahall/Boucher or Rockefeller bills.

Sincerely,

American Chemistry Council, American Farm Bureau Federation, American Forest & Paper Association, American Frozen Food Institute, American Petroleum Institute, American Iron and Steel Institute, Ball Clay Producers Association, CropLife America, International Diatomite Producers Association, Industrial Minerals Association—North America, Missouri Forest Products Association, National Association of Chemical Distributors, National Association of Manufacturers, National Association of Oilseed Processors, National Association of Wholesaler-Distributors, National Industrial Sand Association, National Lime Association, National Mining Association, National Petrochemical & Refiners Association, Society of Chemical Manufacturers and Affiliates, The Aluminum Association, The Fertilizer Institute, Treated Wood Council, U.S. Chamber of Commerce.

Mr. WEBB. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 183

Mr. INHOFE. Mr. President, first of all, let me say to my good friend from Virginia, I agree with everything he said up to the last 3 minutes, because we have something that needs to be talked about. I would only make reference to the letter that has been entered into the RECORD that, yes, did make that statement, that if the choice is to do nothing at all or to have the Rockefeller amendment, it is better to delay something bad for 2 years. But that is not the choice.

The choice is—and he has referred to it as the McConnell amendment; that happens to be the bill I introduced and is now offered as an amendment to the Small Business Act—and it is one that will actually resolve the problem.

I think it is necessary to set the record straight as to what the two alternatives are. I call them covers. This is kind of a term that is used inside these Halls when someone is wanting to vote against something that people at home want and they give them something else to vote for so we can offer cover—something that normally is meaningless—such as these two cover votes.

The cap-and-trade agenda—I think we all understand—is destroying jobs in America and certainly decreasing our domestic energy supply. As a consequence, the consumers are going to pay more for their gas, for their electric bills, in a tax on affordable energy. But it can be stopped. It can be stopped by the passage of the Energy Tax Prevention Act of 2011 or, as we are looking at it now, that same bill being encompassed as an amendment called amendment No. 183 to the Small Business Act.

Let me go back, if I could, kind of in history to make sure people understand where we are today and how we got here. Many years ago, back in the 1990s, they came forward—and this was during the Clinton-Gore administration—with the Kyoto treaty. They went to Kyoto, Japan, and said: We want to join with all the other countries and we want to reduce emissions from CO_2. This was a treaty you would sign on to and most of the European countries did and many others did.

I might add now, many years later, none of them that signed on to it were able to accomplish any kind of reduction, meaningful reduction in emissions. But nonetheless, we had that.

I can remember standing at this podium and saying back then that we are not going to ratify any agreement that

is made at Kyoto that does not affect the developing countries the same as the developed countries. In other words, if it is not going to cover China, Mexico, and different countries in Africa, then we do not want to be the only ones this affects because it is going to be a very punitive situation. Secondly, we were not going to ratify any kind of a treaty that was an economic hardship on our country. We successfully stopped it.

Then, in 2003, they started introducing legislation that would do by legislation what the Kyoto treaty would have done, but it would only affect the United States of America. At that time, Republicans were the majority. I was the chairman of the committee that is called the Environment and Public Works Committee. We had the jurisdiction over this issue. So I almost unilaterally was able to stop this legislation from taking place. We had the same legislation that came up again in 2005, 2007, 2008, and 2009, and it has been before us for votes now in the Senate seven different times. Each time we defeated it. I might add, we defeated it by a larger margin each time we defeated it.

It is kind of interesting because I have had so many people say to me: INHOFE, what if you are wrong? What if CO_2 is damaging to the environment? What if it causes some of these problems people say it does? Well, I have to say, the science has been mixed. The science has been cooked in many cases. The United Nations came up with the IPCC, which was the science that was used to base all these new programs on, and it has been pretty much scandalized in the climategate situation. But, nonetheless, that is something we do not need to talk about. The point is, we were able to stop any legislation.

Why did we want to stop legislation that puts restrictions on CO_2? Well, one reason is—and it came up very clearly, and I always give my appreciation to Lisa Jackson. Lisa Jackson is the Obama-appointed Administrator of the Environmental Protection Agency. I asked her the question some time ago in a public hearing, live on TV. I asked: If we were to pass any of these pieces of legislation—at that time I think it was the Waxman-Markey bill—would this have any meaningful reduction in terms of CO_2 emissions in the world? The answer was, no, it would not because this would only apply to the United States of America. If we do it here, we will take all the financial hardship of doing it; however, as we lose our manufacturing base, they will go to other countries where there are less emission requirements. China is a good example. China's doors are open now to try to say: Come, we are cranking out three to four coal-fired generating plants in China every week. So, manufacturers, come here. We have the energy you need. So they were then able to do it.

When the Obama administration came in, with a strong majority in both the House and the Senate, they said: All right, we will tell you what. Since you are not going to pass cap and trade, then we will do it through regulations.

What would cap and trade do to America? Granted, by everyone's admission, it would not reduce emissions at all worldwide. So what would it cost? Well, the cost was put together back during the Kyoto treaty by the Wharton School at that time. Since then, MIT, CRA, many others have come in. The range is always between $300 and $400 billion a year.

I am not as smart as a lot of guys around here, so when I hear about billions and trillions, I say: How does that affect people in my State of Oklahoma? So I have the math that I do. I say to the Presiding Officer, I take the total number of people and families in my State of Oklahoma who file a tax return, and then when they come up with something that is going to cost our Nation $300 to $400 billion, I do the math. What that would amount to for my average family in Oklahoma who files a tax return is $3,100 a year, and they do not get anything for it.

Anyway, the President came in with the new majority, and he said: Well, if you are not going to pass this, we are going to go ahead and do it by regulation. We will have the Environmental Protection Agency do it by regulation.

To do that, they had to have what is called an endangerment finding; that is, a finding that CO_2 is an endangerment to health. The courts never said we have to regulate CO_2. They said: If you want to, you can. That was the choice of this administration and of the Environmental Protection Agency.

So I asked the question again at one of the hearings—this is of the same Administrator Jackson; this was a year ago December—I said: I have a feeling you are going to come up with an endangerment finding so you have justification for regulating CO_2 the same as if we were passing legislation to do it. Her response was kind of a smile. I said: To have an endangerment finding, you have to base that on science. What science are you going to base it on? She said: Well, primarily, the IPCC. That is the Intergovernmental Panel on Climate Change. That is the United Nations. They are the ones that started all this fun stuff.

With that, it was not more than 2 weeks later that the scandal broke with the recovery of some of the e-mails that were sent out by the IPCC that they had, in fact, cooked the science. Nonetheless, there are lawsuits that are pending right now and all that to try to stop the EPA from regulating CO_2.

They are doing other regulatory things right now. They are trying to do regional haze regulation. They are trying to do regulation on ozone, changing the standards, trying to do what they call boiler MACT, utility MACT, other regulations. But, nonetheless, this one we are talking about today is the regulation of greenhouse gases.

This is what is happening right now. To keep them from doing it, I introduced a piece of legislation called the Energy Tax Prevention Act of 2011. My good friend over in the House of Representatives, FRED UPTON, has been a friend of mine for many years. He is the chairman of the appropriate committee over there; the same as I am the ranking member of the appropriate committee here. So we introduced together the Upton-Inhofe legislation or, if you are over on this side, I call it the Inhofe-Upton legislation. That would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. If we take away the jurisdiction, they cannot do it. That is the ultimate solution. That is the moment of truth, as we are going to read in tomorrow morning's Wall Street Journal. So they are taking that up. They will pass it over there. But on a partisan basis over here, they will try to kill it.

So what we have done is, Leader MITCH MCCONNELL and I have offered an amendment that encompasses my bill, the Energy Tax Prevention Act I just referred to, as an amendment on the Small Business Act. That is scheduled for a vote tomorrow morning. I hope it does happen.

The reason I am talking today—I have already covered this several times, and I am sure people are tired of hearing it—but they have cover votes that are coming up, and we know this is going to happen. But why is it this administration wants to do something that is going to drive the energy costs of America upward?

This administration has said over and over again they do not want gas, they do not want oil, they do not want coal. And we cannot run this machine called America without oil, gas, and coal.

There is a motivation here; that is, it has come from this administration that they want to replace fossil fuels—oil, gas, and coal—with what they call green energy. Someday that might happen. It will be long after I am gone, I am sure. But they might have the technology to run this country on what they call renewable energy. Right now, we are going to use as much as we can. We are for wind power, we are for Sun power, solar power, all the other options. But, nonetheless, we still have to have fossil fuels to run the country.

Steven Chu, Secretary of Energy for the Obama administration, said:

> Somehow we have to figure out how to boost the price of gasoline to the levels in Europe.

That is $8 a gallon. This is the administration saying we want to increase the price of gasoline to be equal to what it is in Western Europe. So this is something that has been a policy of this administration for a long time. In fact, President Obama himself said that under the cap-and-trade plan—this is what they are trying to do

now—''electricity prices would necessarily skyrocket.''

The President had it right. The point of cap-and-trade regulation is to make us pay more for energy bills, and the Obama administration and EPA are here to make that happen. In a recent editorial, the Wall Street Journal calls the Energy Tax Prevention Act, my bill, ''one of the best proposals for growth and job creation to make it onto the Senate docket in years.''

Why is that? It is because the EPA's regulations will raise energy prices and strangle economic growth. As the National Association of Manufacturers stated:

> At a time when our economy is attempting to recover from the most severe recession since the 1930s, [EPA] regulations . . . will establish disincentives for the long-term investments necessary to grow jobs and expedite economic recovery.

That is the National Association of Manufacturers. The families, the workers, and the consumers are all going to feel the pain.

In a study that Charles River Associates International did, they estimate that EPA's cap-and-trade regulations could increase wholesale electricity costs by 35 to 45 percent. What we are talking about is—everyone understands—if they are able to do these regulations, the EPA doing what the legislature refused to do; that is, regulate the emissions of fossil fuels, it will increase electricity prices about 40 percent.

What do we get in return? I think we have already mentioned we do not get anything for this because it would drive our jobs elsewhere, and it would only affect the United States of America.

The claims that the Energy Tax Prevention Act—that is the amendment we will be voting on tomorrow—would undermine health protections or fuel economy standards are disingenuous on their face. The amendment does not touch EPA's authority to regulate criteria or hazardous air pollutants. What is more, both emissions of CO_2 and real pollution have been in steady decline. Yet instances of asthma have been on the increase. So as the emissions decline, the instances have actually increased. Carbon dioxide emissions do not cause asthma, either directly or indirectly, and they do not harm public health.

The Energy Tax Prevention Act is not about asthma and public health, but it is about protecting jobs.

By the way, there is a very well respected scientist by the name of Richard Lindzen from MIT, and he wrote a letter to me which I received a couple of days ago—well, it was actually a little bit longer than that.

> As to the impact of increasing CO_2 on general welfare, there is widespread agreement that modest warming should improve welfare for the U.S. Under the circumstances, we are in the bizarre situation of declaring something to be a pollutant when the evidence suggests that it is beneficial.

In other words—I hesitate saying this. I am the first one to admit I am not a scientist, but certainly Professor Lindzen is. He says, Here we are talking about reducing something that is not a problem certainly to health.

Then the other thing having to do with the Highway—this was mentioned by the Senator from Virginia a few moments ago—that somehow this is going to impair our standards of lowering gas consumption. The amendment doesn't prohibit the National Highway Traffic Safety Administration from setting fuel economy standards. It stops the EPA from regulating carbon dioxide from tailpipes after 2016. So the regulation would have no effect on that whatsoever. That is not done by the EPA; that is done by the National Highway Safety Administration, called NHTSA.

The vote comes down to a simple choice: Are you for jobs and affordable energy or President Obama's strategy of energy taxes and bureaucratic regulations? Of course, when you look at the things that are coming along—I mentioned when I started talking that there is something called ''cover,'' that if there is something out there that the people at home are clamoring for, that they want—in this case they want this amendment that will stop the EPA from regulating greenhouse gases—then if they can vote for something else that does nothing, they can say, Well, I voted for this. It is called cover.

The Rockefeller vote would be nothing, except kicking the can down the road for 2 years, and in the meantime the regulation goes on.

Under the Baucus amendment, this is something that is called the tailoring rule. It is a little more complicated because when you talk about the emissions that we are concerned with that the EPA would be regulating, they would be on any emissions that would affect all the farmers, the schoolhouses, and everybody else. Well, the Baucus amendment would exempt some of these smaller ones. However, if you listen to the Farm Bureau, which has been very helpful in this all along—I think I have their quotes here. Yes. Listen to this, the American Farm Bureau, a recent quote, just this year:

> Farmers and ranchers would still incur the higher costs of compliance passed down from utilities, refiners and fertilizer manufacturers that are directly regulated as of January 2, 2011.

So if the Baucus amendment passes, it is going to still be regulated—the refiners, the manufacturers—and that is going to be passed down and it is going to increase the cost of power and energy and that is why the Farm Bureau is so emphatic. In fact, I just left the Farm Bureau a couple of minutes ago before I came here, talking about this very subject.

The manufacturers feel the same way. The Industrial Energy Consumers of America wrote the Baucus approach:

> does not solve the underlying problem that regulating [greenhouse gases] under the Clean Air Act is very costly for manufacturing, will impact global competitiveness and encourage capital investment outside the United States.

Why would that be? Because if China ends up with all the jobs, then they are the ones who would be getting the investment.

The only way to stop the higher costs of compliance, which the Farm Bureau fears, is to pass the Energy Tax Prevention Act which is now Senate amendment No. 183.

The contrast couldn't be starker. I was told that tomorrow morning we may see the moment of truth going on—and I think it is going to be in the Wall Street Journal—that people are going to realize there is only one way to stop this massive tax and regulation increase that will come. It won't be by the Rockefeller amendment and it won't be by the Baucus amendment. It will be by the Inhofe-McConnell amendment that hopefully will be voted on tomorrow and that will take out from the jurisdiction of the EPA the ability to regulate greenhouse gases. That is what we are hoping will happen, and I think when people realize it, they are not going to be fooled by some of these what I refer to as cover votes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

The Senator from Missouri is recognized.

Mr. BLUNT. Mr. President, I wish to talk a little bit about the McConnell amendment that I think we will vote on on the floor of the Senate this week. This is the amendment that really clarifies whether Congress ever intended to give the Environmental Protection Agency the authority to regulate greenhouse gases. They have a finding that gives them that authority, but the people who were involved in passing that law initially say that wasn't the intention of the law; that if it is the intention of the law, the Congress should step up and clarify that.

I think this amendment clearly expresses the view of the American people that the Congress should do its job, not leave it to the regulators to do the job. Senator MCCONNELL has brought that amendment to the floor. It is an amendment that Senator INHOFE has worked on regarding this topic for a long time. Senator BARRASSO has also worked on this topic.

I am convinced that as the ballots are cast and the votes are made this week on this bill and on this amendment, Senators from both parties are going to say: No, that is not the job of the EPA. It is not what the Congress intended EPA to do.

This is a great example of the Congress trying to step up and make the point that the regulators should not be

able to do by regulation what the legislators are unwilling to do by legislation.

This issue was discussed last year—the cap-and-trade law that passed the House in the last Congress. People around America looked at it and said that higher prices were not the way to get more efficient energy policies. The way to get more efficient energy policies is to look for ways to produce more American energy, to have a marketplace that has more choices than the ones we have now. As people looked at this issue, they said: Let's find more American energy of all kinds, and let's be conservationists and encourage that we use that energy as efficiently as possible, and let's also be out there researching and investing in the future so that we know what we want our energy picture to look like a generation from now—not that we blindly rush in and think high prices will solve our energy problems.

We all know that the President of the United States, before the election in 2008, in talking to the editorial board of the San Francisco Chronicle, made the comment that under his energy policies, energy prices would necessarily skyrocket. The President has looked at this economy closely—I hope—over the last 2 years of his Presidency, and clearly every signal from the administration now is that they have concerns about $4-a-gallon gasoline, even though there are people in that advisory group who at one time said gas prices should be as high as the gas prices in Europe and that is the way to solve our use of gasoline. We don't live in Europe. We live in a country that is large, expansive, and requires travel and commerce. So high gas prices are not the answer to our transportation problems, and higher utility bills are not the answer to our energy problems.

In fact, as people looked at the potential of cap and trade on utility bills, they looked at how much of our utilities come from coal. Of course, cap and trade—and the EPA regulations that would try to impose cap and trade by regulation—cap and trade is particularly focused on coal-based utilities. From the middle of Pennsylvania to the western edge of Wyoming, 50 percent of the electricity in the country comes from coal. Mr. President, in your State and my State, a significant majority of the electricity comes from coal. In Missouri, it is 82 percent of the electricity that comes from coal.

In our State, the utility providers got together—the rural electric cooperatives, the municipal utilities, the privately owned and publicly owned—and funded a study with which nobody ever found fault. Nobody has challenged the study. In that study, in our State the average utility bill would go up about 80 percent in the first 10 years under cap and trade. It would come close to doubling in the first 12 years. For many utility customers, it would double. If the average bill is going to go up 80 percent, for many customers out there, their bill would double in 10 years, and for the average customer, it would double in about a dozen years. Who benefits from that?

At a hearing the other day with the EPA Administrator, I talked about a visit I had last fall with someone who explained to me that he was an hourly employee at a company—by that point, with the discussion of cap and trade, almost all Missourians knew our utility bills would double in about 10 years—and he said: If my utility bill doubles, that is a bad thing. If my retired mother's bill doubles, that is worse. If the utility bill at work doubles and my job goes away, then the other bills don't matter that much because I can't pay mine and help my mom pay hers.

That individual has a Ph.D. in common sense, if not economics. That is what happens if we allow these bills to go up. Because of that discussion, I stand here today absolutely confident that, in the foreseeable future, Congress will not impose that penalty on our economy. If the Congress won't impose that penalty on our economy, we should not let regulators impose that penalty on our economy.

What the McConnell amendment does—again, with the hard work of Senators INHOFE, BARRASSO, and others—is simply redefine the authority or maybe reemphasize the definition Congress thought it was giving the Environmental Protection Agency, and it says: You can't regulate these greenhouse gases under the Clean Air Act. It doesn't stop the Clean Air Act's provisions to protect clean air in every way that was anticipated until the recent determination that somehow EPA had the authority to also regulate greenhouse gases, but it does refocus the EPA on the intention of the Clean Air Act, not their expansion of the Clean Air Act.

By the way, the EPA has no ability to expand the Clean Air Act. That is the job of the Congress of the United States. Fine, if we want to have that debate. In fact, we had that debate last year. The House passed a bill that would have done what the EPA's new sense of their own mission would do, and I think the American people spoke pretty loudly about that. Because of that, the last Congress didn't pass that bill. The House of Representatives passed a bill, but the Senate didn't pass that bill. This Congress isn't going to pass that bill either, and I would predict that the next Congress won't pass that bill.

Why won't they pass the bill? Why won't we pass a bill in this Congress? Why won't the next Congress pass a bill? They know it has a devastating impact on our economy; and if the Congress doesn't want there to be a devastating impact on our economy, we also shouldn't want the Environmental Protection Agency to do something that would have a devastating impact on our economy.

In fact, when we look at the economies around the world, the economies that have the greatest problems with air and water are the economies that failed; the economies where, at some point, those countries decide, ultimately, they are going to do whatever it takes to get back to where they can have jobs that allow families to live.

The EPA is bound, and should be bound, by what the Congress initially intended with the Clean Air Act, not what the EPA thinks today is their job—and particularly if it is not a job that everybody in this building knows the legislators will not do. If the legislators won't do it, the legislators shouldn't let the regulators do it, and this simply clarifies that.

I urge my colleagues this week to vote for this amendment, to make it clear to the Environmental Protection Agency that they have plenty of things to do and many things that we will support them as they do, but this isn't one of them. This hurts our economy. It is not their mission. It was not the intention of the Clean Air Act. This amendment allows that to be reinforced once again by the Congress, the group that is supposed to pass the laws. Laws aren't supposed to be passed by regulators. I suppose they are intentionally determined to be implemented by regulators but not created by regulators or created by the administration. That is our job.

This bill reemphasizes our job. Again, it doesn't let the regulatory group do a job that increases the utility bill, that doubles the electric bill in Missouri, and raises the electric bill for the vast preponderance of Americans, for people retired, on a fixed income. Clearly, jobs will go away if those electric bills are raised, and they will not go to other places in the United States in most cases; they will go to other countries that care a whole lot less about what comes out of the smoke stack than we do.

So if the EPA is allowed to do with greenhouse gases what it says it wants to do, we will lose the jobs and the problem will get greater because these jobs will go to countries that care a whole lot less about emissions than we do.

Let's let the legislators do their job. I encourage my colleagues to vote for this amendment this week as they think about how we approach this important issue—about our economy, about our jobs, about our families and our future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, rightfully so, the focus in this Congress is

very much about the economy and job creation, and it is appropriate that we have before the Senate a piece of legislation dealing with small business. We know small business and entrepreneurship is a path to job creation.

We are spending a lot of time in this Senate, in the House, and in Washington, DC, discussing the economy, and one of the things that is front and center today is the need for us to be much more responsible in our spending habits. In my view, the Federal Government is financially broke. Rightfully so, we ought to pass a continuing resolution that reduces spending for the remaining 6 months of this fiscal year. We ought to quickly move to a budget and to an appropriations process that allows for the give-and-take, the consideration of those things that we can afford to spend money on, the things that are appropriately the role of the Federal Government, and find those places in which we can again significantly reduce spending. That is an important aspect of whether we are going to get our economy back on track and jobs created.

I think often we write off what happens in Washington, DC. The American people see us as just Republicans and Democrats having one more battle about spending and deficits. These are things I have heard, topics I have heard discussed my entire life coming out of Washington, DC. The reality is, this is an important issue at an important time in our country's history. In the absence of an appropriate resolution of this spending issue, in my view, the standard of living Americans enjoy today will be reduced, inflation will return, the value of the dollar will be diminished, and the standard of living we have become accustomed to as Americans, as I say, will be diminished. But worse than that, the opportunity for our children and grandchildren to pursue the American dream will be less than what we want it to be, certainly less than what I experienced as an American growing up in this country.

Yes, it is no fun for us, as elected officials, to talk about what needs to be cut, spending that needs to be reduced. I certainly stand willing to work with my colleagues and with the President and others to see we accomplish that goal of reducing spending, and the consequences of that being a better budget picture and a reduced deficit. But there is a positive aspect of what we can do to reduce our budget deficit that goes beyond just cutting spending; that is, to create jobs, to create economic expansion.

The optimism this country needs can be restored by decisions we make in the Congress. Those decisions revolve around a business or an entrepreneur, a small business man or woman's decision that it is time to expand their plant, it is time to invest and put in more equipment, that it is time to hire an additional employee.

In my view, one of the reasons that is not happening is the tax environment that has been created, the uncertainty that we have with what our Tax Code is going to be, the lack of access to credit, the uncertainty our bankers and other financial lenders face in determining whether they can make a loan to a creditworthy customer, and especially the one I want to talk about briefly today, which is the regulatory environment in which the business community finds itself.

This effort by the Environmental Protection Agency to regulate greenhouse gases, in my view, is very negative toward job creation in two ways: One, it increases the cost of being in business, and that occurs at a time in which we don't expect other countries to abide by the same regimen that we may create—that our Environmental Protection Agency may create—around the world, that we would not expect other countries to abide by those same rules and regulations the EPA is putting in place.

That means, once again, American workers, American business is at a competitive disadvantage in comparison to those who make decisions about where plants are located, and we lose access to world markets because someone else can sell something cheaper than we can because of rising costs of production.

So even if there is an effort that excludes agriculture or small business from this legislation, the cost of production goes up, because in addition to the direct effect of having those regulations apply to your business, there is the indirect increase in cost related to fuel and energy costs—electricity and gas.

Clearly, to me, if you care about job creation, you would make certain that the Environmental Protection Agency does not head down the path that it is going, because of the increased cost of being in business and the consequence that has for American business to be able to compete in a global economy.

The second aspect of that is, and I think it is one of the real drags on today's recovery from the recession, is the uncertainty. No business person feels comfortable today in making a decision to expand or to put more people to work, to hire an additional employee, to invest in plant or equipment, because they do not know what the next set of regulations is going to do to their bottom line.

So with the uncertainty of this issue, we have had the drag upon our economy with the thought that Congress might pass the legislation labeled cap and trade. It became clear when the Senate adjourned at the end of 2010 that that was not going to happen. But then the uncertainty became, but what is the Environmental Protection Agency going to do?

As I visit plants, facilities across Kansas and talk to family owners of small businesses, manufacturers, the most common question I get from a business owner is, what next is government going to do that may put me out of business? It is unfortunate. It seems as though government is no longer even neutral in regard to the success of a business in the United States but has become an adversary.

I urge my colleagues to support the McConnell amendment. I think it is a clear statement that the Environmental Protection Agency cannot do what it intends to do. It eliminates the uncertainty that a business person faces, and it reduces the cost of being in business in a way that says, we are going to grow the economy and put people to work.

We are going to have a lot of conversation on the Senate floor, we are going to have discussions with the administration, with our colleagues in the House of Representatives, about what spending we are going to cut. And those are difficult conversations. But I come back to the point that we as Americans have the opportunity to be optimistic. What we need to do for us to have a bright future, what we can do to have a positive conversation with the American people about what good things are yet to come, revolves around the fact that we will get rid of onerous regulations that serve no valid purpose in improving our environment and create great uncertainty and ever increasing costs for being in business.

We can have this conversation in a vacuum. But the reality is, our economy does not operate in a vacuum. Our business folks in Kansas and across the country have to compete in a global economy. This legislation that Senator MCCONNELL and Senator INHOFE have offered eliminates that uncertainty, reduces the cost of being in business, and allows us to have optimism about the future of the American economy and, most importantly, optimism for the people who sit around their dining room table wanting to make certain they either can keep a job or find a job.

I see the McConnell amendment as that moment of optimism. The message we send to the American worker, to those who are employed and to those who are unemployed, that this Senate understands that unless we get rid of the impediments toward growing an economy, we have little optimism about the future of job creation.

The McConnell amendment sends that message. It does it in a way that makes a lot of sense for the American economy and for the American worker.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the

Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING REID S. JONES

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of the Commonwealth's finest, the late Mr. Reid S. Jones. A native of Pulaski County, KY, Reid was a prime example of a man who was a true American hero and who valued his faith, his family, and his community.

A rich tradition of business success and pride in hard work and achievement always seemed prevalent throughout the history of Reid's family, so it came as no surprise when Reid began to exhibit early signs of entrepreneurial instincts. As a young boy, members of his hometown witnessed Reid leading a small goat down a road from the country store operated by his parents to a local family farm as he tried to make a sale. It was this ambition and drive that made Reid S. Jones a leader, a war hero, and a guiding force for all who knew him.

Reid, who passed away on April 15, 2005, joined the U.S. Army in 1944 at a crucial point during World War II. Eighteen years old, Reid felt a strong desire to serve and protect his country as well as to defend the rights and freedoms of others. He courageously fought in the Battle of the Bulge, one of the deadliest battle for American forces of the war. Reid's leadership got him promoted to the rank of staff sergeant, and he remained in Germany for a short time after the war to help begin the reconstruction process.

After returning home from the war to his new bride Elva Sears, Reid received a bachelor's degree from Union College in Barbourville, KY. He decided to further his dedication for educational excellence and became a history teacher, principal, and basketball coach for the Pulaski County and Somerset City school systems. His firm yet compassionate character made Reid well-respected by his peers and fondly remembered by his former students. Later in the 1960s he became a district sales manager for the Fram Corporation, an automotive product brand best known for their oil filters. His eye for detail and strong ambition to get things done earned him frequent recognition for exceeding sales quotas and helped him play an instrumental role in placing Fram products in Wal-Marts across the southeastern United States.

Reid's ''jack of all trades'' ability eventually led him to open his own automotive businesses, as well as become a 32nd-degree Mason, a member of the Oleika Shriners Temple, and the board of directors of the First United Methodist Church.

In addition to serving his community through business and educational work, Reid deeply cherished the relationships he had with his friends and family. He has often been remembered through the strong friendships he formed with members of the Somerset community, as he met daily with friends at his automotive businesses for coffee and southern storytelling. His dedication to public service and education, led his wife, along with his daughter, Dr. Sonya Jones, to establish The Jones Educational Foundation, to provide scholarships and assistance for people of south-central Kentucky and beyond who seek greater education and who show effort and ability.

There is no doubt that because of Reid's character, his dedication to family and friends, and his contributions to higher education and the business community, that his town, the Commonwealth, and the country have been forever changed for the better.

The Commonwealth Journal recently published an article about Mr. Reid S. Jones and a contribution that his daughter made to the Jones Educational Foundation on behalf of his dear friend, the late James Eastham. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Commonwealth Journal, Jan. 30, 2011]

FOUNDATION LAUNCHES REID S. JONES MEMORIAL FUND WITH CONTRIBUTION HONORING JAMES 'ONION' EASTHAM

The Jones Educational Foundation Inc., a 501(c)3 not-for-profit corporation based in Somerset, has launched the Reid S. Jones Memorial Fund with a $1,000 contribution made by Dr. Sonya Jones honoring the late James Arthur ''Onion'' Eastham.

According to Dr. Jones, president and CEO of The Jones Foundation, the donation is intended to pay tribute to the friendship between James ''Onion'' Eastham, a man who was regarded highly in the Somerset community, and her father.

Further, the fund is meant to honor veterans from all the wars in which the United States has fought. The initial donation honors veterans who served in the European and Pacific theaters of World War II.

''I had been thinking about the Foundation setting up a fund for veterans in Dad's name ever since I made a donation in his memory to help restore the Soldiers and Sailors Memorial building at Union College,'' Dr. Jones said.

Reid Jones graduated from Union in 1989. He went on to do graduate work in education at Eastern Kentucky University.

''When Mr. Eastham passed away in late December, I knew it was time,'' Dr. Jones added. ''Dad thought so much of his friend that I felt he would want me to do something special to honor Onion's memory.''

Reid Sievers Jones (April 24, 1926 to April 15, 2005) entered the U.S. Army at a crucial point in the history of World War II. He was stationed in Germany, and he fought in the Battle of the Bulge. He was a survivor in what has been called ''one of the bloodiest battles'' of World War II.

Conducted in the dense mountainous region of Belgium, the Battle of the Bulge was Adolf Hitler's last major offensive against the Allies. The battle ran from Dec. 16, 1944, until Jan. 25, 1945.

When he enlisted in the Army as a private, Reid Jones was 18 years of age. He married Elva Sears on Dec. 30, 1944, shortly before shipping out to the European front. He was promoted to the rank of staff sergeant and remained in Germany for a short time after the war to help begin the process of reconstruction.

James ''Onion'' Eastham (Sept. 22, 1923, to Dec. 28, 2010) served in the Asiatic-Pacific theater where he was awarded two bronze stars for duty at and during the Luzon and Southern Philippine campaigns. He also received the Philippine Liberation Ribbon with a bronze star for duty involving combat with the enemy.

Reid Jones and Onion Eastham were ''two of a kind,'' said Jimmy Eastham, son of the former Somerset City Council member who served as staff sergeant and crew chief aboard a B–25 bomber in the United States Marine Corp.

Jones and Eastham both were salesmen after the war. Jones worked for many years for Fram Corp. and Eastham for the Morton Salt Co. The two men liked to get together and engage in the high art of Southern storytelling. Both formed strong friendships with other men in the Somerset community.

''Dad and Onion Eastham were part of a group of men who convened initially at Dad's car lot out on East Mt. Vernon Street, then at Dad's automotive parts store on Ogden Street in the building now owned by Dr. Byron Owens,'' Dr. Jones said.

''After Dad retired from Fram, he devoted most of his time to the automotive business and our family's business and our family's rental properties,'' Dr. Jones continued.

''When Dad closed one automotive parts store housed in the same building with Mother's antiques and collectibles, he and his buddies met for coffee at the Sugar Shack over on the strip,'' she said.

Meeting for coffee was part of their ''daily routine,'' said Jimmy Eastham.

From time to time, the group also included Bobby Claunch, Howard Eastham, Ledger Howard, Penny Starnes, Don Stone, Jim Williams and Bob Williams in addition to Reid Jones and Onion Eastham.

Like his father, Jimmy Eastham served as a member of Somerset City Council. He and the Eastham family have given their enthusiastic endorsement to the Reid S. Memorial Fund with Dr. Jones' cornerstone contribution in memory of James ''Onion'' Eastham.

''It is a good idea to establish the fund even if it weren't done in the name of my father,'' Eastham said.

Both Reid Jones and James Eastham were ''very patriotic,'' according to Virginia Eastham, mother of Jimmy, Lisa (Bandy) and Wayne Eastham.

When Reid Jones returned from the war, he worked first as a teacher and principal in the Pulaski County and Somerset City school systems. He is remembered, particularly by former students at Shopville High School as a firm teacher who was not afraid to exercise discipline when he thought it was needed.

Later, in the 1960s, he joined Fram Corp., based in Providence, R.I., as a district sales manager. Frequently, he was recognized for exceeding sales quotas. He was instrumental in placing Fram products in Wal-Marts across the southeastern United States.

Reid Jones was a 32nd degree Mason and a member of Oleika Shriners Temple in Lexington. He served on the board of directors of First United Methodist Church.

In addition to being an influential member of Somerset City Council, James ''Onion'' Eastham was a member of the Somerset Masonic Lodge #111 and a long-standing member of the Kiwanis Club. He was also a member of First Baptist Church where he taught Sunday school and served as chair of a building committee for the church's new sanctuary.

As a member of Somerset City Council from 1964 to 1982, Eastham played an active role in helping to establish Somerset Community College and finding a location for what is now Lake Cumberland Regional Hospital. He considered running for mayor, but his job as a regional salesman for Morton Salt Co. created time constraints that caused him not to seek office.

According to Clarence Love, city clerk during the years Eastham served on council, ''he was very conscientious.'' In Love's opinion, Eastham was an ''excellent councilman.''

Jimmy Eastham said he thought his father most likely would be remembered most for ''standing for what he believed in.''

The Reid S. Jones Memorial Fund was established, first and foremost, to help veterans with educational issues.

''A veteran might return from Afghanistan ready to go to law school and need some assistance,'' Dr. Jones said. ''Or, a veteran might return and want to become a law enforcement officer or a mechanic.''

As interest on the fund grows, money will be awarded to veterans who demonstrate great potential for success in professional and vocational arenas.

Primarily, the Reid S. Jones Memorial Fund intends to honor ''the warrior spirit,'' Dr. Jones said, ''the spirit of courage and bravery'' that has helped keep the United States free.

The Reid S. Jones Memorial Fund is now open for tax-deductible contributions. Interested parties may e-mail Dr. Jones at: drjones@jonesfoundation.net or phone her at 606–875–2967.

BELLARMINE UNIVERSITY KNIGHTS

Mr. MCCONNELL. Mr. President, I rise today to recognize the impressive accomplishments of a remarkable men's basketball team in the Commonwealth, the Bellarmine University Knights.

On March 26, the Knights made school history by winning the 2011 National Collegiate Athletic Association Division II basketball championship. By defeating the Brigham Young University-Hawaii Seasiders 71 to 68, Bellarmine brought home its first national championship title in any sport. Senior guard Justin Benedetti described the atmosphere in the MassMutual Center in Springfield, MA, where the championship game was held to be like a home game for the Knights, as many fans traveled to fill the crowd of nearly 3,000.

The morning following their championship win, hundreds of fans, alumni, and students cheered as the team returned to campus and filed off the bus holding high their national trophy. I applaud not only the team's athletic achievement, but also the teamwork and sportsmanship on display as they represented my hometown, Louisville, and our Commonwealth in front of the country's basketball fans.

A state that honors basketball will honor the 2011 Bellarmine Knights team as among the best for seasons to come. Fans will remember a team of unselfish players whose only goal was to win. And they will remember head coach Scott Davenport, who taught his players to play basketball the way it was meant to be played.

Coach Davenport built this team around talented local players—the entire roster hails from Kentucky, Indiana, and Ohio. A Louisville native, he led his Knights to a 33–2 overall record this year on their way to the Division II championship. He can now add this collegiate championship to the one he earned coaching the Ballard High School Bruins of Louisville, KY, to the State championship in 1988. It is no wonder he was recently named the 2011 Schelde North America/Division II Bulletin Coach of the Year. I would like to extend my sincere congratulations to Scott Davenport upon receiving this distinguished honor.

Family members, friends, and the Louisville community are justifiably proud of this team's achievement and the recognition they have earned. This season was a special one for Bellarmine University that we will remember for a long time to come.

I ask my colleagues to join me in congratulating the Bellarmine University Knights men's basketball team upon earning their first national title. I wish them continued success both on and off the court.

HEALTH CARE RALLY

Mr. SANDERS. Mr. President, on Saturday, March 26 several hundred medical students from across the country came to our State Capital in Montpelier, VT, to rally in support of Vermont going forward with a Medicare for All Single Payer health care system.

These young people were absolutely clear in understanding that for them to be the great physicians and nurses that they want to be, our health care system must change. They believe, as I do, that health care is a right and not a privilege and that a single payer program is the most cost-effective way of achieving that goal. I am very pleased to submit for the RECORD the statement of principle signed by these medical school students.

I ask unanimous consent it be printed in the RECORD.

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

As medical students from around the country converge this weekend on the steps of the State House to support Vermont's movement toward a single-payer health system, we want to contribute additional perspectives on our state's discussion of Health Care Reform.

As the Vermont legislature considers Health Care Reform, we, a group of UVM medical students who are invested in the future of Vermont, believe that current and future health care legislation should work toward the following goals:

1. Ensure that every Vermonter has health care coverage through a sustainable system that maintains a desirable environment in which to practice medicine.

2. Replace the current fee for service system that both limits access to physicians and compromises the quality of care given to patients.

3. Empower Vermont to retain and attract high quality physicians to ensure adequate health care for future Vermonters.

Our proposals to help meet these goals are:

1. Initiate a program that reduces the tuition of out-or-state students to in-state levels in exchange for commitment to practice in Vermont after training is complete.

2. Improve funding for the existing loan repayment program through Vermont AHEC to encourage primary care providers to practice in under-served areas of the state.

3. Address the current inequity in the ''provider tax'' such that out of state providers treating Vermont patients contribute fairly to the Vermont Medicaid program.

4. Simplify the administrative burden upon the provider by developing a system that has a single payer with best-practice guidelines as opposed to the current fee-for-service system.

By addressing these issues in upcoming legislation, we are of the opinion that the quality of health care in Vermont will improve. A sustainable system that addresses many of the national problems with medicine will encourage a strong physician population throughout the state, as well as secure Vermont's future as the healthiest state in America.

As medical students who will inherit the reform currently being debated in Montpelier, we are committed to help shape a sustainable universal health care system. It is our great hope that these changes will be enacted to enable us to provide the best care possible to our future patients.

Larry Bodden, Calvin Kagan, Bud Vana, Ben Ware, John Malcolm, JJ Galli, Vanessa Patten, Nick Koch, Uz Robison, Pete Cooch, Rich Tan, Bianca Yoo, Prabu Selvam, Dave Reisman, Adam Ackrman, Nazia Kabani, Stas Lazarev, Sara Staples, Therese Ray, Kelly Cunningham, Hannah Foote, Laura Sturgill, Megan Malgeri, Kati Anderson, Serena Chang, Caitlan Baran, Leah Carr, Mariah Stump, Daniel Edberg, Franki Boulos, Chelsea Harris, Vinnie Kan, Mairin Jerome, Jimmy Corbett-Detig, Dan Liebowitz, Laura Caldwell, Damian Ray, Mei Lee Frankish.

The University of Vermont does not endorse this organization or their position in connection with this or any other political campaign, policy position or election.

Ms. SNOWE. Mr. President, I wish to discuss an amendment entitled ''the Greater Accountability in the Treasury Small Business Lending Fund Act of 2011.''

As ranking member of the Senate Small Business Committee, it is my responsibility to ensure that small businesses have access to affordable credit. In this regard, I have worked on a bipartisan basis with Senator LANDRIEU, chair of the Small Business Committee, to include provisions in the American Recovery and Reinvestment Act that enhanced the SBA's 7(a) and 504 loan programs. Those measures resulted in a 90-percent national increase in SBA lending at a crucial time in our Nation's lending crisis. I also authored provisions, recently enacted into law, to increase the SBA's maximum loan limits for its microloan, 7(a), and 504 loans, to make the SBA more relevant to the needs of today's borrowers. Additionally, I have been supportive of efforts to increase the arbitrarily imposed cap on member business lending at credit unions—at no cost to taxpayers—so that credit unions can play

a greater role in helping to address the problems that small businesses continue to face in accessing credit.

But, unfortunately, I was unable to vote in favor of the Small Business Jobs Act of 2010, even though it included many of my priorities, due to my significant concerns with the Treasury Small Business Lending Fund—SBLF or lending fund—provisions included into that bill. I opposed the inclusion of the lending fund for several reasons. While I will not reiterate all of those here, I will discuss a few of them briefly.

First, the lending fund is essentially an extension of the Troubled Assets Relief Program, TARP, which was terminated by the Dodd-Frank Wall Street Reform and Consumer Protection Act. This fact was confirmed by the bipartisan Congressional Oversight Panel for TARP in its May Oversight Report.

Second, it is possible that instead of promoting quality loans, the lending fund could encourage unnecessarily risky behavior by banks. Under the current law, the Treasury Department lends funds to banks at a 5-percent interest rate, which can be reduced to as low as 1 percent if the institutions in turn increase their small business lending. If the banks fail to increase their small business lending, the interest rate they pay could rise to a more punitive 7 percent. This could lead to an untenable situation where banks would make risky loans to avoid paying higher interest rates—a behavior known as ''moral hazard.''

Third, I still believe that the lending fund could put taxpayer resources at risk. The score for the Small Business Lending Fund is convoluted. The Congressional Budget Office, CBO, score for the lending fund listed it as raising $1.1 billion over 10 years, based on a cash-based estimate. However, the very same CBO score highlighted that if CBO were permitted to base its score on a fair-value estimate, which accounts for market risk, the score would be a $6.2 billion loss. In fact, the CBO score stated:

Estimates prepared on a ''fair-value'' basis include the cost of the risk that the government has assumed; as a result, they provide a more comprehensive measure of the cost of the financial commitments than estimates done on a FCRA [Federal Credit Reform Act of 1990 (FCRA)] basis or on a cash basis. CBO estimates that the cost of the SBLF on such a fair-value basis (that is, reflecting market risk) would be $6.2 billion.

While I favor outright repeal of the Small Business Lending Fund, I know that will be very difficult—and likely impossible, given that the majority party in the Senate and the President strongly supported its enactment. And so I am focusing my efforts on making as many improvements to the fund as possible, a responsibility that all of us in Congress, Republicans and Democrats alike, should be able to coalesce around.

We undoubtedly have a shared responsibility to ensure that taxpayer's dollars, in this case $30 billion for the Small Business Lending Fund, are used in a transparent, prudent, and responsible manner. If we foster an environment in which banks are free to make risky loans to avoid higher interest rates, if we permit banks to accept loans without any formal guarantee of repayment, we fail our responsibility to our constituents and do a disservice to our Nation's 30 million small businesses.

The following is a description of some of the amendment's provisions. One section would require that banks that receive Small Business Lending Fund distributions, must—within 10 years—repay the money they receive. While the current law directs that within 10 years of receiving the funds, the banks should repay them to the Treasury Department, it also gives discretion to the Treasury Secretary to extend—even indefinitely—the period of time that banks have, to repay the government. Again, this is a commonsense provision to ensure that taxpayer's dollars do not go to waste.

Another provision would establish a sunset of 15 years for the Small Business Lending Fund. Under the current law, no such end date exists. The Lending Fund must not be authorized to continue in perpetuity.

The amendment would also prohibit, moving forward, banks that have received TARP distributions from also obtaining small business lending funds. Under the current law, banks that have received money through the TARP program remain eligible to receive small business lending funds as well, unless they default on TARP repayment. My provision is not inferring that banks who received TARP funds are bad actors, or that they are being penalized for participating in the program. Rather, it is a simple recognition that the Federal government should be limiting the frequency with which it subsidizes private banks with taxpayer funds at favorable interest rates. This crucial amendment will prohibit banks from ''double dipping'' into taxpayer funds.

Another provision would provide that the Small Business Lending Fund cease operations if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of any eligible institutions. It is essential that the lending fund is not a bailout and if there are strong indications that this fund has serious systemic difficulties, it must be halted until the problems within the program are corrected.

Another provision would provide that only healthy banks participate in the Small Business Lending Fund. This amendment prevents banks who apply for the SBLF from counting expected SBLF funds as tier 1 capital in order to artificially strengthen their capital position in order to receive government funds. This provision ensures that banks would have to stand on their own two feet, rather than being able to count the anticipated future receipts of taxpayer funds, when determining if the banks are healthy enough to be provided those funds in the first place.

My amendment would also help ensure that regulators have more meaningful controls over the Small Business Lending Fund. For there to be meaningful controls over the SBLF, it is essential that all bank regulators, whether State or Federal, have a real voice in the lending fund's ability to lend to regulated banks. This amendment gives State bank regulators the ability to determine whether or not a bank which they regulate should receive capital investment through the SBLF program. The current lending fund only gives State bank regulators an advisory role over whether or not a bank they regulate will receive SBLF funds. As this fund is targeted towards community banks, most of the banks applying for this program will be regulated at the State level. If we are really going to include State regulators and make this an inclusive regulator process, it is essential that State regulators have the power to affect a bank's application.

And my amendment would also establish an appropriate benchmark for assessing changes in small business lending by recipients of capital investments under the Small Business Lending Fund. As it is currently written, the SBLF uses 2008 as a benchmark year to determine how much banks will have to increase their lending to small firms. My concern is that 2008 was a true low mark for small business lending. This benchmark shortchanges small businesses. Using 2007, or some other measure, as a benchmark may increase the number of loans, banks participating in the SBLF program would have to make to small firms.

This legislation is not a silver bullet, and I recognize that we should continue to vet these issues further. But it does attempt to deal with many of the significant problems that I have with the lending fund. Regrettably, these are precisely the types of issues that could have been resolved, had the lending fund received hearings and been properly vetted in the Senate—as one would expect of any legislative proposal of this magnitude.

I ask unanimous consent that a copy of the section by section of the bill be printed in the RECORD.

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

THE GREATER ACCOUNTABILITY IN THE TREASURY SMALL BUSINESS LENDING FUND ACT (''ACT'')

*This Act revises the Department of Treasury (''Treasury'') Small Business Lending Fund (''Lending Fund'') program established in H.R. 5297, the Small Business Jobs Act of 2010 (''Jobs Act'').

SEC. 1. SHORT TITLE.

This legislation shall be referred to as ''the Greater Accountability in the Lending Fund Act of 2011.''

SEC. 2. REPAYMENT REQUIREMENT.

This section requires that financial institutions that receive Lending Fund distributions must—within 10 years—repay the

money that they receive. Under current law, the Secretary of Treasury (''Secretary'') has the authority to postpone, indefinitely, repayment.

SEC. 3. SUNSET ON THE LENDING FUND.

Under existing law, the Lending Fund is authorized to exist forever. This section requires that the Lending Fund sunset within 15 years of the date that the Lending Fund was enacted.

SEC. 4. TRIGGER TO PROTECT AND PRESERVE TAXPAYER DOLLARS.

This section prohibits the Secretary from making any new purchases (i.e. prohibits the Secretary from providing additional money, through the Lending Fund) if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of the number of eligible financial institutions that have obtained a capital investment under the Lending Fund program.

SEC. 5. DISALLOWING FUTURE LENDING FUND PURCHASES OF FINANCIAL INSTITUTIONS THAT PARTICIPATED IN THE TROUBLED ASSET RELIEF PROGRAM ("TARP").

This section prohibits—as of the date of this Act being enacted—the Secretary from making additional purchases, through the Lending Fund, of a financial institution (i.e. providing money to a bank) that participated in the TARP program. This section would end the double-dipping practice of financial institutions that have previously received taxpayer funds, at low (subsidized) interest rates, through TARP, doing so again, through the Lending Fund.

SEC. 6. ALLOWING ONLY "HEALTHY" FINANCIAL INSTITUTIONS TO PARTICIPATE IN THE LENDING FUND.

Under current law, when determining whether a bank is financially sound, for the purpose of receiving Lending Fund dollars, the Secretary can take into consideration what the bank's strength would be after receiving the funds. This section changes the law to require that the Secretary determine whether a bank is financially stable, without being able to include future Lending Fund distributions into the equation. Therefore, a bank must be stable on its own, (without regard to future Lending Fund dollars), in order to be approved to participate in the program.

SEC. 7. ENSURING THAT REGULATORS HAVE MORE MEANINGFUL CONTROLS OVER THE LENDING FUND.

This section requires that the Secretary must obtain prudential regulators' approval—rather than consultation—before an individual applicant financial institution can receive distributions through the Lending Fund program.

SEC. 8. BENCHMARK ADJUSTMENT.

This section changes the benchmark by which a financial institution's small business lending has increased from the current level (the 4 full quarters immediately preceding the date of the Jobs Act being enacted) to a new benchmark of calendar year 2007. This section addresses concerns that the Lending Fund may reward banks that would have increased their lending even in the absence of government support, as the Fund's incentive structure is calculated in reference to lending levels, which were low by historical standards.

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENT ACT

Mr. COBURN. Mr. President, the intent of the National Instant Criminal Background Check System, NICS, Improvement Act of 2007 is to increase compliance with existing law in order to prevent guns from getting into the hands of those with mental health concerns who might cause harm to others.

Unfortunately, the initial draft of this legislation would have expanded the existing classes of people forbidden by statute from possessing or purchasing a weapon to include people who simply had trouble managing their finances or other personal affairs. This expansion of existing law would have legitimized overly broad regulations that included people who have never been found to be a danger to themselves or to others.

This is problematic because these overly broad regulations have allowed for the criminalization of veterans who needed help managing the benefits they received for serving our country. These veterans lost their constitutional right to bear arms without committing a crime, without going before a court of law, and without being found to be a possible danger to themselves or anyone else. Furthermore, they lost their rights without their knowledge, and without a way to restore them.

For this reason I did not consent to H.R. 2640 until these concerns were adequately addressed.

Nobody wants firearms in the hands of individuals who are a danger to themselves or to others, but this desire for safety must be adequately balanced with a respect for our Constitution and the right to bear arms. While I favor keeping guns out of the hands of criminals and those who are a danger to themselves or to others, I was concerned that this bill would unnecessarily and unfairly hurt our veterans and other law-abiding Americans.

The initial version of this bill codified overly broad regulations for what it means to be ''adjudicated as a mental defective'' to include individuals who are in no danger to themselves or to others, but cannot manage their own finances or other personal affairs. These regulations were determined independent of congressional intent and are overly inclusive.

As a result of this definition, Americans who have never committed a crime and are of no danger to themselves or to others have been unfairly included in NICS. Once added to this list, it has been nearly impossible for an individual to remove their name from this list, meaning they are prohibited from owning a firearm for the rest of their life.

Among those unfairly added are up to 140,000 veterans who receive benefits for their service to our country, because they cannot manage their own affairs. This bill would have made this overly inclusive definition law.

Fortunately, Senator SCHUMER and I were able to work together to erase all mention of this definition in the bill. The term ''adjudicated as a mental defective'' is not defined in law. By not codifying these overly inclusive regulations, Congress and the Bureau of Alcohol, Tobacco, and Firearms Enforcement have a another chance to develop regulations for what ''adjudicated as a mental defective'' means to more accurately protect the second amendment rights of law-abiding citizens.

Additionally, we made several other changes to improve this bill. The bill now ensures: Veterans are notified when they are added to this list to ensure they do not knowingly violate Federal law and also lets them know when they enter into a determination process that could lead to them being added to this list; those who believe they have been unfairly added to NICS have their applications for removal from this list processed; those who previously were adjudicated as a mental defective but no longer pose a threat to society are cleared from this list; a State program exists that allows those wrongfully included on this list to appeal their inclusion; and that compensation is available for those who prove they were wrongfully included on NICS in court.

These changes strike a much healthier balance between ensuring the second amendment rights of our veterans and other law-abiding citizens and removing guns from those who are a threat to our society.

It is also important for Americans to realize that this bill, if enacted earlier, would not have prevented the tragic Virginia Tech shootings. This bill does not change Federal law regarding who should be added to NICS. States still have to decide to what extent they will report those adjudicated as a mental defective to the national list.

Under existing law, the Virginia Tech gunman already was considered a mentally dangerous person and should not have been allowed to purchase a weapon. At the time of the shootings, he was prohibited from purchasing any guns because two different judges found him to be a danger to himself or others. Additionally, the gunman should have been barred from buying a gun because he had been involuntarily committed for mental treatment.

He should have been reported to NICS because of a law passed last decade that required States to report people like him to the Federal system so that they would be prohibited from purchasing weapons. Unfortunately, because of a communications breakdown among Virginia authorities, this did not occur.

Since the Virginia Tech tragedy, several States have begun submitting these records to NICS and added hundreds of thousands of persons to the database without any additional Federal law being passed. According to the Washington Post, nearly 220,000 names have been added to this FBI list of people prohibited from buying guns because of mental health problems—a more than double increase in only 7 months.

While the intent of this legislation is good, Congress owes it to all Americans to pass legislation that is necessary and does not have unintended

consequences that compromise the rights of law abiding citizens.

I am thankful for the opportunity for my concerns to be addressed and believe this bill is much improved.

ADDITIONAL STATEMENTS

REMEMBERING DR. ALFRED KAHN

● Mr. KOHL. Mr. President, as chairman of the Senate's Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, I pay tribute to a giant of antitrust law and economics, the economist and legal scholar Alfred E. Kahn, who passed away on December 27, 2010, at the age of 93.

A scholar at the forefront of public utility deregulation, Dr. Kahn was perhaps best known as the ''father of airline deregulation.'' His work in the Carter administration in the 1970s to deregulate the airline industry led the way for dramatic reductions in airline fares, saving consumers billions, when he spearheaded passage of the U.S. Airline Deregulation Act of 1978 as chair of the now-defunct Civil Aeronautics Board. While a highlight of his career, this was just one of many of Dr. Kahn's achievements—throughout his life he was an outstanding advocate for consumers, against monopoly and unnecessary government interference in the private market, and for the creative and vigorous enforcement of antitrust law.

Born on October 17, 1917, in Paterson, NJ, the son of Russian immigrants, Alfred Edward Kahn graduated from New York University, first in his class, at the age of 18 and received a Ph.D. from Yale University. In the early 1940s, Dr. Kahn worked at the Brookings Institution, in the Antitrust Division of the Department of Justice, and for the War Production Board as an economist.

During World War II, Dr. Kahn served as an Army economist for the Commission on Palestine Surveys. Soon after the war, he spent 2 years as a professor at Ripon College in Wisconsin, before beginning his esteemed career at Cornell University, which, other than the time he spent in public service, would last until his death.

Before stepping onto the national political scene, Dr. Kahn served as head of the New York State Public Service Commission, the State's regulator for electricity, gas, water, and telephones. From there, seeking to use deregulation as a means to stimulate economic growth, President Carter tapped Dr. Kahn to serve as chairman of the now-defunct Civil Aeronautics Board in 1977. The CAB was entrusted with economic regulation of the airlines—including the routes carriers could fly and the fares they could charge.

At the time of his appointment, Dr. Kahn professed to know little about the airline business, referring to airplanes as ''marginal costs with wings.'' However, he was a quick study, and the industry was ripe for change. Substantial investments had recently been made in wide-body aircraft, and industry players wanted access to new routes and new passengers. Though slight in physical stature and viewed purely as an academic and not someone who could wield much influence, Dr. Kahn was able to take on the industry and persuade the establishment that excessive government regulation had long-harbored inefficiency and was facilitating artificially inflated fares.

Through various avenues, including the press, CAB proceedings, and testimony in Congress, Dr. Kahn was the intellectual leader and primary advocate of deregulating the airline industry, highlighting that many planes were flying half full at fares many could not afford. Less than 2 years after assuming his post at the CAB, Congress passed and President Carter signed into law the Airline Deregulation Act. This landmark legislation was the first complete dismantling of a Federal regulatory scheme since the 1930s. In all, Dr. Kahn testified before U.S. House and Senate committees more than 70 times in his career. He testified before our Antitrust Subcommittee several times, always eloquently and honestly, with impressive candor and penetrating insight.

In later years, Dr. Kahn steadfastly defended his work on airline deregulation by pointing out that more Americans were flying with greater choice at lower rates than ever before. In a 1998 essay in the New York Times, Dr. Kahn admitted that even though the ''resulting competitive regime has been far from perfect, it has saved travelers more than $10 billion a year.'' For Dr. Kahn, the deregulation of the airline industry had one powerful effect: empowering the consumer through competition. This was perhaps the signal achievement of his outstanding career. Throughout his life, he stood for consumers against entrenched monopolies, for innovation against the established economic order, and for unleashing the dynamism and creativity of an unfettered free market and excessive and heavyhanded regulation.

Not only a brilliant economist and legal scholar, Dr. Kahn will be remembered for his sharp wit and humor. Dr. Kahn famously created a buzz with his initiative to eliminate government ''bureaucratese'' when the Washington Post published a copy of his memo calling for his staff to use ''plain English'' and ''quasi-conversational, humane prose'' in their writing. Following his time in Washington, Dr. Kahn returned to chair the economics department at Cornell, where he would author more than 130 academic papers and 8 books.

Upon his passing, I want to express my gratitude to Dr. Alfred Kahn for his contributions to the antitrust and regulatory economics fields and for his service to the American people and offer my deepest condolences to his wife and family.●

100TH ANNIVERSARY OF PLUM LAKE, WISCONSIN

● Mr. KOHL. Mr. President, Senator JOHNSON and I congratulate the residents of the town of Plum Lake in Vilas County, WI, as they celebrate the 100th anniversary of their town's founding. Plum Lake comprises the communities of Sayner and Star Lake, both of which have long traditions as vacation destinations because of the friendly people and the magnificence of the lakes and forests, as well as the abundance of fish and game. Folks looking to escape the day to day grind can retire to this beautiful area year round to hunt, fish, water and snow ski, and hike along nature trails. Visitors are often surprised to discover that the town's slogan, ''Birthplace of the snowmobile,'' reflects its invention there by Carl Eliason in 1924.

The town of Plum Lake was officially formed by an ordinance passed by the Vilas County Board on January 5, 1911. The ordinance went into effect April 1, 1911, creating the new town from territory detached from the town of Arbor Vitae. The first town meeting was held in Sayner on April 14, 1911.

In the 19th century, Plum Lake was the center of a vibrant lumber industry, which eventually gave way to tourism. Two years before the founding of the town, in the summer of 1909, Herb Warner and others began construction on one of Wisconsin's oldest golf courses, the Plum Lake Golf Club, which opened in 1912. Plum Lake also boasts one of Wisconsin's oldest summer camps, Camp Highlands, which began when Harry O. Gilette, a University of Chicago Laboratory School headmaster, brought 10 boys to a remote point on Plum Lake for a summer in the wilderness in 1904.

Today, Plum Lake maintains both its majestic views and its place as a prime vacation destination. We are very proud to represent this community and we congratulate the town of Plum Lake on this historic milestone. We join with all Wisconsinites in expressing our pride in the treasures of our State.●

MESSAGE FROM THE HOUSE

At 4:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1079. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON of South Dakota, from the Committee on Banking, Housing, and Urban Affairs:

Special Report entitled ''Report on the Activities of the Committee on Banking, Housing, and Urban Affairs during the 111th Congress'' (Rept. No. 112–7).

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. COLLINS (for herself and Ms. CANTWELL):

S. 659. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. BARRASSO, Mr. COBURN, Mr. CRAPO, and Mr. ROBERTS):

S. 660. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny or delay coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 661. A bill to amend the Federal Water Pollution Control Act to ensure the safe and proper use of dispersants in the event of an oil spill or release of hazardous substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. VITTER:

S. 662. A bill to provide for payments to certain natural resource trustees to assist in restoring natural resources damaged as a result of the Deepwater Horizon oil spill, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 663. A bill for the relief of Al-Housseynou Ba; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself and Mr. CRAPO):

S. 664. A bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands, and for other purposes; to the Committee on Finance.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 665. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. JOHNSON of South Dakota, Mr. CONRAD, and Mr. TESTER):

S. 666. A bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 667. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. ROBERTS, Mr. KYL, Mr. THUNE, Mr. BARRASSO, Mr. ISAKSON, Mr. WICKER, Mr. BURR, Mr. COBURN, and Mr. INHOFE):

S. 668. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. ISAKSON:

S. 669. A bill to amend the Longshore and Harbor Workers' Compensation Act to improve the compensation system, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 670. A bill to authorize States and their political subdivisions to regulate fuel economy and emissions standards for taxicabs; to the Committee on Commerce, Science, and Transportation.

By Mr. SESSIONS (for himself, Mr. BLUMENTHAL, Mr. HATCH, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CORNYN, Mr. KYL, Mr. GRAHAM, Mr. LEE, Ms. COLLINS, Mr. THUNE, Mr. COBURN, Mr. BURR, and Mr. CHAMBLISS):

S. 671. A bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders; to the Committee on the Judiciary.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. MORAN, Mr. WYDEN, Mr. ROBERTS, Mrs. GILLIBRAND, Mr. WICKER, Mr. BOOZMAN, Mr. THUNE, and Ms. SNOWE)):

S. 672. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

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

S. 673. A bill to require the conveyance of the decommissioned Coast Guard Cutter STORIS; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. VITTER:

S. Res. 111. A resolution expressing the sense of the Senate that Congress should reject any proposal for the creation of a system of global taxation and regulation; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 112. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (''THON'') on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mrs. SHAHEEN):

S. Res. 113. A resolution commemorating the 2011 International Year of Forests; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND (for herself, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. AYOTTE, Mrs. BOXER, Ms. CANTWELL, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. REID, Mr. MCCONNELL, Mr. BARRASSO, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CONRAD, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MENENDEZ, Mr. MERKLEY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CHAMBLISS):

S. Res. 114. A resolution honoring Congresswoman Geraldine A. Ferraro, the first woman selected by a major political party as its candidate for Vice President of the United States, and extending the condolences of the Senate on her death; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 146

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 216

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 216, a bill to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated.

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of 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.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 282

At the request of Mr. BEGICH, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 282, a bill to rescind unused earmarks.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 409

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 409, a bill to ban the sale of certain synthetic drugs.

S. 424

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 520

At the request of Mr. COBURN, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 534

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 540

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 540, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 575

At the request of Mr. TESTER, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Missouri (Mr. BLUNT) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 575, a bill to study the market and appropriate regulatory structure for electronic debit card transactions, and for other purposes.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 593

At the request of Mr. SCHUMER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. REED) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 633

At the request of Ms. SNOWE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

AMENDMENT NO. 183

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of amendment No. 183 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 241

At the request of Mr. RISCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 241 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. CANTWELL):

S. 659. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to join with my colleague from Washington in introducing legislation, the Home Health Care Access Protection Act of 2011, to prevent future unfair administrative cuts in Medicare home health payment rates.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare billions of dollars each year.

That is why I find it so ironic—and troubling—that the Medicare home health benefit continually comes under attack.

The health care reform bill signed into law by the President last year includes $40 billion in cuts to home care over 10 years. Moreover, these cuts are a ''double-whammy'' because they come on top of $25 billion in additional cuts to home health imposed by the Centers for Medicare and Medicaid Services through regulation in the last several years.

These cuts are particularly disproportionate for a program that costs Medicare less than $20 billion a year. This simply is not right, and it certainly is not in the best interest of our nation's seniors who rely on home care to keep them out of hospitals, nursing homes, and other institutions.

The payment rate cuts implemented and proposed by CMS are based on the assertion that home health agencies have intentionally ''gamed the system'' by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of ''case mix creep'' is based on what CMS contends to be an increase in the average clinical assessment ''score'' of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital diagnosis-related group—or DRG—reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that previously could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

Moreover, this unfair payment rate cut is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home

health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The research method, data and findings that CMS has used to justify the administrative cuts also raise serious concerns about the validity of the payment rate cuts. For example, while changes in the need for therapy services significantly affect the case mix ''score,'' the CMS research methodology disregards those changes in evaluating whether the patient population has changed. Moreover, the method by which CMS evaluates changes in case mix coding is not transparent, does not allow for true public participation, and is not performed in a manner that ensures accountability to Medicare patients and providers in terms of its validity and accuracy of outcomes.

The legislation we are introducing today will establish a reliable and transparent process for determining whether payment rate cuts are needed to account for improper changes in ''case mix scoring'' that are not related to changes in the nature of the patients served in home health care or the nature of the care they received. This process will still enable the Secretary of Health and Human Services to enact rate adjustments provided there is reliable evidence that higher case mix scores are resulting from factors other than changes in patient conditions. The legislation will also prevent the implementation of future Medicare payment rate cuts in home health until the Secretary is able to justify the payment cuts through the improved process set forth in the bill.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. The Home Health Care Access Protection Act of 2011 will help to ensure that our seniors and disabled Americans continue to have access to the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. BARRASSO, Mr. COBURN, Mr. CRAPO, and Mr. ROBERTS):

S. 660. A bill to protect all patients by prohibiting the use of data obtained from comparative effectiveness research to deny or delay coverage of items or services under Federal health care programs and to ensure that comparative effectiveness research accounts for advancements in personalized medicine and differences in patient treatment response; to the Committee on Health, Education, Labor, and Pensions.

Mr. KYL. 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. 660

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preserving Access to Targeted, Individualized, and Effective New Treatments and Services (PATIENTS) Act of 2011'' or the ''PATIENTS Act of 2011''.

SEC. 2. PROHIBITION ON CERTAIN USES OF DATA OBTAINED FROM COMPARATIVE EFFECTIVENESS RESEARCH; ACCOUNTING FOR PERSONALIZED MEDICINE AND DIFFERENCES IN PATIENT TREATMENT RESPONSE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services—

(1) shall not use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or authorized or appropriated under the Patient Protection and Affordable Care Act (Public Law 111–148), to deny or delay coverage of an item or service under a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))); and

(2) shall ensure that comparative effectiveness research conducted or supported by the Federal Government accounts for factors contributing to differences in the treatment response and treatment preferences of patients, including patient-reported outcomes, genomics and personalized medicine, the unique needs of health disparity populations, and indirect patient benefits.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.

By Mr. BROWN of Ohio (for himself and Ms. SNOWE):

S. 665. A bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today in support of the Selecting Employment Clusters to Organize Regional Success, SECTORS, Act, which Senator SHERROD BROWN and I are introducing. This legislation would amend the Workforce Investment Act of 1998 to establish an industry or sector partnership grant program administered by the Department of Labor.

The SECTORS Act provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions—in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current federal policy does not provide sufficient support for these critical ventures.

As Co-Chair of the bipartisan Senate Task Force on Manufacturing, one of my key goals is to ensure that manufacturers have access to a capable workforce. Unfortunately, manufacturers across the country have raised significant concerns about whether the next generation of workers is being trained to meet the needs of an increasingly high-tech workplace.

In fact, in my home State of Maine, the manufacturing sector has shed an alarming 26,200 jobs in the past ten years, or 1/3 of the State's manufacturing employment. And since the beginning of 1990, our state has lost 43,000 jobs. It is therefore critical that we as a Nation provide unemployed manufacturing workers the training needed to excel as our manufacturing sector becomes increasingly technical. This legislation provides a crucial link between establishing worker training programs and fostering new employment opportunities for those who have been affected by the manufacturing industry's decline. By promoting this innovative partnership, we will take a crucial step toward rejuvenating our economy.

Throughout the country, sector partnerships are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

Our Nation's capacity to innovate is a key reason why our economy, despite difficult times, remains the envy of the world. Ideas by innovative Americans across the spectrums of professions and industries have paid enormous dividends, improving the lives of millions throughout the world. We must continue to encourage all avenues for advancing our nation's economic well-being if America is to compete at the vanguard of innovation. The SECTORS Act will help align America's workforce with the needs of our Nation's employers to promote a robust and growing economy.

By Mr. BAUCUS (for himself, Mr. JOHNSON of South Dakota, Mr. CONRAD, and Mr. TESTER):

S. 666. A bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BAUCUS. 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. 666

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Traumatic Brain Injury Care Improvement Act of 2011''.

SEC. 2. REPORT ON ESTABLISHMENT OF A POLYTRAUMA REHABILITATION CENTER OR POLYTRAUMA NETWORK SITE OF THE DEPARTMENT OF VETERANS AFFAIRS IN THE NORTHERN ROCKIES OR DAKOTAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The States of the northern Rockies and the Dakotas are among those States in the United States with the highest per capita rates of veterans with injuries from military service in Iraq and Afghanistan.

(2) Traumatic brain injury (TBI) has become known as one of the ''signature wounds'' of military service in Iraq and Afghanistan due to its high occurrence among veterans of such service.

(3) A recent RAND Corporation study estimates that as many as 20 percent of the veterans of military service in Iraq and Afghanistan have a traumatic brain injury as a result of such service, and many of these veterans require ongoing care for mild, moderate, or severe traumatic brain injury.

(4) The Department of Veterans Affairs recommends that all veterans experiencing a polytraumatic injury be referred to a Polytrauma Rehabilitation Center or a Polytrauma Network Site.

(5) The Department of Veterans Affairs Polytrauma System of Care includes 4 Polytrauma Rehabilitation Centers and 22 Polytrauma Network Sites, none of which are located in North Dakota, South Dakota, Idaho, Montana, eastern Washington, or Wyoming, an area that encompasses approximately 740,000 square miles.

(6) The vastness of this area imposes significant hardships on veterans residing in this area who require care within the Department of Veterans Affairs Polytrauma System of Care and wish to live close to home while receiving care within such system of care.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the feasibility and advisability of establishing a Polytrauma Rehabilitation Center or Polytrauma Network Site for the Department of Veterans Affairs in the northern Rockies or the Dakotas. One of the locations evaluated as a potential location for the Polytrauma Rehabilitation Center or Polytrauma Network Site, as the case may be, shall be the Fort Harrison Department of Veterans Affairs hospital in Lewis and Clark County, Montana.

(2) REQUIREMENTS.—The report required by this subsection shall include the following:

(A) An assessment of the adequacy of existing Department of Veterans Affairs facilities in the northern Rockies and the Dakotas to address matters that are otherwise addressed by Polytrauma Rehabilitation Centers and Polytrauma Network Sites.

(B) A comparative assessment of the effectiveness of rehabilitation programs for individuals with traumatic brain injuries in urban areas with the effectiveness of such programs for individuals with traumatic brain injuries in rural and frontier communities.

(C) An assessment whether the low cost of living in the northern Rockies and the Dakotas could reduce the financial stress faced by veterans receiving care for traumatic brain injury and their families and thereby improve the effectiveness of such care.

(D) An assessment whether therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury can be interrupted by stress caused by living in an urban area.

(3) CONSULTATION.—The Secretary shall consult with appropriate State and local government agencies in the northern Rockies and the Dakotas in preparing the report required by this subsection.

By Mr. SESSIONS (for himself, Mr. BLUMENTHAL, Mr. HATCH, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CORNYN, Mr. KYL, Mr. GRAHAM, Mr. LEE, Ms. COLLINS, Mr. THUNE, Mr. COBURN, Mr. BURR, and Mr. CHAMBLISS):

S. 671. A bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I seek recognition today to introduce and speak in favor of the Finding Fugitive Sex Offenders Act of 2011, which would give administrative subpoena authority to the Director of the U.S. Marshals Service for the investigation of sex offenders who have failed to register as required by the Sex Offender Registration and Notification Act. The language of the bill is the product of bipartisan negotiations during the last Congress, which was included in a broader child crimes bill last year that passed both the Senate Judiciary Committee and the Senate, but did not become law.

To understand the need for this bill, it is important to understand the history of recent child crimes legislation in Congress. When the Adam Walsh Act, which I cosponsored, was enacted in July 2006 to create a more uniform and enforceable sex offender registry system, over 150,000 convicted sex offenders were believed to be unregistered and missing from the various state sex offender registries. A key component of the Walsh Act, one requested by John Walsh himself, was to give the U.S. Marshals Service primary enforcement authority to locate and arrest unregistered sex offenders who had crossed state lines or had earlier been convicted under federal law. The Walsh Act, however, did not provide the Marshals Service with administrative subpoena authority to perform these investigations, which can span jurisdictions and move quickly. The Finding Fugitive Sex Offenders Act will fix this gap in the law and grant the Marshals Service this long-needed authority.

It is very surprising that this authority does not already exist in light of the hundreds of administrative subpoena authorities that are in place for various federal agencies, including the EPA, the DEA, the FBI, the CFTC, and even the Appalachian Regional Commission. In March 2006, the Congressional Research Service reported that ''[t]here are now over 300 instances where federal agencies have been granted administrative subpoena power in one form or another.'' In reality, that number is even higher. According to the Department of Justice's 2002 Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities, the Office of Legal Policy ''identified approximately 335 existing administrative subpoena authorities held by various executive branch entities under current law.'' Most of these authorities are for civil enforcement or regulatory compliance—matters far less critical and time-sensitive than locating a fugitive sex offender who has intentionally evaded registering his location or place of employment to avoid detection by law enforcement.

There is no reason why the Marshals Service should not have this type of authority. In these fast-moving investigations across state lines, law enforcement simply cannot afford delays, especially on weekends and holidays when U.S. Attorney's Offices are closed and grand jury subpoenas are unavailable. Assistant Attorney General Rachel Brand explained the delays and limitations of traditional grand jury subpoenas in fast-moving investigations when she testified before the Senate Judiciary Committee on another administrative subpoena proposal in June 2004:

> Although grand jury subpoenas are a sufficient tool in many investigations, there are circumstances in which an administrative subpoena would save precious minutes or hours. . . . For example, the ability to use an administrative subpoena will eliminate delays caused by factors such as the unavailability of an Assistant United States Attorney to immediately issue a grand jury subpoena, especially in rural areas; the time it takes to contact an Assistant United States Attorney in the context of a time-sensitive investigation; the lack of a grand jury sitting at the moment the documents are needed (under federal law, the 'return date' for a grand jury subpoena must be on a day the grand jury is sitting); or the absence of an empaneled grand jury in the judicial district where the investigation is taking place, a rare circumstance that would prevent a grand jury subpoena from being issued at all.

The reality is that sex offenders often fail to register precisely so they can evade detection and move to a new place where they won't face scrutiny. During the hearings and floor debates on the Adam Walsh Act, the Senate heard of the heart-breaking tragedies caused when sex offenders knowingly evaded registration so they could disappear from detection. Senators from Washington and Idaho went to the floor to describe the registry failures and disappearance of Joseph Duncan, who shortly after his release from custody in 2005, absconded from Minnesota

and traveled across the country to Idaho, where he kidnapped Dylan and Shasta Groene from their home in the middle of the night. In the course of the kidnapping, he murdered the children's mother, brother, and the mother's boyfriend by beating them to death with a framing hammer. He then took the children to remote campgrounds across the state line into Montana, where he brutally abused them and later killed Dylan. As one Senator explained during the debate: ''Joseph Duncan was essentially lost by three States. He moved from State to State to avoid capture. No one knew where he was nor even how to look for him.''

A similar tragic story involved the convicted sex offender who killed Florida 9-year-old Jessica Lunsford. John Couey had failed to tell authorities that he was living in a trailer just feet from Jessica's home. In 2005, he kidnapped Jessica from her bedroom and took her to his home where he raped and killed her. Ernie Allen, the President of the National Center for Missing and Exploited Children, cited Couey in his congressional testimony in support of the Walsh Act, explaining that he ''was not where he was supposed to be and [his] presence was unknown to the police or Jessica's family even though he lived 150 yards down the street from her and had worked construction at her elementary school.''

As the Lunsford and Groene cases demonstrate, some sex offenders evade the registry requirements because they want to offend again. In these cases, time is law enforcement's enemy. According to the Department of Justice's guide for families with missing children, ''the actions of parents and of law enforcement in the first 48 hours are critical to the safe recovery of a missing child.'' The Lunsford case illustrates how vital it is for law enforcement to quickly locate sex offenders during a missing child investigation. John Couey reportedly told law enforcement that he kept young Jessica alive for three days before he smothered her inside a plastic trash bag. In a case like Jessica's, this type of authority literally could mean the difference between life and death.

This legislation has broad support. When I drafted this language last Congress, I shared it with the Marshals Service and lawyers who work in the field of protecting children from exploitation. These professionals were not only supportive, but also very clear about the need for this subpoena authority.

I strongly support this legislation and am thankful to the broad bipartisan group, including Senators BLUMENTHAL, HATCH, KLOBUCHAR, GRASSLEY, WHITEHOUSE, CORNYN, KYL, GRAHAM, LEE, COLLINS, THUNE, COBURN, BURR and CHAMBLISS, who have agreed to cosponsor this legislation. I hope the full Senate will take up and pass this legislation soon.

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. 671

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Finding Fugitive Sex Offenders Act of 2011''.

SEC. 2. SUBPOENA AUTHORITY FOR THE UNITED STATES MARSHALS SERVICE.

Section 566(e)(1) of title 28, United States Code, is amended—

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

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18 solely for the purpose of investigating unregistered sex offenders (as that term is defined in section 3486 of title 18).''.

SEC. 3. CONFORMING AMENDMENT TO ADMINISTRATIVE SUBPOENA STATUTE.

(a) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

(2) by striking subparagraph (D) and inserting the following:

''(D) As used in this paragraph—

''(i) the term 'Federal offense involving the sexual exploitation or abuse of children' means an offense under section 1201, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years; and

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''or (1)(A)(ii)'' and inserting ''or (1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. CRAPO, Mr. MORAN, Mr. WYDEN, Mr. ROBERTS, Mrs. GILLIBRAND, Mr. WICKER, Mr. BOOZMAN, Mr. THUNE, and Ms. SNOWE)):

S. 672. A bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to extend the Section 45G short line freight railroad tax credit.

Section 45G creates an incentive for short lines to invest in track rehabilitation by providing a tax credit of 50 cents for every dollar spent on track improvements. If this credit is allowed to expire at the end of the year, private-sector investments in infrastructure in our communities will fall by hundreds of millions of dollars.

''Short line'' railroads are small freight rail companies responsible for bringing goods to communities that are not directly served by large railroads. Supporting small railroads allows the communities surrounding them to attract and maintain businesses and create jobs. The evidence of the success of this credit can be found in communities across America.

This credit has a real impact for the people of my state. West Virginia is the second biggest producer of railroad ties in the country. Since the credit first was enacted, approximately 750,000 railroad ties have been purchased above what would have otherwise been purchased with no incentive. Those railroad ties translate directly into jobs. This credit does not create just West Virginia jobs, it benefits manufacturers of ties, spikes, and rail all across America.

Over 12,000 rail customers across America depend on short lines. This credit creates a strong incentive for short lines to invest private sector dollars on private-sector freight railroad track rehabilitation and improvements. Shippers rely on the high quality service these railroads provide to get their goods to market. Unfortunately, this credit is scheduled to expire at the end of 2011.

This bill would extend the 45G credit through 2017 and provide the important long-term planning certainty necessary to maximize private-sector transportation infrastructure investment. 54 Members of this body sponsored legislation that extended this credit last Congress and I hope there will be similar support again this year.

I thank the Chair and ask my colleagues to join me in supporting this important legislation that will benefit small businesses throughout the country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 111—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT ANY PROPOSAL FOR THE CREATION OF A SYSTEM OF GLOBAL TAXATION AND REGULATION

Mr. VITTER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 111

Whereas many proposals are pending in Congress—

(1) to increase taxes;

(2) to regulate businesses; and

(3) to continue runaway Government spending;

Whereas taxpayer funding has already financed major, on-going bailouts of the financial sector;

Whereas the proposed cap-and-trade system would result in trillions of dollars in new taxes and job-killing regulations;

Whereas a number of nongovernmental organizations are proposing that a cap and trade regulatory system be adopted on a global scale;

Whereas the ''outcome document'' produced by the September 20-22, 2010, United Nations Summit on the Millennium Development Goals (MDGs) commits the nations of the world, including the United States, to supporting ''innovative financing mechanisms'' to supplement foreign aid spending;

Whereas the term ''innovative financing mechanisms'' is a United Nations euphemism for global taxes;

Whereas the ''Leading Group on Innovative Financing for Development,'' a group of 63 countries, seeks to promote the implementation of ''innovative financing mechanisms'';

Whereas a ''Task Force on International Financial Transactions for Development'' is working within the Leading Group and with the United Nations to propose and implement global tax schemes;

Whereas ''innovative financing mechanisms'' are going to be on the agenda for the G8 and G20 summits in France in 2011;

Whereas new international taxation and regulatory proposals would be an affront to the sovereignty of the United States;

Whereas the best manner by which to overcome the economic downturn in the United States includes taking measures that would—

(1) lower tax rates;

(2) reduce Government spending; and

(3) impose fewer onerous and unnecessary regulations on job creation; and

Whereas the worst manner by which to overcome the economic downturn in the United States includes taking measures that would—

(1) increase tax rates; and

(2) expand government intervention, including intervention on a global scale: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject any proposal for the creation of—

(1) ''innovative financing mechanisms'' or global taxes;

(2) an international system of government bailouts for the financial sector;

(3) a global cap-and-trade system or other climate regulations that would—

(A) punish businesses in the United States; and

(B) limit the competitiveness of the United States; and

(4) a global tax system that would violate the sovereignty of the United States.

SENATE RESOLUTION 112—CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON (''THON'') ON ITS CONTINUED SUCCESS IN SUPPORT OF THE FOUR DIAMONDS FUND AT PENN STATE HERSHEY CHILDREN'S HOSPITAL

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 112

Whereas the Pennsylvania State IFC/Panhellenic Dance Marathon (referred to in this preamble as ''THON'') is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer and awareness about the disease to thousands of individuals;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised more than $69,000,000 since 1977, when the 2 organizations first became affiliated;

Whereas in 2011, THON set a new fundraising record of $9,563,016.09, besting the previous record of $7,838,054.36, which was set in 2010;

Whereas THON has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital, and has helped support pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the United States, including at high schools and institutions of higher education, and continues to encourage students across the United States to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (''THON'') on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work putting together another record-breaking THON.

SENATE RESOLUTION 113—COMMEMORATING THE 2011 INTERNATIONAL YEAR OF FORESTS

Mr. LUGAR (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 113

Whereas United Nations Resolution 61/193, adopted by the General Assembly on December 20, 2006, designates the year 2011 as the International Year of Forests;

Whereas the forests of the United States are essential to the health, environment, social fabric, and economy of the United States, as well as to the individual well-being of the people of the United States;

Whereas the forests of the United States are owned, managed, and conserved by a mosaic of family, business, and public entities, with the largest segment of forests owned by 11,000,000 Americans;

Whereas privately-owned forests supply 92 percent of the trees harvested for the wood products that the people of the United States use every day;

Whereas the forest products industry—

(1) accounts for approximately 5 percent of the total United States manufacturing Gross Domestic Product (GDP);

(2) is among the top 10 manufacturing sector employers in 48 States; and

(3) employs nearly 900,000 Americans;

Whereas wood products are 1 of the most environmentally friendly building materials, resulting in a maximum reduction in energy use of 17 percent and a more than 250 percent reduction in air and water pollution, when compared to alternative materials;

Whereas forests supply more than 50 percent of the current renewable energy consumed in the United States;

Whereas as of 2011, the forests and forest products of the United States sequester and store 12 percent of annual United States carbon emissions and, with the proper incentives, can increase the percentage of annual carbon emissions that are sequestered and stored;

Whereas 53 percent of the fresh water supply of the lower 48 States originates in forests and ¼ of the supply originates in private forests;

Whereas 60 percent of at-risk plants and animals rely on private forests, and more than 90 percent of at-risk species rely on all forests for habitat;

Whereas the 14,000,000 Americans who hunt and the 44,000,000 Americans who fish depend on private forests for most of the habitat for fish and wildlife;

Whereas the United States leads the world in sustainable forest practices;

Whereas even while forested acreage as a whole is increasing, permanent loss of forests in ecologically and economically important areas is expected to increase, with 57,000,000 acres of private forests facing significant development pressures in the next 2 decades;

Whereas more than 58,000,000 acres of United States forests are at risk due to insects and disease, especially invasive forest pests, which threaten the health and vitality of forests;

Whereas more than 400,000,000 acres of private forests are at risk due to wildfires, especially in areas where forested boundaries and communities meet; and

Whereas more than 170,000,000 acres of privately owned forests will change hands in the next 2 decades, with a potential loss of the public benefits derived from those forests: Now, therefore, be it

Resolved, That the Senate, in commemoration of the 2011 International Year of Forests—

(1) recognizes the multiple contributions that forests of the United States make to the traditions, health, and way-of-life of the United States;

(2) recognizes the growing threats faced by forests of the United States; and

(3) expresses support and appreciation for—

(A) the 11,000,000 people of the United States who own the majority of the private forests of the United States; and

(B) the thousands of forestry professionals who work every day in the forests of the United States who work to conserve the publicly and privately owned forests of the United States.

SENATE RESOLUTION 114—HONORING CONGRESSWOMAN GERALDINE A. FERRARO, THE FIRST WOMAN SELECTED BY A MAJOR POLITICAL PARTY AS ITS CANDIDATE FOR VICE PRESIDENT OF THE UNITED STATES, AND EXTENDING THE CONDOLENCES OF THE SENATE ON HER DEATH

Mrs. GILLIBRAND (for herself, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. AYOTTE, Mrs. BOXER, Ms. CANTWELL, Ms. COLLINS, Mrs. FEINSTEIN, Mrs. HAGAN, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. MCCASKILL, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. SHAHEEN, Ms. SNOWE, Ms. STABENOW, Mr. REID of Nevada, Mr.

MCCONNELL, Mr. BARRASSO, Ms. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CONRAD, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MENENDEZ, Mr. MERKLEY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REED of Rhode Island, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 114

Whereas Congresswoman Geraldine A. Ferraro served the people of the Ninth Congressional District of New York for 6 years;

Whereas Congresswoman Ferraro worked her way through law school at Fordham University, at a time when very few women did so;

Whereas Congresswoman Ferraro then joined the Queens County District Attorney's Office, where she supervised the prosecution of a variety of violent crimes, including child and domestic abuse;

Whereas in 1978, New York's Ninth Congressional District in Queens elected Congresswoman Ferraro to the U.S. House of Representatives, where she was one of only 16 women members of the House;

Whereas when she was nominated as the running mate of Vice President Walter F. Mondale in the 1984 presidential race, Congresswoman Ferraro became the first woman ever chosen to run on the national ticket of either of the 2 major political parties of the United States;

Whereas Congresswoman Ferraro's candidacy continues the progress begun by women who achieved political firsts before her and helped to tear down barriers to the full and equal participation of women in national politics;

Whereas in January 1993, President Clinton appointed Ms. Ferraro a United States Ambassador to the United Nations Commission on Human Rights, a role from which she championed the rights of women around the world; and

Whereas Geraldine Ferraro's 1984 bid for Vice President helped our daughters join our sons in believing they could achieve anything they set their minds to: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes that Geraldine A. Ferraro's vice-presidential candidacy forever enriched the American political landscape and forged a new path for women of the United States;

(2) the Senate pays tribute to Congresswoman Geraldine A. Ferraro's work to improve the lives of women and families not only in the Ninth Congressional District of New York, whom she represented so well, but also the lives of women and families all across the United States;

(3) the Senate requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Congresswoman Geraldine A. Ferraro; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Congresswoman Geraldine A. Ferraro.

AMENDMENTS SUBMITTED AND PROPOSED

SA 258. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 259. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 260. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 262. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 263. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 161 proposed by Mr. JOHANNS (for himself and Mr. MANCHIN) to the bill S. 493, supra; which was ordered to lie on the table.

SA 264. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 265. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 267. Mr. TESTER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 258. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. COCHRAN, and Mr. SHELBY) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. EXTENSION OF THE PLACED IN SERVICE DATE FOR LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2012'' and inserting ''January 1, 2013''.

SA 259. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. EXEMPTION OF OFF-HIGHWAY VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) EXEMPTION.—Section 101(b) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) EXCEPTION FOR OFF-HIGHWAY VEHICLES.—

''(A) IN GENERAL.—Subsection (a) shall not apply to an off-highway vehicle.

''(B) OFF-HIGHWAY VEHICLE DEFINED.—For purposes of this section, the term 'off-highway vehicle'—

''(i) means any motorized vehicle—

''(I) that is manufactured primarily for use off of public streets, roads, and highways;

''(II) designed to travel on 2 or 4 wheels; and

''(III) having either—

''(aa) a seat designed to be straddled by the operator and handlebars for steering control; or

''(bb) a nonstraddle seat, steering wheel, seat belts, and roll-over protective structure; and

''(ii) includes a snowmobile.''.

(b) ADDITIONAL AMENDMENT.—Such section is further amended in paragraph (1)(A) by striking ''any''.

SA 260. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. MANUFACTURING OPPORTUNITIES FOR SBIR AND STTR PROGRAMS.

The Administration shall establish a portal within the centralized SBIR website that—

(1) announces manufacturing opportunities when available; and

(2) publishes any Administration rules and guidance relating to such opportunities.

SA 261. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, line 13, after ''agency'' insert '', including in the manufacturing sector and, to the extent practicable, the effects of patent rights granted to inventions arising out of SBIR on job creation and savings in the manufacturing sector''.

SA 262. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. MARKET RESEARCH TO IDENTIFY QUALIFIED RECIPIENTS OF AWARDS UNDER THE SBIR OR STTR PROGRAM.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(s) SBIR AND STTR AWARDEES.—

''(1) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'covered contract' means a contract to perform research, development, or production that has an expected annual value that is more than $150,000 and not more than $25,000,000;

''(B) the term 'recipient of an award under an SBIR program or STTR program' includes

a team of small business concerns that received an award under an SBIR program or STTR program; and

''(C) the terms 'SBIR program' and 'STTR program' have the meanings given those terms under section 9.

''(2) MARKET RESEARCH.—Before a contracting officer for a Federal agency issues a request for proposals relating to a covered contract, the contracting officer shall perform market research to determine whether a recipient of an award under the SBIR program or STTR program is qualified to perform the covered contract using technology developed using the award.

''(3) FULL AND FAIR CONSIDERATION.—If a contracting officer for a Federal agency identifies a recipient described in paragraph (2) after performing market research under paragraph (2), the contracting officer shall ensure that the recipient is given full and fair consideration in the award of the covered contract.''.

SA 263. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 161 proposed by Mr. JOHANNS (for himself and Mr. MANCHIN) to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, before line 1, insert the following:

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

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

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

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

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

SA 264. Ms. KLOBUCHAR (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. EXEMPTION OF OFF-HIGHWAY VEHICLES FROM BAN ON LEAD IN CHILDREN'S PRODUCTS.

Section 101(b) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(b)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

''(5) EXCEPTION FOR OFF-HIGHWAY VEHICLES.—

''(A) IN GENERAL.—Subsection (a) shall not apply to an off-highway vehicle.

''(B) OFF-HIGHWAY VEHICLE DEFINED.—For purposes of this section, the term 'off-highway vehicle'—

''(i) means any motorized vehicle—

''(I) that is manufactured primarily for use off of public streets, roads, and highways;

''(II) designed to travel on 2 or 4 wheels; and

''(III) having either—

''(aa) a seat designed to be straddled by the operator and handlebars for steering control; or

''(bb) a nonstraddle seat, steering wheel, seat belts, and roll-over protective structure; and

''(ii) includes a snowmobile.''.

SA 265. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.

(a) DEFINED TERM.—In this section, the term ''greenhouse gas'' means—

(1) water vapor;

(2) carbon dioxide;

(3) methane;

(4) nitrous oxide;

(5) sulfur hexafluoride;

(6) hydrofluorocarbons;

(7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that attempts to classify a greenhouse gas as a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)) shall not be legally effective during such period.

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled ''Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards'' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision); or

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles'' published at 75 Fed. Reg. 74152 (November 30, 2010).

SEC. 505. GREENHOUSE GAS EMISSION STANDARDS.

(a) PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.—Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

(b) AGRICULTURAL SOURCES.—In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

(1) direct or indirect changes in land use;

(2) the growing of commodities, biomass, fruits, vegetables, or other crops;

(3) the raising of stock, dairy, poultry, or fur-bearing animals; or

(4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

SEC. 506. ENERGY SECURITY.

(a) SHORT TITLE.—This section may be cited as the ''Security in Energy and Manufacturing Act of 2011'' or the ''SEAM Act of 2011''.

(b) EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.—

(1) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL 2011 ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

''(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

''(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

''(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term 'domestic job creation (both direct and indirect)' means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

''(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

''(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term '2011 allocation amount' means $5,000,000,000.

''(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.''.

(2) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting ''(increased by so much of the 2011 allocation amount (not in excess of $1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))'' after ''$2,300,000,000''.

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''48C(d)(6)(E),'' after ''36C,''.

SA 266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—SMALL BUSINESS LENDING FUND

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Greater Accountability in the Lending Fund Act of 2011''.

SEC. ___02. REPAYMENT DEADLINE UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

(a) IN GENERAL.—Section 4103(d)(5)(H) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''; or'' and inserting a period;

(B) by striking subclause (II); and

(C) by striking ''will—'' and all that follows through ''be repaid'' and inserting ''will be repaid'';

(2) by striking clause (ii); and

(3) by striking ''that—'' and all that follows through ''includes,'' and inserting ''that includes,''.

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

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

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the ''Program'') on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

SEC. ___03. SMALL BUSINESS LENDING FUND SUNSET.

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in subsection (b), by inserting ''and shall be limited by the termination date in subsection (c)'' before the period at the end; and

(2) by adding at the end the following:

''(c) TERMINATION OF PROGRAM.—

''(1) INVESTMENTS.—On and after the date that is 15 years after the date of enactment of this Act, the Federal Government may not own any preferred stock or other financial instrument purchased under this subtitle or otherwise maintain any capital investment in an eligible institution made under this subtitle.

''(2) AUTHORITIES.—Except as provided in subsection (a), all the authorities provided under this subtitle shall terminate 15 years after the date of enactment of this Act.''.

SEC. ___04. SMALL BUSINESS LENDING FUND TRIGGER.

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note), as amended by section ___03, is amended by adding at the end the following:

''(d) FDIC RECEIVERSHIP.—The Secretary may not make any purchases, including commitments to purchase, under this subtitle if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of the number of eligible institutions that receive a capital investment under the Program.''.

SEC. ___05. SMALL BUSINESS LENDING FUND LIMITATION.

(a) IN GENERAL.—Section 4103(d) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking '', less the amount of any CDCI investment and any CPP investment'' each place it appears;

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively; and

(4) by adding at the end the following:

''(10) PROHIBITION ON TARP PARTICIPANTS PARTICIPATING IN THE PROGRAM.—An institution in which the Secretary made a investment under the CPP, the CDCI, or any other program established by the Secretary under the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) shall not be eligible to participate in the Program.''.

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

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

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the ''Program'') on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

SEC. ___06. PRIVATE INVESTMENTS UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Section 4103(d)(3) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking ''MATCHED''; and

(2) in subparagraph (B)(i), by striking ''both under the Program and''.

SEC. ___07. APPROVAL OF REGULATORS.

(a) IN GENERAL.—Section 4103(d)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking ''CONSULTATION WITH'' and inserting ''APPROVAL OF'';

(2) in the matter preceding subparagraph (A), by striking ''the Secretary shall'' and inserting ''the Secretary may not make a purchase under this subtitle unless'';

(3) in subparagraph (A)—

(A) by striking ''consult with''; and

(B) by striking ''to determine whether the eligible institution may receive'' and inserting ''determines that, based on the financial condition of the eligible institution, the eligible institution should receive'';

(4) in subparagraph (B)—

(A) by striking ''consider any views received from''; and

(B) by striking ''regarding the financial condition of the eligible institution'' and inserting ''determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment''; and

(5) in subparagraph (C)—

(A) by striking ''consult with''; and

(B) by inserting ''determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment'' before the period at the end.

(b) CONFORMING AMENDMENTS.—Section 4103(d)(3)(A) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking ''to be consulted under paragraph (2) would not otherwise recommend'' and inserting ''required to make a determination under paragraph (2) does not approve'';

(2) by striking ''to be so consulted''; and

(3) by striking ''to be consulted would recommend'' and insert ''would approve''.

SEC. ___08. BENCHMARK FOR SMALL BUSINESS LENDING.

Section 4103(d)(5)(A)(ii) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking ''for the 4 full quarters immediately preceding the date of enactment of this Act'' and inserting ''during calendar year 2007''.

SA 267. Mr. TESTER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—DEBIT INTERCHANGE FEE STUDY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Debit Interchange Fee Study Act of 2011''.

SEC. 602. FINDINGS.

Congress finds that—

(1) in response to the proposed debit interchange rule of the Board of Governors of the Federal Reserve System mandated by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Chairman of Board, the Comptroller of the Currency, the Chairperson of the Federal Deposit Insurance Corporation, and the Chairman of the National Credit Union Administration Board have publicly raised concerns about the impact of the proposed rule;

(2) while testifying before the Committee on Banking, Housing, and Urban Affairs of the Senate on February 17, 2011, the Chairman of the Board stated in response to questions about the small bank exemption to the interchange rule, ''. . .there is some risk that the exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent we would see for larger banks'';

(3) the Acting Comptroller of the Currency, in comments to the Board, cited safety and soundness concerns and stated, ''. . .we believe the proposal takes an unnecessarily

narrow approach to recovery of costs that would be allowable under the law and that are recognized and indisputably part of conducting a debit card business. This has long-term safety and soundness consequences – for banks of all sizes. . .'';

(4) the chairperson of the Federal Deposit Insurance Corporation stated in comments to the Board regarding the proposed rule their concern that the small bank exemption would not work, stating, ''. . .we are concerned that these institutions may not actually receive the benefit of the interchange fee limit exemption explicitly provided by Congress, resulting in a loss of income for community banks and ultimately higher banking costs for their customers'';

(5) the chairman of the National Credit Union Administration Board, in comments to the Board, cited concern with making sure there are ''meaningful exemptions for smaller card issuers''; and

(6) all of the comments and concerns raised by the banking and credit union regulatory agencies cast serious questions about the practical implementation of section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and further study and consideration are needed.

SEC. 603. RULEMAKING AND EFFECTIVE DATES.

(a) EXTENSION FOR RULEMAKING TIMELINES AND REVISED EFFECTIVE DATE.—Section 920 of the Electronic Fund Transfer Act (15 U.S.C. 1693o-2) is amended—

(1) in subsection (a)(3)(A), by striking ''9 months after the date of enactment of the Consumer Financial Protection Act of 2010'' and inserting ''24 months after the date of enactment of the Debit Interchange Fee Study Act of 2011'';

(2) in subsection (a)(5)(B)(i), by striking ''9 months after the date of enactment of the Consumer Financial Protection Act of 2010'' and inserting ''24 months after the date of enactment of the Debit Interchange Fee Study Act of 2011'';

(3) in subsection (a)(8)(C), by striking ''9-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010'' and inserting ''24-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011'';

(4) in subsection (a)(9), by striking ''12-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010'' and inserting ''30-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011'';

(5) in subsection (b)(1)(A), by striking ''1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010'' and inserting ''24-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011''; and

(6) in subsection (b)(1)(B), by striking ''1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010'' and inserting ''24-month period beginning on the date of enactment of the Debit Interchange Fee Study Act of 2011''.

(b) EARLIER RULEMAKING VOIDED; NEW RULEMAKING REQUIRED.—Any regulation proposed or prescribed by the Board pursuant to section 920 of the Electronic Fund Transfer Act (as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act) prior to the date that is 6 months after the date of completion of the study required under section 604 shall be withdrawn by the Board and shall have no legal effect.

SEC. 604. STUDY.

(a) STUDY REQUIRED.—Not later than 12 months after the date of enactment of this Act, the study agencies shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the impact of regulating debit interchange transaction fees and related issues under section 920 of the Electronic Fund Transfer Act.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the study agencies shall examine the state of the debit interchange payment system, including the impact of section 920 of the Electronic Fund Transfer Act on consumers, entities that accept debit cards as payment, all financial institutions that issue debit cards, including small issuers, and debit card networks, and shall specifically examine—

(1) the costs and benefits of electronic debit card transactions and alternative forms of payment, including cash, check, and automated clearing house (ACH) for consumers, merchants, issuers, and debit card networks, including—

(A) individual consumer protections, ease of acceptance, payment guarantee, and security provided through such forms of payments for consumers;

(B) costs and benefits associated with acceptance, handling, and processing of different forms of payments, including labor, security, verification, and collection where applicable;

(C) the extent to which payment form impacts incremental sales and ticket sizes for merchants;

(D) all direct and indirect costs associated with fraud prevention, detection, and mitigation, including data breach and identity theft, and the overall costs of fraud incurred by debit card issuers and merchants, and how those costs are distributed among those parties; and

(E) financial liability and payment guarantee for debit card transactions and associated risks and costs incurred by debit card issuers and merchants, and how those costs are distributed among those parties;

(2) the structure of the current debit interchange system, including—

(A) the extent to which the current structure offers merchants and issuers, particularly smaller merchants and issuers sufficient competitive opportunities to participate and negotiate in the debit interchange system;

(B) an examination of the benefits of allowing interchange fees to be determined in bilateral negotiations between merchants and issuers, including small issuers directly;

(C) mechanisms for allowing more price discovery and transparency on the part of the consumer; and

(D) the ability of new competitors to enter the payment systems market and an examination into whether structural barriers to entry exist; and

(3) the impact of the proposed rule reducing debit card interchange fees issued by the Board entitled, ''Debit Card Interchange Fees and Routing'' (75 Fed. Reg. 81,722 (Dec. 28, 2010)), if such proposed rule were adopted without change, including—

(A) the impact on consumers, including whether consumers would benefit from reduced interchanges fees through reduced retail prices;

(B) the impact on lower and moderate income consumers and on small businesses with respect to the cost and accessibility of payment accounts and services, the availability of credit, and what alternative forms of financing are available and the cost of such financing;

(C) the impact on consumer protection, including anti-fraud, customer identification efforts, and privacy protection;

(D) the impact of reduced debit card interchange fees on merchants, including a comparison of the impact on small merchants versus large merchants;

(E) the potential consequences to merchants if reduced debit interchange fees result in elimination of the payment guarantee or other reductions in debit card services to merchants or shift consumers to other forms of payments;

(F) the impact of significantly reduced debit card interchange fees on debit card issuers and the services and rates they provide, if fees do not adequately recoup costs and investments made by issuers and the potential impact on the safety and soundness of issuers;

(G) whether it is possible to exempt or treat differently a certain class of issuers within the debit interchange system, such as small issuers and the impact of market forces on such treatment;

(H) the extent to which a transition to a fee cap from an interchange fee that is proportional to the overall cost of a transaction could provide a reasonable rate of return for issuers and adequately cover fraud and related costs;

(I) the impact on other entities that utilize debit card transactions, including the debit card programs of Federal and State entities.

(J) the impact of shifting debit transaction routing from card issuers to merchants, including resulting changes to interchange fees and costs for card issuers; and

(K) the impact of mandating a specific number of enabled networks on merchants and debit card issuers, including the specific and unique impact on small issuers.

SEC. 605. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(2) STUDY AGENCIES.—The term ''study agencies'' means the Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

(3) SMALL ISSUERS.—The term ''small issuers'' means debit card issuers that are depository institutions, including community banks and credit unions, with assets of less than $10,000,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 29, 2011, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m., to conduct a hearing entitled, ''Public Proposals for the Future of the Housing Finance System''.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m. in Dirksen 406.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND HUMAN RIGHTS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Human Rights, be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting the Civil Rights of American Muslims.''

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m., to conduct a hearing entitled, ''Tools to Present DOD Cost Overruns.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on March 29, 2011, at 10 a.m., to conduct a hearing entitled, ''Strengthening the Senior Executive Service: a Review of Challenges Facing the Government's Leadership Corps.''

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on March 29, 2011, at 2:30 p.m.

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

AIRPORT AND AIRWAY EXTENSION ACT OF 2011

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1079, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 1079) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 1079) was read the third time and passed.

HONORING CONGRESSWOMAN GERALDINE A. FERRARO

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 114, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 114) honoring Congresswoman Geraldine A. Ferraro, the first woman selected by a major political party as its candidate for Vice President of the United States, and extending condolences of the Senate on her death.

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

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 114

Whereas Congresswoman Geraldine A. Ferraro served the people of the Ninth Congressional District of New York for 6 years;

Whereas Congresswoman Ferraro worked her way through law school at Fordham University, at a time when very few women did so;

Whereas Congresswoman Ferraro then joined the Queens County District Attorney's Office, where she supervised the prosecution of a variety of violent crimes, including child and domestic abuse;

Whereas in 1978, New York's Ninth Congressional District in Queens elected Congresswoman Ferraro to the U.S. House of Representatives, where she was one of only 16 women members of the House;

Whereas when she was nominated as the running mate of Vice President Walter F. Mondale in the 1984 presidential race, Congresswoman Ferraro became the first woman ever chosen to run on the national ticket of either of the 2 major political parties of the United States;

Whereas Congresswoman Ferraro's candidacy continues the progress begun by women who achieved political firsts before her and helped to tear down barriers to the full and equal participation of women in national politics;

Whereas in January 1993, President Clinton appointed Ms. Ferraro a United States Ambassador to the United Nations Commission on Human Rights, a role from which she championed the rights of women around the world; and

Whereas Geraldine Ferraro's 1984 bid for Vice President helped our daughters join our sons in believing they could achieve anything they set their minds to: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes that Geraldine A. Ferraro's vice-presidential candidacy forever enriched the American political landscape and forged a new path for women of the United States;

(2) the Senate pays tribute to Congresswoman Geraldine A. Ferraro's work to improve the lives of women and families not only in the Ninth Congressional District of New York, whom she represented so well, but also the lives of women and families all across the United States;

(3) the Senate requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Congresswoman Geraldine A. Ferraro; and

(4) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Congresswoman Geraldine A. Ferraro.

ORDERS FOR WEDNESDAY, MARCH 30, 2011

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, March 30; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of S. 493, the small business jobs bill.

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

PROGRAM

Mr. UDALL of Colorado. Mr. President, rollcall votes in relation to amendments to the small business jobs bill are expected during tomorrow's session. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. UDALL of Colorado. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 114 as a further mark of respect to the memory of Congresswoman Geraldine A. Ferraro.

There being no objection, the Senate, at 7:03 p.m., adjourned until Wednesday, March 30, 2011, at 9:30 a.m.