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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Lord, the Earth belongs to You, the world and everything in it. You are an awesome and majestic God. When we have anxieties about what the future holds, remind us that the hearts of Kings, Queens, and Presidents are in Your hands and You guide them wherever You please. You are sovereign.

Today, bless our lawmakers. Give them a positive attitude regarding the challenges they face. Lord, help them believe that You guard this Nation and will empower them with exactly what they need to lead with excellence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. DURBIN 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

ELIZABETH MACDONOUGH

Mr. REID. Mr. President, as the Presiding Officer and all Senators should understand, we have a new sheriff in the Senate now. And we wish Elizabeth MacDonough well. She is certainly well qualified for this job. She has proven that in the decade she has been here, her fairness and astuteness of Senate rules. Let everyone understand that a new boss is in the Senate now.

This morning, following any leader remarks, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, we will resume consideration of the STOCK Act.

THE STOCK ACT

Mr. President, it is my understanding that the Republicans are going to have a luncheon today. I hope they discuss what they want to do here on the Senate floor. Last night we had a situation where two of our fine Senators, Mr. LIEBERMAN and Ms. COLLINS, who have a reputation of being fair and bipartisan, did their best to work through some amendments, to set up votes on them, and they couldn't do it because we had Senators who offered amendments that had nothing to do with this bill—nothing. But Republican Senators said they would not allow a vote on germane and relevant amendments until they were guaranteed a vote on their nongermane amendments. So that is not a good situation, and we cannot legislate in that fashion. It is one thing to offer an amendment that is not germane, but to demand a vote on it out of order before any other amendments? So the minority has to make a decision whether they want to legislate or have people give speeches all day that have nothing to do with the legislation.

I hope the leadership and the Senators generally on the other side of the aisle will work together to help us move this piece of legislation out of here. It is an important piece of legislation. We were told it is bipartisan. Only two Senators voted against breaking the filibusters so we could start debating this bill.

SPENDING

The Republicans in Congress often claim they are the only thing standing against a wave of deficit spending. But where were these Republicans when President Bush pushed for trillions in unpaid tax cuts for the rich? Where were they? They were right here in Congress, that is where. So instead of pointing the finger at us, Republicans should examine their own track record of extravagant spending: a prescription drug plan, unpaid for; two unpaid wars; tax breaks for the rich, unpaid for. And they were paid for—borrowed money, money borrowed from American taxpayers. Trillions of dollars. In fact, President Bush's tax cuts were the single largest contributor to the ballooning budget deficits during his administration. There were plenty of others, but that was No. 1. And no one benefited from these tax breaks more than billionaires and millionaires. Tax breaks for the richest Americans piled nearly $1 trillion on our debt over the last decade. The tax bill was far more than that, but that is just people making more than $1 million a year.

Yesterday the nonpartisan Congressional Budget Office released a report showing that these tax cuts will continue to push deficits to unsafe levels. We know that, but in addition to doing that, what it does is it makes the poor

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

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poorer, the rich richer, and squeezes the middle class every day. Extending the Bush tax cuts for the wealthiest Americans—people making more than $1 million a year—would add another $1 trillion to the deficit over the next decade. We can no longer afford to bankrupt our Nation to give more tax breaks to people who do not need them. People are putting up accounts in the Cayman Islands, stashing money in Switzerland.

Republicans are right about one thing: We do have a deficit problem in this country. And there are two ways to ease this crisis. We could cut more jobs for teachers, firefighters, police, and Federal employees. We could cut Social Security and Medicare benefits for seniors after a lifetime of hard work. We could put off repairing our crumbling roads, bridges, and schools. We could continue to let our schools fall into disrepair and our students fall further behind. We could continue talking about what really does not matter.

The House keeps talking about bills they have passed that create jobs. Everyone, every pundit who has looked at those knows it is just a subterfuge. They want to cut regulations, and that would make people sicker, that would make our air dirtier and our water less pure and our food less safe. That is what they are doing to create jobs.

The other way to cut spending would be to take care of those unnecessary tax breaks for millionaires and billionaires.

So this is the choice we face: cutting the heart out of America or having the richest of the rich contribute just a little bit to the problems we have in America today as it relates to spending. The choice we face should not be a very difficult choice.

This country has limited resources, and we must use those resources wisely. Investing in the middle class is a wise use of those resources. When you put money back in the pockets of the middle class, they spend it. They spend it on groceries and gas and buying new cars, paying their mortgages, paying their rent, maybe repairing their family car, or spending it to fix the roof on their house that has become dilapidated. That spending boosts business, spurs hiring, and helps the economy. Rigging the tax system to favor the richest of the rich does not do that. Rigging the system does not create jobs. It does not spur growth. It is not a wise use of our resources.

RECOGNITION OF THE REPUBLICAN LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, later this morning President Obama is scheduled to speak in Virginia on the economy. I have not seen the speech, but I expect he will not be talking about the negative impact his health care bill is already having on job creation, and I guarantee he will not be talking about one provision in particular, the CLASS Act, which the House of Representatives is voting to repeal today.

Like so many of his policies, the CLASS Act has not turned out the way the American people were told it would. At the time of its passage, Americans were told it would be a long-term care cost saver. Proponents of the CLASS Act said it would account for nearly half of the deficit reduction they claimed the health care bill would somehow miraculously bring about.

More recently, however, the administration has admitted that government officials knew their projections about the CLASS Act could not possibly be true. They knew it would not work as advertised. Yet the Obama administration went ahead with it anyway.

In 2009, the Chief Medicare Actuary wrote that, based on his 36 years of actuarial experience, he believed the CLASS Act would ''collapse in short order, and require significant Federal subsidies to continue'' and that it would lead to what he called an insurance death spiral since only the sickest people would sign up, making it impossible for the program to remain solvent. Another health care policy official said that the program ''seemed like a recipe for disaster.''

So last October the Obama administration was finally forced to admit what they refused to admit when the health care bill first passed: that the CLASS Act was indeed unsustainable. As HHS Secretary Sebelius put it, there is no viable path forward for the program. Yet for some reason the President is unwilling to follow through on that conclusion by his own administration. He opposes today's vote over in the House.

Most people would conclude that the administration would support repealing a portion of the health care bill that they now acknowledge is not financially viable, but they would be wrong. Despite admitting this program is doomed to fail, the Obama administration refuses to take it off the books. This refusal is all the more remarkable given the fact that President Obama has repeatedly said he is willing to listen to critics of his health care bill if they come up with ways to improve it. When it comes to the CLASS Act, the President does not even appear to be willing to listen to himself.

Well, it should be obvious what is going on here. The President is so determined to distract people from his own legislative record that he does not even want to have a conversation about it. He is so determined to convince people that the ongoing economic crisis is someone else's fault that he is acting as though the first 3 years of his Presidency never even happened. He refuses to admit the central role his policies have played in prolonging the economic mess we are in. Instead of leading, the President is biding his time, hoping the public will blame someone else for the jobs crisis. Instead of acknowledging the effects of his own policies, he is hoping he can change the subject. The problem is, the longer we wait to tackle these problems, the harder they will be to solve. And, frankly, most Americans think the President should be leading that charge, not avoiding it.

In 2009, President Obama said that rising health care costs were the most pressing fiscal challenge we faced as a nation. Yesterday, the Congressional Budget Office said government health care costs will double over the next decade. So the verdict is in. The administration looked at an area that both parties agree was in critical need of reform, and they made it worse, and now they will not even admit it. Why? Because it interferes with the President's reelection strategy. If it is about him or his policies, he does not want to talk about it. And when it comes to the CLASS Act, it is easy to see why.

So I would encourage our friends over in the House in their efforts today. I hope they send this bill over to the Senate with a strong bipartisan vote. If the President will not listen to his own advisers, let's hope he listens to Congress on the failures of his health care bill and in particular the failures of the CLASS Act.

If we are going to replace the President's health care bill with the kind of commonsense reform that the American people want, repealing the CLASS Act is a good place to start. As the House is showing today, if the President refuses to act on this important issue, Congress will.

I yield the floor.

MORNING BUSINESS

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

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues from North Dakota and Nebraska.

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

KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, President Obama has said that every morning when he gets up, he thinks about what he can do to create jobs. Yet just in the last couple weeks, he turned thumbs down on a project that would create

20,000 shovel-ready jobs, the Keystone XL Pipeline, which is a project that is teed up and ready to go. It would invest $7 billion initially and create 20,000 jobs immediately. It will address a very important issue for this country—energy.

We talk about getting away from the dependence on foreign sources of energy and becoming more energy independent, and we have an opportunity to do that and, at the same time, create economic opportunity in this country and get people back to work. It is a mystery as to why the administration and the President would not find this particular project to be in America's national interest.

It comes down to whether we are going to continue to import the oil, the energy we need, from unfriendly nations—we get about 700,000 barrels a day from Venezuela—or whether we will get that oil from a friendly neighbor such as Canada. When we look at that juxtaposition, that comparison, and ask should we get that 700,000 barrels of oil from Hugo Chavez or from Canada, most Americans would say it makes more sense to do business with our friendly ally to the north. Also, we would have that come down into this country in a 1,700-mile pipeline, which would transport that oil to refineries in the United States, where it would be refined and create jobs there as well.

In almost all respects, as we look at the project and the attributes that come with it, they are job creation, investment, energy security, not to mention the State and local tax revenue, which is something that is important to a lot of people whom I represent in South Dakota. In fact, I had someone from western South Dakota in my office last week, and he said: We care about the energy security issue, the jobs issue, and all that, but we need the tax revenue for our school districts and county governments that would be generated.

So we have all these positive benefits associated with this particular project. Yet after having studied it for 3 years, about 1,200 days, and having done multiple environmental impact statements—the last one concluded in August of last year—lo and behold, the President decides he is not going to move forward with this project.

We think that is terribly unfortunate, not in the national interest. We believe it is in the national interest to move forward to address the important energy security needs, as well as the needs for job creation and economic growth.

Two of my colleagues, former Governors, now Senators from Nebraska and North Dakota, are people who are well acquainted with these types of projects. The Governor from North Dakota was very involved when the first Keystone Pipeline that was built from Canada through North Dakota, South Dakota, Nebraska, and points south. That project went through a permitting process. It was a couple years in the making and it was approved. The construction process was concluded and it is now operational. That is an example of how this particular project can work.

This pipeline would cross the State of the Senator from Nebraska. There were concerns about whether it had the right route in order for this to be done in the best environmental way. Those issues have been addressed. The Nebraska legislature met in special session, and they and the Governor came up with an alternative idea about how to do this. They have been supportive of moving forward with this project as well.

The question before the House is if the President of the United States determines this is not in the national interest, notwithstanding the support of lots of Members of Congress on both sides of the aisle and I think overwhelming support of the States through which this line would traverse and the labor unions which represent a lot of people who are involved. Many editorial pages support this, including the Chicago Tribune, which said:

> Obama's decision will cost the U.S. jobs. . . . He seems to think those jobs will still be there when he gets around to making decision on the pipeline. But they may well be gone for good.

They go further and say his decision ''will deny the U.S. a reliable source of oil.''

They recognize the importance of this project and doing business with a friendly country, the importance of energy independence, and the fact that if we don't benefit from this, it will go somewhere else. They have made it abundantly clear this is not something—if the United States turns it down—they will continue to wait around for until sometime in the future when we might consider it. They will go somewhere else—probably China—with it.

For those reasons, we believe we need to do everything we can do to move this project forward. My colleagues came up with legislation that recognizes the role of the Congress under the commerce clause and our ability to approve this project. I hope we will get an opportunity to discuss and debate this issue in the Senate and get a vote and perhaps get a vote as well in the House of Representatives, where Congress could weigh in and perhaps change the President's mind about this important project.

I am glad to be with my colleagues today. I will yield to the Senator from North Dakota and the Senator from Nebraska, two great leaders on this particular issue and all issues relating to energy security. They understand the history of this, as well as its importance to America's future.

I ask the Senator from North Dakota if he would like to give us an insight about the first Keystone Pipeline, built through his State a few years ago, the history of that, and the history of how this particular project was put forward as well and why we think it ought to go forward.

Mr. HOEVEN. Mr. President, I thank the Senator from South Dakota for organizing the colloquy and I also thank the good Senator from Nebraska for joining us as well. I appreciate working with them on this project, which is not only vital to our State but to our country.

As the Senator from South Dakota said, this project is critically important to our country for a number of reasons. First, it will create tens of thousands of jobs. There will be a $7 billion investment, not one penny of which will be Federal Government spending but all private sector investment. The Perryman Group projected, when they did a study on the job creation, that it would create 20,000 construction jobs right away; it would create upward of 100,000 spinoff jobs as they expand refineries and with the other economic activity that is created. Some might dispute those job numbers, but any way we look at it, tens of thousands of jobs will be created by the private sector, which is why it has strong union support at a time when we have 13-plus million people out of work and we need the jobs.

As the Senator from South Dakota said, it will generate hundreds of millions in tax revenues from a growing economy, from more economic activity. The last I checked, it is pretty important at the local, State, and Federal levels to have those revenues coming in. In addition, it will reduce our dependence on oil from the Middle East. With what is going on in Iran—and they are threatening to blockade the Strait of Hormuz—and with gas prices at $3.50 a gallon, roughly, and going up, it is important to consumers and the businesses of this country that we use the oil in this country and from our closest ally, Canada, rather than relying on the Middle East.

The third point is, this oil will be produced. If we don't build the pipeline capacity to bring it to our refineries to be refined, it goes to China. That is a fact. It will be produced. It will either go to China or it will come to us.

I have this chart to give a history of the project because, as the good Senator from South Dakota said, this has been under review for more than 3 years. TransCanada, the company that is trying to build the pipeline, built this Keystone Pipeline already. That is this red line on the chart. That project was approved in 2 years. Again, Keystone XL has been under study more than 3 years. The sister pipeline has already been built, and that was approved in 2 years. It comes from Alberta, Canada, to the refineries in the Patoka, IL, area.

The existing project, as we can see, comes through North Dakota—that was when I was Governor—through South Dakota, and down through Nebraska. The Keystone XL comes just to the west. I point that out because of the Bakken oil play in North Dakota

and Montana, it is very important we have the ability to put oil into this pipeline. We are looking at putting 100,000 barrels a day of U.S. crude into this pipeline so it can get to our refineries. In other words, it is not just about bringing Canadian crude to our refineries; it is about bringing our own crude to them. It also saves wear and tear on our roads, and it is a safety issue because it reduces truck traffic. We are talking 500 truckloads a day and 17 million truck miles a year that we don't have to put on our roads. We don't have to have the traffic issues, the safety issues or the road issues in our country because we have the ability to move the product with this pipeline.

Let's look at this timeline. September, 2008. I know this is hard to read. I will make an important point. In September 2008, TransCanada applied for a permit for the Keystone XL Pipeline. In November of 2008, the current administration was elected. For the entire time the current administration has been in office, they have held up this project. It has gone through the full NEPA process. It had the full environmental impact studies done. Even the State Department said there would be a decision before the end of last year. For the entire time this administration has been in office, TransCanada was working to go through the process with EPA and the Department of State, and the Department of State said they would have a decision before the end of last year, but we still don't have a decision. We have to ask why. Why don't we have a decision? That is what we are talking about. It is long past time to act.

Let's look at this chart. What are we talking about? What we are talking about is this—another pipeline. We are talking about another pipeline just like the one that has already been built. How about the hundreds or maybe I should say thousands of pipelines we already have, and somehow we cannot build this pipeline? That doesn't make any sense. Somebody needs to explain this to us.

We have legislation, with 45 Senators, 45 sponsors, who are saying: Hey, it is time to move forward and build the project. As a matter of fact, we are doing everything we can to address any and all problems or concerns the administration has raised.

That is why I am going to turn it over now to my good colleague from Nebraska, because when the administration says there is an issue or a State or the EPA says there is an issue, we stepped up in our legislation and solved it. We say: Great, let's address it, but let's move forward for the good of our economy and the good of our country.

I defer now to the good Senator from Nebraska.

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

Mr. JOHANNS. Mr. President, I appreciate the comments that have been offered by my colleagues from South Dakota and North Dakota. They absolutely have it right in terms of the importance of constructing this pipeline. There is no question that we are in a dire situation in this Nation. We need the jobs, we need the oil, and this pipeline can take a significant step forward in both regards.

I think the pipeline will be a huge help in those areas. But let me start by noting that I was a cosponsor of the first Keystone bill. I am also a cosponsor of the bill that Senators HOEVEN, LUGAR, and VITTER introduced just this past Monday, the bill we are talking about today.

Here is a very important point for my State. In both cases, and specifically in reference to this bill, the effort was specifically crafted to safeguard the route selection process that is occurring in Nebraska. I thank my colleagues for recognizing that work and recognizing that Nebraska has a process that will near completion this August or September. They have worked very hard to take into account our issues, and their bill recognizes that the Nebraska effort will continue.

They decided in our State—the Governor, the legislature, and TransCanada—to work on an alternative to the proposed route. Recognition occurred that the route through Nebraska involved some very sensitive land—the Sand Hills—and a very sensitive water supply—the Ogallala aquifer. The Governor called a special session, and, as we do in Nebraska, everybody sat down and said: How do we solve this problem?

So they came to an agreement that the best way to solve the problem was to do an environmental impact statement, which will be no cost to the Federal Government. It will be paid for by Nebraskans. That was part of the provision of this agreement. And TransCanada agreed they would work to reroute the pipeline through our State. Everybody shook hands. We are now in agreement. Our problem is solved in Nebraska.

For months and months, the Federal Government has been saying to the State of Nebraska: You have the power to route this pipeline through your State. And that is exactly what we are doing. So this legislation recognizes that agreement and says: Great, we are going to allow Nebraska to move forward. But very wisely this legislation also recognizes there is no need whatsoever for any delay on the remainder of this pipeline. This was the only segment—and it is a handful of miles in our State—that anybody was contesting. So why not issue the permit? Why not get the project going?

My colleagues worked very hard on coming up with a solution, and their solution works. It says: Construction can begin immediately. Why? Because, as my colleague from North Dakota has explained well, Congress has the constitutional authority to regulate foreign commerce. This bill exercises that power in a thoughtful, deliberate, and careful way. It says: Look, this project has gone through 3 years of study and analysis. It specifically notes in this legislation the part regarding Nebraska will be solved, as the Federal Government has been saying for months, by Nebraska officials, but that we can go forward and start construction elsewhere.

So what is holding up the creation of these jobs? What is holding up our ability to get more oil from places such as North Dakota and a friendly ally such as Canada, versus a very unfriendly ally in Hugo Chavez in Venezuela? What is holding that up? What could possibly be holding that up? Well, the simple answer to that question is, the President of the United States is holding it up.

The President is in a bind. The environmentalists have declared war on the oil sands in Canada. They do not want the pipeline because they do not want the oil sands. On the other hand, unions want to build the pipeline. They want the jobs, and thoughtfully so. So this is a time where Congress does need to step in and exercise our constitutional powers. This is nothing unusual. In fact, there was a recent opinion by the Congressional Research Service which noted the Congress has the power to do exactly what this legislation is doing.

I will wrap up my comments today and yield back the time to the Senators from South Dakota and North Dakota and say this: This is a win-win situation for everybody. It is a win because we create jobs. It is a win for our country because we are trying in every way possible to get the Federal Government to lessen our dependence on foreign oil. Maybe the only person who it is not a win for is President Obama in his reelection. But this is a case where we need to put national interest ahead of November.

I urge my colleagues to support this legislation that was thoughtfully crafted. It is the right approach. I thank them for their sensitivity to the process going on in the State of Nebraska.

Mr. THUNE. Mr. President, I appreciate the hard work of the Senator from Nebraska on this subject, as well as the Senator from North Dakota, and he has fashioned a solution which I think does give us an opportunity as a Congress to assert our role under the Constitution, under the commerce clause of the Constitution, to move this project forward, notwithstanding the opposition, really of one person—the President of the United States, who is the person right now who is standing in the way of this.

I would again say to my colleague from North Dakota, as we wrap up here, I hear people say this needs to be studied further; that we need to do more analysis. It is sort of mind-boggling to think after more than 1,200 days of study, analysis, review, and scrutiny that people would come to that conclusion. The Keystone XL

Pipeline I, which the Senator from North Dakota is well acquainted with because it goes through his State and he was involved in negotiating that project, took 693 days in the process of getting approved. What is interesting to me about this particular project is that after 1,200 days—longer than any of the pipelines of this magnitude—the extended review and more than 10,000 pages of environmental analysis concluded—concluded—the pipeline will not adversely impact the environment. When the announcement was made to deny the construction of the pipeline, the State Department still had 5 weeks to review it if they had chosen to use it. Clearly, the announcement wasn't based on policy but on political expediency, which is what the Senator from Nebraska pointed out.

There is a tremendous amount of resource in my colleague's State—the State of North Dakota—that could benefit as well. I think the State of North Dakota has the potential to generate somewhere on the order of 500,000 barrels of oil, about 100,000 of which, I am told, could be moved through this pipeline if it is approved. It seems to me at least, again, that here is a resource, an energy reserve in our country, in my colleague's State, that could benefit people in this country.

By the way, in 2011, Americans spent more on gasoline than any other year since 1981. And reports indicate that 2012 could be even worse. So when we look at the economic impact on Americans, from our not having our oil and energy being produced in this country, it is a very real impact. In fact, since the President has taken office, gas prices have gone from $1.84 a gallon to over $3.30 a gallon, and this pipeline could be part of that solution.

I want to end with a quote made by the State Department in their review of the pipeline. The Department of Energy, I should say, but it was part of the State Department's review. The Department of Energy noted:

> Gasoline prices in all markets served by East Coast and Gulf Coast refineries would decrease, including the Midwest.

That is coming from the State Department's review, the Department of Energy, that gasoline prices in all markets served by east coast and gulf coast refineries would decrease. That is a pretty remarkable economic impact, not to mention all the jobs that would be associated with the construction, and once it is operational the jobs that would be created in refining this oil.

So again it is a win-win, as we heard from the Senator from Nebraska, who said that initially their State had some concerns about the route, but that has been all resolved so this project can move forward.

The legislation of the Senator from North Dakota, which I am proud to support and cosponsor, I hope gets a vote in the Senate, and I know the Senator is going to do everything he can to advance it—I hope he does—and I look forward to working with him.

Mr. HOEVEN. Mr. President, I thank my colleague from South Dakota again for organizing this colloquy this morning. I thank him and the esteemed Senator from Nebraska for their support of this legislation.

Again, we have taken a problem-solving approach to this legislation, and we are continuing to do that. We will continue to work with other Members of the Senate and our colleagues in the House, but we need the administration to engage with us on this important issue for the good of the American people.

Again, I thank my colleague from South Dakota.

Mr. THUNE. Mr. President, with that, I yield back the remainder of my time, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the Chair.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 2059 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COLLEGE COSTS

Mr. DURBIN. Madam President, too many Americans are out of work. We know that. Without a steady income, it is hard for families to stay current on their monthly expenses. We have all talked about the consequences of losing a job. When I meet with the unemployed in Illinois, one of the first things we talk about is health insurance because that is one of the first casualties. It is very difficult if not impossible for someone unemployed to maintain COBRA payments once they are out of work. They deplete their savings and find themselves in a very vulnerable position. Some fall behind on mortgage payments. More than 4 million families have lost their homes since the housing crisis began in 2008. Another 10.7 million Americans own mortgages that are underwater—the homeowner owes more than the home is worth.

One of the major mortgage banking associations in Washington, DC, recently had a short sale of their headquarters building in Washington. They went underwater. They could not pay their mortgage, and they ended up selling. It is happening not just to businesses, obviously, but to a lot of homeowners.

It is hard to keep up with these basic expenses. A lot of people who used to donate to food banks are now in line at food banks. According to the U.S. Department of Agriculture, one out of six Americans really has a food issue. They are hungry at the highest level since the government started taking these numbers in 1995.

But there is another obligation, a financial obligation that needs a little more focus here in Washington. Private student loan debt is becoming the biggest burden for families across America. Student loan debt in October of 2010 for the first time in our history surpassed credit card debt in America. At public universities, the average debt for a graduating student was $20,200. At private nonprofits, it was $27,650. For students at for-profit colleges, the debt burden is even greater. Students at for-profit colleges graduated with an average debt of $33,000. More than three out of four young adults say that college has become harder to afford in the past 5 years. Almost as many say that graduates have more student debt than they can possibly manage. There are few penalties for schools whose students incur huge amounts of debt when the student cannot repay their loan.

How did we reach this point? Two trends have led to this phenomenal level of student loan debt:

First, the for-profit college industry has grown by leaps and bounds over the last decade. It is the fastest growing sector of higher education. Three numbers put it in perspective. Ten percent of students out of high school end up in for-profit schools, yet for-profit schools consume 25 percent of all the Federal aid to education and account for 44 percent of student loan defaults. What is the obvious conclusion? These for-profit colleges are drawing in more student loan assistance from the Federal Government than their counterparts in the public and nonprofit area, and their students, deep in debt, cannot find jobs to pay off their debts and default on their loans.

Second, the cost of college is so far out of reach for most people that they exhaust their ability to borrow from the government and end up taking out private loans. Private loans are not federally guaranteed. The issuer is not required to work with you to consolidate the loans or restructure them in the future. If that sounds familiar, that is because many of the banks issuing these loans are the same banks holding your mortgage. Even more outrageous, the loans are protected in bankruptcy. What that means is, unlike other loans we would incur in our lives that we might bring into a bankruptcy court in

desperation, these loans cannot be discharged in bankruptcy. These loans will trail the borrowers to the grave. Student loan decisions made at the age of 19, 20, and 21 years end up being a lifetime of responsibility.

Yesterday the president of a small, very good college in Illinois said that so many students she meets with who are interested in going to school are debt-dumb; they do not even understand debt as it might affect them today and tomorrow. Unfortunately, these for-profit schools—and many others—are taking advantage of students with little or no life experience who end up, many times, with their parents signing for student loan debt that is unconscionable, at levels they will never be able to repay in any reasonable time, and often, when it comes to for-profit schools, for worthless diplomas if the student is lucky enough to finish.

One of my constituents, Hannah Moore, recently contacted my office regarding her outstanding student debt. I wanted to bring this to the attention of the Senate. In 2007, Hannah graduated with a bachelor of arts from a for-profit school called the Harrington College of Design. It was part of the Career Education Corporation's program. When Hannah graduated in 2007 from the Harrington College of Design, her student debt was $124,570.

After she exhausted all her Federal student loan options, she turned to private loans when she wanted to finish and get a degree. At first she tried to manage her payments of close to $800 a month by working three jobs. Her Federal loan is a reasonable payment because she signed up for the income-based repayment program, but the private loan demands are unreasonable. When the payments became unmanageable, she tried to work out a plan with her lender. They refused. She said that she speaks to her lender about once a month asking for assistance, with no help. When it became apparent she would not be able to afford the payments, her family offered to help. Her dad, who had retired, got a job just to help his daughter make her student loan repayments. Dad went back to work, out of retirement. Her parents spend their time stressing over her loans with her.

Hannah is 30 years old. She wants to be independent, but her student debt of over $124,000 is making that impossible. With the help of her family, dad going back to work and all she can do, she makes her monthly payments, but her life is still very much on hold. She said, ''My education doesn't feel rewarding, it's a burden right now.'' When asked how her student loan debt is affecting her life, she said: I can't start a family, can't buy a house, I can't even buy a car. She rides her bike to work. Think about that. She went to college, she stuck with it, and she graduated with a degree of no value and $124,000 in student debt.

She is not alone. Every week I hear from constituents who are seeking relief, and I invite them to come to my Web site and tell me their stories about student loan debt in America.

Last week, in his State of the Union, the President spoke about a plan to keep the cost of higher education from going even further. His proposal will provide better information to families, while enlisting colleges and State governments to partner with the Federal Government to keep costs down while improving student outcomes.

To make sure students and families have accurate information, the President has proposed creating a college scorecard for all institutions of higher education—all of them. The scorecard will provide families with clear, concise information about affordability and student outcomes—how many students go to this school and finish, how many who finish with a degree get a job. It is a pretty basic question. Then students and their families can make a good choice. They will not be overwhelmed by the spam and ads tossed at them on the Internet.

The plan would reward schools that give value, serve low-income students, and set reasonable tuition policies. These schools would be rewarded with additional campus-based aid so more students can attend college.

The President's proposal also builds on the success of the current Race to the Top Program by creating a new Race to the Top Program rewarding college affordability and completion that will promote change in State systems of higher education. This Race to the Top challenge will incentivize Governors and State legislatures around the Nation to join us in keeping tuition costs down.

Following the President's challenge to keep college costs down, the Senate HELP Committee is holding hearings this week on college affordability. I thank them for that. It is long overdue, and I look forward to working with Senators HARKIN and ENZI on this issue.

A hearing we had just a week or so ago in Chicago on the abuse of the GI bill education rights by for-profit schools should be a wake-up call to every Member of Congress. Holly Petraeus, the wife of General Petraeus, testified. She works at the Consumer Financial Protection Bureau, an agency that is in the news. It is controversial because the appointment of its Director, Richard Cordray, was announced by the President by executive appointment when the Senate refused to give him an opportunity to serve.

The Senate refused to break a filibuster on Mr. Cordray, even though I heard no speeches criticizing his ability. The speeches criticized the agency, which some Republicans loathe and despise, but it is in the law and it should be given a chance to work. Those who are critical of it should meet with Holly Petraeus, General Petraeus's wife. She is working with military families trying to stop the abuses of for-profit schools under the GI bill. That is something on which we should all join together, Democrats and Republicans alike. Americans who serve in the military are entitled to not only the GI bill but to institutions of learning that give them a chance to take their time in school and turn it into a much better life for themselves and their families.

I hope we can come together on the question of affordability and on taking a close look at many of these institutions of higher learning that are, unfortunately, defrauding many innocent children, families, and veterans who are returning from conflicts in Iraq and Afghanistan.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2038, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2038) to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

Pending:

Reid amendment No. 1470, in the nature of a substitute.

Reid (for Lieberman) amendment No. 1482 (to amendment No. 1470), to make a technical amendment to a reporting requirement.

Brown (OH) amendment No. 1478 (to amendment No. 1470), to change the reporting requirement to 10 days.

Brown (OH)-Merkley amendment No. 1481 (to amendment No. 1470), to prohibit financial conflicts of interest by Senators and staff.

Toomey amendment No. 1472 (to amendment No. 1470), to prohibit earmarks.

Thune amendment No. 1477 (to amendment No. 1470), to direct the Securities and Exchange Commission to eliminate the prohibition against general solicitation as a requirement for a certain exemption under Regulation D.

McCain amendment No. 1471 (to amendment No. 1470), to protect the American taxpayer by prohibiting bonuses for senior executives at Fannie Mae and Freddie Mac while they are in conservatorship.

Leahy-Cornyn amendment No. 1483 (to amendment No. 1470), to deter public corruption.

Coburn amendment No. 1473 (to amendment No. 1470), to prevent the creation of duplicative and overlapping Federal programs.

Coburn-McCain amendment No. 1474 (to amendment No. 1470), to require that all legislation be placed online for 72 hours before it is voted on by the Senate or the House.

Coburn amendment No. 1476, in the nature of a substitute.

Paul amendment No. 1484 (to amendment No. 1470), to require Members of Congress to certify that they are not trading using material, nonpublic information.

Paul amendment No. 1485 (to amendment No. 1470), to apply the reporting requirements to Federal employees and judicial officers.

Paul amendment No. 1487 (to amendment No. 1470), to prohibit executive branch appointees or staff holding positions that give them oversight, rulemaking, loan or grantmaking abilities over industries or companies in which they or their spouse have a significant financial interest.

DeMint amendment No. 1488 (to amendment No. 1470), to express the sense of the Senate that the Senate should pass a joint resolution proposing an amendment to the Constitution that limits the number of terms a Member of Congress may serve.

Paul amendment No. 1490 (to amendment No. 1470), to require former Members of Congress to forfeit Federal retirement benefits if they work as a lobbyist or engage in lobbying activities.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, it is a new day and with it comes the hope we will make more progress than we did yesterday. Actually, we were prepared, after some good work by the four of us—Senator COLLINS; Senator BROWN; the occupant of the chair, Senator GILLIBRAND; and myself—and our staffs to move forward yesterday afternoon. Unfortunately, we were blocked in that. But I know efforts continue to allow us to at least proceed with the amendment Senator PAUL offered that was modified—or prepared to be modified, after discussion, with a reasonable conclusion that I think will be supported by most Members of the Senate.

There is so much we can do. Our staffs worked overnight. They have tried to divide the amendments into those that are germane and relevant and those that are not. I understand leadership on both sides will be talking about how to proceed.

I repeat what I said at the outset—and I know all of us who have worked so hard to respond to the concern that Members of Congress and our staffs are not covered by insider trading laws—that we not try to solve every problem or correct every potential source of public mistrust of Congress on this bill for fear that we will, therefore, never get anything accomplished.

I am hopeful, as the morning goes on and certainly into the afternoon, after discussions that occur at the lunch hour, we will be able to proceed to handle some amendments in an expeditious way and that we can see our way to the end of consideration of this bill, remembering that on the basic provisions of the bill we have overwhelming bipartisan support.

I understand the vote on cloture to proceed to the bill does not exactly express support for the final vote, but there were only two who voted against cloture, so clearly an overwhelming number of Members of the Senate want to proceed to vote on the bill.

If we do not break this unfortunate and unnecessary and harmful gridlock, either the majority leader is going to have to file cloture or leave the bill and go on to other pressing business—FAA reauthorization and the like—and that would be not only disappointing to us, but having aroused the hope that we would respond to the public concern and anger about the possibility that we are not covered by insider trading laws, we will have ended up increasing that concern and anger and disenchantment with Congress. I do not think any of us want to do that.

With that appeal to our colleagues to apply a certain rule of reason so we can get something done that will be good for our government and the people's respect for us, I am very pleased to see my colleague from Connecticut, Senator BLUMENTHAL, in the Chamber. I know he has an amendment he wants to offer at this time, and I will yield the floor to him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank the Presiding Officer, the distinguished Senator from New York, and my colleagues, Senator LIEBERMAN, Senator COLLINS, and Senator BROWN, for their superb leadership on this issue, and I am very pleased to strongly support the underlying bill.

AMENDMENT NO. 1498 TO AMENDMENT NO. 1470

Madam President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. BLUMENTHAL. Madam President, I call up amendment No. 1498.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. BLUMENTHAL], for himself and Mr. KIRK, proposes an amendment numbered 1498 to amendment No. 1470.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses)

At the appropriate place, insert the following:

SEC. ___. APPLICATION TO OTHER ELECTED OFFICIALS AND CRIMINAL OFFENSES.

(a) APPLICATION TO OTHER ELECTED OFFICIALS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(o)(2)(A) of title 5, United States Code, is amended—

(A) in clause (i), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in clause (ii), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(l)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in subparagraph (B), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

''(iii) The offense—

''(I) is committed after the date of enactment of this subsection and—

''(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(II) is committed after the date of enactment of the STOCK Act and—

''(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii).''; and

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

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

''(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

''(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

''(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the Unites States Court of Appeals for the Federal Circuit by Member of Congress).

''(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

''(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

''(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

''(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

''(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

''(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

''(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

''(xi) An offense under section 607 of title 18 (relating to place of solicitation).

''(xii) An offense under section 641 of title 18 (relating to public money, property or records).

''(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

''(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

''(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

''(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

''(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

''(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

''(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

''(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

''(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

''(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

''(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

''(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

''(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

''(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

''(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

''(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

''(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

''(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under clause (xxix), to the extent provided in such clause.

''(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).''.

Mr. BLUMENTHAL. Madam President, essentially this amendment, very simply and directly, assures that Members of Congress who may be prosecuted and convicted of the offenses specified in the amendment also should see their pensions revoked, along with potentially other crimes that they may have committed.

The purpose essentially is to assure the credibility of Congress by revoking pensions of corrupt Members of Congress, not only those who may be convicted under this pending bill—insider trading—but also a variety of other public corruption offenses. In fact, the amendment adds 22 new public corruption offenses to existing law that merit the cancellation or revoking of congressional pensions.

I have worked with Senator KIRK, who, unfortunately, could not be with us today. He and his staff have been integral. It is a bipartisan-proposed statute that is similar to one I worked to enact in Connecticut when I was the attorney general there.

The guiding principle is absolutely crystal clear, consistent with the basic measure we are considering: not one dime of taxpayer money should go to corrupt elected officials.

Over the past 50 years, Members of Congress have been convicted of 16 separate felonies. So the need for this measure is considerable, even if it is a small minority of the Members of Congress. In fact, right now, approximately $800,000 a year is paid to Members of Congress who have been convicted of these kinds of felonies.

So I wish to particularly thank Senator KIRK and quote him since he could not be here today. He said, earlier this year, of this legislation:

American taxpayers should not be on the hook for the pension benefits of convicted felons. Expanding current law to include additional public corruption felonies will block pension benefits for Members who fail to honor their pledge to defend the Constitution and uphold the laws of the United States. Once you have violated the public trust in that way, I think that the taxpayers should not be supporting your retirement.

In short, very simply, a breach of law by an elected official is a serious offense that should have consequences. Taxpayers should not pay for the retirement benefits of elected officials convicted of a felony—Members of Congress, anyone else—especially as the United States faces the soaring deficits that it does now and the crippling debt that grows even higher.

I urge my colleagues to support this amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1491 TO AMENDMENT NO. 1470

Mr. SHELBY. Madam President, I ask unanimous consent that the pending amendment be set aside, and I call up my amendment No. 1491, which is at the desk.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1491 to amendment No. 1470.

Mr. SHELBY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend the STOCK Act to ensure that the reporting requirements set forth in the STOCK Act apply to the executive branch and independent agencies)

On page 7, line 7, strike ''a'' insert ''each officer or employee as referred to in subsection (f), including each''.

On page 7, line 8 insert a comma after ''employee of Congress''.

At the end, insert the following:

''SEC. 11. PROMPT REPORTING AND PUBLIC FILING OF FINANCIAL TRANSACTIONS FOR EXECUTIVE BRANCH.

''Each agency or department of the Executive branch and each independent agency shall comply with the provisions of section 8 with respect to any of such agency, department or independent agency's officers and employees that are subject to the disclosure provisions under the Ethics in Government Act of 1978.''.

Mr. SHELBY. Madam President, I rise today to talk about the amendment that I have offered, No. 1491, to the STOCK Act.

Right now, the STOCK Act, as it is written, does not apply to the public disclosure requirements to the executive branch or independent agencies.

The amendment that I have offered this morning ensures the public disclosure of all trading by senior government officials. Yes, I will say it again. My amendment ensures the public disclosure of all trading by senior government officials.

This is a very reasonable amendment, as it is limited to the executive branch and independent agency personnel who are already subject to the reporting requirements.

My amendment merely expands the enhanced disclosure requirement under the STOCK Act to these current filers. Without this amendment, it would be impossible for the public to know whether the executive branch officials are complying with the STOCK Act. The public should be able to monitor trades of all executive and legislative branch officials in the same manner. Let's not make Congress transparent while leaving the executive branch and independent agencies in the dark.

Ironically, the disclosure provisions of the STOCK Act currently do not apply to the Securities and Exchange Commission, their employees, and so forth, which is the body that will be responsible for enforcing such provisions on Congress. That is nonsense. The SEC, which has access to vast financial markets information, should be held to

the same standards it has been charged with enforcing.

My amendment will apply the disclosure provisions of the STOCK Act to all branches, ensuring transparency for all in government.

I appreciate the willingness of the chairman and ranking member of the Homeland Security and Governmental Affairs Committee to work with me. I look forward to working with them more to improve public disclosure for both the executive and legislative branches.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Alabama for coming to the floor and proposing his amendment. I agree that there should be parity between the legislative and executive branches wherever it is appropriate. I am very happy to work with him.

I must say that yesterday we made some progress on a somewhat similar amendment by Senator PAUL to appropriately scope the amendment on requiring executive branch officials to report on their financial transactions to Senate-confirmed positions. I don't know whether that is the resolution here, but I think we should work on it. I want to state for the record that the executive branch is not free of conflict-of-interest regulations. In fact, in some sense you might say they have tougher restrictions. Even the SEC employees have to get permission before they can make stock transactions, and then they have to file disclosures not within 30 or 10 days but within 2 days, I believe. There are many other regulations on them.

I think part of what is going on here is the nature of the two branches of Government to deal with conflicts of interest. We have focused on a system of disclosure and transparency. We have embraced the adage that sunlight is the best disinfectant. In contrast, the executive branch actually addresses potential conflicts of interest through not just transparency but statutory mandates that require the divestiture of stock when it may involve a conflict of interest and recusal being involved in handling anything that relates to any personal interest that an individual in the executive branch has. There is a very extensive system of high-ranking agency officials being forced to divest themselves of conflicting stock holdings—obviously, sometimes at a financial loss.

There could be an amendment to come up on that. But to do it in exactly the way—at least on the recusal section—the executive branch does it would not be appropriate for Members of Congress because Members are called on to vote on issues across the widest array of activity. Recusal, therefore, is not a viable option because it would deny our constituents representation and our votes on a very wide array of public issues. An amendment on divestiture of blind trusts or mutual funds is another question.

But the main point I wanted to make is there is a lot of regulation on the executive branch. The ethics rules, requirements, and guidance that have been put forth over the years by the Office of Government Ethics and at the agencies are extensive. I know volume of pages of law isn't everything, but it says a lot. There are six pages in the Senate Code of Conduct that cover conflicts of interest, while there are literally hundreds of pages of rules and requirements governing such conflict of interest situations for the executive branch.

The amendment offered by the Senator from Alabama, as drafted, would require that the annual filings of over 300,000 career civil servants and managers be published on the Internet. That is a lot of people and a lot of work to be done to process and handle those. But I understand the intention of Senator SHELBY. I think it is a good intention. Senator WYDEN has a similar amendment, and I wish to work with them, as I know Senator COLLINS would as well, to see if we can come to some meeting of the minds that would allow us to achieve the purpose we all have in the underlying bill, which is to build confidence in our government and its integrity.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Maine.

Ms. COLLINS. Mr. President, I support the intent of the amendment offered by the Senator from Alabama. I think he is right, we need parity, as much as possible, in the disclosure requirements. I also believe he is correct the disclosure reports should be online so they are easily accessible. So the intent of his amendment is one I wholeheartedly support.

As Senator LIEBERMAN does, I have some questions about the universe of Federal employees who would be covered by the amendment of the Senator from Alabama. We have been working successfully with the Senator from Kentucky, who first brought up this issue of parity, to make sure the scope of coverage is appropriate. It seems to me one way to solve these issues is to use a similar scope as we have agreed on with Senator PAUL in the amendment that Senator SHELBY has brought forth. We would then have a certain consistency that we had vetted the universe of Federal employees that should be covered. That seems to me to be a very appropriate and relatively easy fix to this issue.

I do want to emphasize that I agree with Senator SHELBY that those Federal employees should be required to file in the same timeframes as Members of Congress and their staffs, and that certainly those reports should be accessible online.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1481

Mr. BROWN of Ohio. Mr. President, across the Nation, Americans wonder if Washington is working for them. Congress's approval rate, as we know so well, is an abysmal 13 percent, 12 percent—different surveys—but not very good. One factor contributing to this distrust is the sense that elites in Washington are using their positions to get ahead financially. Members of Congress have the privilege and the honor of being elected to serve the public. Unfortunately, some elected officials have used the information they have acquired through service to the public—and I might put service to the public in quotation marks—to enrich their stock holdings. That is wrong. Public servants should not receive financial benefits for the votes they cast or the issues they work on. That is why I appreciate the work Senator GILLIBRAND, Senator LIEBERMAN, and Senator COLLINS are doing in this legislation.

How many articles do we have to read about the appearance of impropriety on the investment decisions of lawmakers and their staff? In a Washington Post article from June of 2010, Taxpayers for Common Sense said:

> By being on a committee with a particular jurisdiction, they're in a better position of influencing the performance of their investments, or at least appearing to have that ability.

I am not saying my colleagues do that. I think perhaps some do. I do not know that, but I do know that the appearance to the public is that Members of the Senate are in a position to enrich themselves on a variety of issues and investments.

In a Washington Post article on December 20, the Project on Government Oversight—this was about a year, 13, 14 months ago, this article—said:

> It's a problem. They will come back and say that it's ludicrous that I would think of my stocks, that they only think about the nation's interests and of their constituents. The problem is, we can't know.

That is exactly right. We can't know.

This is a USA editorial from yesterday:

> If lawmakers were really concerned with ethics, they'd put their equity holdings in blind trusts, so they wouldn't have the obvious conflict of interest that comes from setting the rules for the companies they own.
>
> Banking committee members wouldn't invest in financial institutions, armed services committee members wouldn't invest in defense contractors, and energy committee members wouldn't investment in oil companies.

These stories simply do not reflect well on the world's greatest deliberative body. Most of us think these investments don't affect our decisions. They probably do not. But isn't it time we hold ourselves to a higher standard?

That is what the STOCK Act is all about. The Senate is considering the

STOCK Act, which clarifies the insider trading laws, that they apply the same way to Members of Congress as they do to people in the rest of the country. But the STOCK Act only deals with insider trading, which is very important, but that is only a small part of the problem. Senator MERKLEY and I are proposing the Putting the People's Interests First Act amendment to the STOCK Act. It would require all Senators and senior staff, probably legislative director, their most senior legislative people—person—and their Chief of Staff, all Senators and their Chiefs of Staff, all subject to financial disclosure, to sell individual stocks, divest themselves of individual stocks that create conflicts or place all of those individual stock investments in blind trusts.

No one is required to avoid equities. We can still invest in broad-based mutual funds or exchange-traded funds. We have already had this in a limited way. Senate ethics rule 37.7 requires committee staff making more than $125,000 a year to ''divest himself or herself of any substantial holdings which may be directly affected by the actions of the committee for which {that person} works'' unless the Ethics Committee approves an alternate arrangement.

The Armed Services Committee requires all staff, spouses, and dependents to divest themselves of stock in companies doing business with the Department of Defense and Department of Energy. The Committee does permit the use of blind trusts.

In the executive branch, Federal regulations and Federal criminal law generally prohibit employees, their spouses, and their children from owning stock in companies they regulate.

All Senator MERKLEY and I are saying is Members of the Senate should hold themselves to the same standard we require of committee staff and executive branch employees. We tell committee staff and executive branch employees they can't do this. Why should we be allowed to do this? If we think this is a sacrifice—which it is not, ultimately—remember that while the median net worth of all Americans dropped 8 percent from 2004 to 2010, the median net worth of Members of Congress jumped 15 percent over that same period. It is not a judgment of my colleagues, simply what we should do, what the public would want us to do.

Some argue selling our stock will make us lose touch with the rest of society. That thinking falls on deaf ears for most Americans. Why should they vote on issues that affect the oil industry when they own oil stocks? Why should Members of the Senate vote on issues that affect health care when they own stock in pharmaceutical companies—Big PhRMA stocks?

Appearance matters. Right now the American people do not trust that we are acting in the Nation's best interests far too often.

I will close with this and then turn to Senator MERKLEY. Public service is a privilege. Folks around Washington are paid pretty well for what we do—are paid very well for what we do. We take these jobs seriously. We should take them seriously. We should look at them as the privilege they are to serve in the greatest deliberative body in the world and get to serve my State, 11 million people; the State of Senator GILLIBRAND, 19 million people, something like that; and the State of Senator MERKLEY—millions of people we serve. It is a privilege to do it. There is no reason our colleagues need to be buying and selling stocks in multimillion dollar portfolios. When asked about the fact that the Senate Armed Services Committee conflict of interest rules apply only to staff and to DOD appointees, President Bush's Deputy Secretary of Defense Gordon England said, ''I think Congress should live by the rules they impose on other people.''

In the State of the Union Address the President said, ''Let's limit any elected official from owning stocks in industries they impact.''

Everything we do in this body, almost everything we do—committee hearings, floor sessions, calls to agencies—affects businesses and the profits businesses make or do not make. That is why Senator MERKLEY and I are introducing this amendment. It is simple. It is direct. The public should expect nothing else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am delighted to rise today in support of the STOCK Act and in support of amendment No. 1481 that my colleague from Ohio has put forward to address the fundamental issues of conflict of interest that reside here in our body.

Let me start with the defining principle; that is, there should not be one set of rules for Members of Congress and a different set of rules for ordinary Americans. I think the citizens of the United States of America in every State understand that principle. Everyone else in the country has to abide by rules that say they cannot profit in the stock market from privileged information. There is no reason those rules should not apply to Members of Congress.

Indeed, Members of Congress at any given time can hold access to immense amounts of information from previews of economic forecasts, from advanced knowledge of events affecting major employers in their State, to classified defense information that might have implications for, for example, the oil market.

Under the right circumstances, all of this information can provide insider knowledge of which ways the markets are likely to move. So I am delighted that this body has voted overwhelmingly to move forward with the STOCK Act. It would make clear that trading on congressional knowledge is no more acceptable than any other form of insider trading, and it would also make financial disclosures for Members of the Senate searchable online, and that is also very important in the principle of transparency.

These are important steps, but they do not go far enough. Let's remember that insider trading is extraordinarily difficult to define and extraordinarily difficult to prosecute. Where did you get that information and what truly motivated you to make a particular trade in a stock? And because of that, when the conflict of interest exists, we have stepped forward to say that this must be addressed. We ask members of the executive branch to put aside their individual stocks in situations where the conflict arises. We ask our staff members to set aside and divest themselves of their stock when a conflict of interest arises. We applaud the fact that partners in law firms dealing with cases set aside and divest themselves of stock when the conflict of interest arises. But somehow we have not seen fit to have the debate about our own activities.

My colleague put it very well when he said: Why should we allow Members of Congress to hold oil stocks and then vote on issues affecting oil companies? Why should folks be able to invest in renewable energy companies and then fight for tax credits that benefit renewable energy companies? Why should we allow Members to hold stock in pharmaceutical companies and then be deciding on issues such as whether we should have competition in the pricing of pharmaceuticals for Medicare? It is a direct conflict of interest.

Any Member of this body who says, I never even gave a passing thought to the impact on my several-hundred-thousand-dollar investment in X, Y, and Z, I must say, well, I honor their thought, but it doesn't address the issue about us as an institution because no one else outside these walls will believe you didn't think a little bit about the impact on your personal financial portfolio when you voted for that tax credit or you voted for that policy that made your investment worth a lot more than it would have been otherwise.

The people in America are far ahead of us. During January, I had seven townhall meetings in which the STOCK Act came up several times, and I asked for feedback. I said: How many folks here believe Congress should live by the same rules of insider trading that everyone else in America lives by? And there was not a person who raised their hand in support of having a separate set of rules for Congress. Then I asked the question: Do you think we should go further? Should Members not be allowed to hold individual stocks given that they are making decisions that affect the values of the stock? Again universal support that Congress should address this conflict of interest in the same way we have addressed it for the executive branch or for our staff members. So the citizens of this country understand this.

The amendment that Senator BROWN is championing and that I am partnering to support has three advantages: It directly prevents conflict of interest, and that is a good thing. Second, it eliminates the appearance of impropriety. It gives Americans confidence that we are addressing issues not with a thought to our personal financial status, and that is a good thing. Third, it is very straightforward to enforce. It is not like insider trading, which is difficult to define and difficult to prosecute. It is very clear-cut. You get rid of your individual stocks and you hold broad mutual funds, you hold your investments in a blind trust. These are reasonable options. So for these three reasons, the Members of this body should debate this.

I know many do not agree. A number have come up to me and said they are almost offended by the notion that we would address conflict of interest in this body. I would invite them to come to the floor and converse on this. Yes, it is a longstanding Senate tradition, but there have been a lot of longstanding Senate traditions that didn't work well for the Senate and our place in helping to shape the laws of this Nation. We have changed many of them, and we should change this.

I encourage my colleagues to support the amendment Senator BROWN has put forward, and I applaud him for doing so.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1481, AS MODIFIED

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to bring up a modified version of amendment No. 1481.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. _____. PUTTING THE PEOPLE'S INTERESTS FIRST ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''Putting the People's Interests First Act of 2012''.

(b) IN GENERAL.—A covered person shall be prohibited from holding and shall divest themselves of any covered investment that is directly, reasonably, and foreseeably affected by the official actions of such covered person, to avoid any conflict of interest, or the appearance thereof. Any divestiture shall occur within a reasonable period of time.

(c) DEFINITIONS.—In this section:

(1) SECURITIES.—The term ''securities'' has the same meaning as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

(2) COVERED PERSON.—The term ''covered person'' means a Member, officer, or employee of the Senate, their spouse, and their dependents.

(3) COVERED INVESTMENT.—The term ''covered investment'' means investment in securities in any company, any comparable economic interest acquired through synthetic means such as the use of derivatives, or short selling any publicly traded securities.

(4) OFFICER OR EMPLOYEE.—The term ''officer or employee of the Senate'' means any individual whose compensation is disbursed by the Secretary of the Senate or employee of the legislative branch (except any officer or employee of the Government Accountability Office) who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule.

(5) SHORT SELLING.—The term ''short selling'' means entering into a transaction that has the effect of creating a net short position in a publicly traded company.

(d) EXCEPTIONS.—

(1) BROAD-BASED INVESTMENTS.—Nothing in this section shall preclude a covered person from investing in broad-based investments, such as diversified mutual funds and unit investment trusts, sector mutual funds, or employee benefit plans, even if a portion of the funds are invested in a security, so long as the covered person has no control over or knowledge of the management of the investment, other than information made available to the public by the mutual fund.

(2) CERTAIN SPOUSAL INVESTMENTS.—Nothing in this section shall preclude a spouse from purchasing, selling, investing, or otherwise acquiring or disposing of the securities of the company in which the spouse is employed.

(e) TRUSTS.—

(1) IN GENERAL.—On a case-by-case basis, the Select Committee on Ethics may authorize a covered person to place their securities holdings in a qualified blind trust approved by the committee under section 102(f) of the Ethics in Government Act of 1978.

(2) BLIND TRUST.—A blind trust permitted under this subsection shall meet the criteria in section 102(f)(4)(B) of the Ethics in Government Act of 1978, unless an alternative arrangement is approved by the Select Committee on Ethics.

(f) APPLICATION.—This section does not apply to an individual employed by the Secretary of the Senate or the Sergeant at Arms.

(g) ADMINISTRATION AND ENFORCEMENT.—

(1) ADMINISTRATION.—The provisions of this section shall be administered by the Select Committee on Ethics of the Senate. The Select Committee on Ethics is authorized to issue guidance on any matter contained in this section.

(2) ENFORCEMENT.—

(A) PENALTY.—Whoever knowingly fails to comply with this section shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

(B) REPORTING.—

(i) COMMITTEE NOTIFICATION.—The Select Committee on Ethics shall notify the United States Attorney for the District of Columbia that a covered person has violated this section.

(ii) SECRETARY OF THE SENATE NOTIFICATION.—The Secretary of the Senate shall notify the United States Attorney for the District of Columbia that a covered person required to file reports under title I of the Ethics in Government Act has violated this section.

Mr. BROWN of Ohio. Mr. President, I would just briefly explain that we narrowed the amendment to only cover those who disclose, which means people pretty much making over $120,000 or so. It conforms with the disclosure requirement under the STOCK Act. Our concern is top staff in major decision-making positions and sitting U.S. Senators. That is our target, that is our concern, and we wanted to conform it with provisions Senator GILLIBRAND has put in her legislation subject to the STOCK Act.

Thank you, Mr. President. I appreciate Senator MERKLEY's input and involvement in helping with this amendment.

I yield the floor.

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

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

AMENDMENT NO. 1500 TO AMENDMENT NO. 1470

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 1500.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mrs. HUTCHISON, proposes an amendment numbered 1500 to amendment No. 1470.

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

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

The amendment is as follows:

(Purpose: To prohibit unauthorized earmarks)

At the end of the amendment, insert the following:

SEC. _____. PROHIBITION ON UNAUTHORIZED EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.

(b) SUPERMAJORITY.—

(1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) EARMARK DEFINED.—In this resolution, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—

(1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;

(2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

(3) is awarded through a statutory or administrative formula-driven or competitive award process.

Mr. INHOFE. Mr. President, today I understand Senator TOOMEY is going to be offering an amendment that will—it is quite an oversimplification to state it this way, but it would make permanent the temporary ban on earmarks. I think this is something we have talked about and talked about and talked about on this floor. In fact, the last time we talked about an amendment to put a moratorium on earmarks, my conservative rating of No. 1 in the U.S. Senate moved to No. 20 because I was telling the truth and not demagoguing an issue.

The problem we have is this: When the House of Representatives, first of all, came up some time ago—2 years ago—with doing away with earmarks, putting a moratorium on earmarks, then they defined what that moratorium was and defined an earmark in a certain House rule. The bottom line is this: It said it is any kind of an appropriation or authorization.

Now, here is where the problem is. Because everybody is upset with the process that has taken place by Democrats and Republicans on the floor of this Senate—and I will not name names, but I think most of the Members know the ones I am talking about. Many of them are members of the Appropriations Committee, where they would sit down during the course of an appropriations bill, and they would swap out deals, favors, and get things for their State. This is the type of thing that is wrong, and it should not take place.

But I have to remind my friends here that we have a Constitution for this country. Article I, section 9 of the Constitution makes it very clear that we—those of us in this Chamber and in the House Chamber across the hall—have a primary constitutional responsibility; that is, to authorize and appropriate. That is what article I, section 9 of the Constitution says we are supposed to be doing.

If you go back and study what Justice Joseph Story, back in 1833, talked about, he kind of made the interpretation of the intent of the Constitution so far as what our duties and the President's are. He said very clearly that we are doing this because if the President has the power to do the appropriating—or if you want to call it earmarks, you can call it earmarks—appropriating or authorization, that is too much power in the hands of one person. So he is very specific that our Founding Fathers wanted to make sure the President does not do this.

So what happens today? Today we get a budget from the President, which is taking place right now as we speak. I could talk about this, all the deficits in the budget and all that, but that is not my purpose for being here. My purpose for being here is to articulate how things are working today and how they have worked up until the moratorium language came into effect.

The President sends a budget to Congress. Then that is supposed to go to authorizing committees. I am on two authorizing committees—one is Environment and Public Works, one is the Senate Armed Services Committee. The Senate Armed Services Committee is staffed with experts in areas of missile defense, in areas of national defense, in areas of strike vehicles, in areas of lift capacity—all the areas that are in his budget in every area of national defense. But here is the thing: These are experts, so they advise us as we have our meetings and we are drafting in the Senate Armed Services Committee—SASC—the defense authorization bill, the NDAA, as we did just a few months ago. We come up with how we think we should be spending the money to defend America within the parameters of the President's budget.

I will give you an example. A couple years ago, before there was any discussion on the moratorium, the President had in his budget $330 million to go to a launching system. It was called a bucket of rockets. It was a good system, something we need, something that would be very helpful to have. But with the limited resources we have and the fact that we were fighting a war on two fronts at that time, we made a determination in the Senate Armed Services Committee that $330 million would be better spent if we bought six new F–18E/F models. Those are strike vehicles. One of reasons for that was the President in his budget did away with the only fifth-generation fighter we had, the F–22. That was back in his first budget, and he is talking about delaying the F–35, the Joint Strike Fighter, which is going to be necessary to have.

So we made that decision, and that was made by a majority of the members of the Senate Armed Services Committee. It had nothing to do with whose home State makes the F–18. None of that made any difference. It was just that we could do a lot more to defend America by having six new F–18s than we could by having the launching system called a bucket of rockets. Now, if you do that today, that is an earmark, to say: Well, no, that was not in the President's budget.

I have to remind everyone, it does not matter whether the President of the United States is a Democrat or Republican; the President is the guy who designs the budget. A lot of people do not know that. It is not the Democrats, not the Republicans, not the House, not the Senate. It is the President. When he designs this budget, he makes the determination as to how he thinks everything should be spent. If we say we cannot do authorization and appropriation, then that would be called an earmark, and there is a ban on earmarks.

The reason I have kind of walked around the barn a long way on this issue is that I have an amendment, the amendment I have just now brought up for consideration, amendment No. 1500. What that does is it merely defines an earmark as an appropriation that has not been authorized. I just described the authorization process. If we go through that, then there are not going to be any earmarks in the way most people think of earmarks, but we will be doing our duty.

I feel very confident we are going to be able to get this passed. Several of the individuals here very responsibly have talked about this issue. For example, Senator TOOMEY said yesterday on the floor that some earmarks ''ought to be funded. But they ought to be funded in a transparent and honest way, subject to evaluation by an authorizing committee.'' So here is the author of the ban on earmarks agreeing that if we go through an authorization process, it is all right to fulfill our constitutional function of appropriating and authorizing.

Senator COBURN, my junior Senator, said:

> It is not wrong to go through an authorization process where your colleagues can actually see it. It is wrong to hide something in a bill. . . .

Agreed. We all agree on that. That was a year ago when he made that statement.

Senator MCCAIN—by the way, I introduced this amendment in bill form last year. He was my cosponsor. We introduced it together. That was merely changing the definition of an earmark to be an appropriation or spending that has not been authorized.

Senator MCCAIN said:

> Some of those earmarks are worthy. If they are worthy, then they should be authorized.

That is the whole issue. I can understand some Democrats wanting to do away with congressional earmarks because if they do that, it goes right back to Obama. If I were in a position where I felt President Obama or any other President could do a better job of appropriating money, that would be another motivation to do this. But for responsible conservatives who believe in what the Constitution says, this is a very easy solution to the problem.

The amendment will be brought up. I do not know when yet. I suppose I could find out just what our timing is going to be. But the amendment I have offered simply bans any congressional earmark that is not first authorized.

If we do this, instead of an outright ban, it will preserve our ability to keep the President's power in check. I would hope that many of my colleagues go back and read what our Founding Fathers had in mind when they talked about article I of the Constitution. I think they would find that they made it very clear we want to have a separation of those powers so we do not have either the House or the Senate or the Presidency doing everything. Instead, we should follow the Constitution.

So that is what my amendment is all about. I will be looking forward to bringing it up. I think it probably will be considered today. I look forward to that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. GILLIBRAND. Mr. President, we have an incredibly important opportunity to do something so basic, so commonsense to begin restoring the faith and trust that the American people have in this institution. We have a responsibility to do it right, to show without question, without any ambiguity, that all Members of Congress, their staffs, and Federal employees play by the exact same rules as everyday Americans.

The American people deserve to know their lawmakers' only interest is in what is best for the country, not their financial interest. Members of Congress, their families, their staffs, and Federal employees should not be able to gain any personal profit from information they have access to that ordinary Americans do not—whether it is trading stock or making inside real estate deals. It is simply not right. Nobody should be above the rules.

The commonsense bill before us would finally codify this principle into law, as it should be. Chairman LIEBERMAN, Ranking Member COLLINS, Senator BROWN of Massachusetts, and their committee members and staffs have crafted a very strong bipartisan bill with teeth that is narrowly tailored and targeted to ensure that we achieve this very common goal. Because of this bipartisan work, last night this Chamber came together in what has become nearly an unprecedented fashion these days and voted almost unanimously to begin debate on this sorely needed legislation. As we continue to debate, I urge my colleagues to focus on the specific task at hand. Let's show the American people we can come together and get this done to begin to restore their trust in us.

If there are ideas to make the bill stronger, let's debate them. But let's not get bogged down in the politics as usual, with nongermane side issues that will prevent us from swiftly moving on an up-or-down vote the American people expect of us. We are already starting in a strong position with our colleagues in the House.

This STOCK Act legislation is very similar to legislation introduced by my colleague in the New York delegation, Congresswoman LOUISE SLAUGHTER, and Congressman TIM WALZ. I thank them for their longstanding advocacy and focus and leadership on this important issue.

Our bill, which has received the support of at least seven good government groups, covers several very important principles. First, Members of Congress, their families, their staffs, and Federal employees should be barred from gaining any personal profit on the basis of knowledge gained through their congressional service or from using knowledge to tip off anyone else.

This bill will, for the first time, establish a clear fiduciary responsibility to the people we serve. This simple step removes any present doubts as to whether the SEC and the CFTC are empowered to investigate and prosecute cases involving insider trading of securities from using this nonpublic information. It also provides additional teeth. Such acts would also be in violation of Congress's own rules, to make it clear that this activity is inappropriate and subjects Members to additional disciplinary measures by this very body.

Second, Members should be required to disclose major transactions within 30 days to make this information available online for their constituents to see, providing dramatically improved oversight and accountability. We should be able to agree that these reports should be available in the light of day and not stored in some dusty back room.

The committee heard experts testifying during a Senate hearing that reducing this new reporting requirement to 90 days was not good enough. The committee listened to these experts carefully, and the bill has been strengthened and currently has a 30-day proposal, a sea change of improvement from the current reporting requirement of a yearly reporting requirement on a paper document.

Some critics say this bill is unnecessary and is already covered under current statutes. I have spoken with experts tasked in the past with investigations of this nature, and they strongly disagree. We must make it clear as day and unambiguous that this kind of behavior is illegal.

President Obama told us in the State of the Union to send him a bill, and he will sign it right away. We should not delay. This is the time to act. Let's show people who send us here that we can come together and do the right thing. Let's show them we know they deserve a government that is worthy of them. We have an opportunity to take a step toward restoring some of the faith that has been lost in Washington and in this institution. I urge my colleagues to seize this opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1489 TO AMENDMENT NO. 1470

Mrs. BOXER. I call up amendment No. 1489 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. ISAKSON, proposes an amendment numbered 1489 to amendment No. 1470:

At the end, add the following:

SECTION 9. REQUIRING MORTGAGE DISCLOSURE.

Section 102(a)(4)(A) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by inserting after ''spouse'' the following: '', except that this exception shall not apply to a reporting individual described in section 101(f)(9)''.

Mrs. BOXER. I am sure, listening to that, it is hard to understand exactly what this is all about, so let me take a moment.

I want to first thank Senators LIEBERMAN and COLLINS for all their hard work and I want to thank Senator GILLIBRAND for writing the STOCK Act.

I come to the floor as the chairman of the Ethics Committee with an amendment that we wrote together, Senator ISAKSON and I, who is the vice chair of the committee. So this is quite a bipartisan amendment and I don't think it should be controversial or troublesome in any way.

This amendment actually comes from a bill that Senator ISAKSON and I wrote together after the Countrywide fiasco. If you want to recollect that unhappy issue, it was a situation where Countrywide had set up a VIP program and they literally targeted Members of Congress of the House and Senate to put them into this program and never told the Members of Congress that there was this program, and yet it went forward. And because there is no rule that personal mortgages be shown on the disclosure form, this was quite a shock when it all came out. What we are saying is we want to improve the disclosure requirement on home mortgages.

Right now, if it is at your own personal home, you don't have to show the mortgage, and this would correct that. It would mean that you have to show the date the mortgage was entered, the balance, and a range, the interest rate, the terms, the name and address of the creditor. So it is an omission—but actually it is a pretty glaring omission—in our financial disclosure requirements because, again, of the Countrywide example. We don't want to have a situation—because we are not allowed to get better treatment than anyone else. And the fact that we didn't disclose these mortgages—it was quite a story when it came to light that there was this special VIP program at Countrywide. So this legislation, this amendment, addresses this omission. It requires Members of Congress to make a full and complete disclosure of all the mortgages on their personal residences.

Again, right now this requirement is in place for mortgages that you may have on investment properties but not on your personal properties. It would include Members of Congress and their spouses as well.

In his State of the Union Address, the President spoke about the deficit of trust between Washington and the rest of the country. I don't know that this amendment is going to cure all those problems, but I do think it shows that we are ready to learn from a bad experience, which was the Countrywide experience. So I think the Boxer-Isakson amendment and the underlying bill are sensible steps toward rebuilding our Nation's faith in government.

Again, the rules are already clear that we are not permitted to get any financial arrangements that are better than they are for any other constituent, so I think by this disclosure we are saying that even in our own personal mortgages we have to be aware of this. I think this listing is called for, and I urge my colleagues to support this amendment and the underlying legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I want to comment briefly on the amendment that has been proposed by the Senator from California to the legislation written by Senator BROWN. Senator GILLIBRAND has a similar bill as well, and I want to explain to our colleagues what the state of the current law is, which I think would be helpful.

Under the Ethics in Government Act of 1978, there is an exemption from disclosure for mortgages secured by real property that are the personal residence of the reporting individual or his spouse.

Under the liabilities section of that same report, which we now file annually, liabilities in excess of $10,000 must be reported that are owed by the Member, the spouse, or the dependent child to any one creditor during any time during the reporting period. Credit card debts, for example, are reported. Other kinds of loans are reported. Mortgages held on investment properties—properties, for example, that are rented—are reported. The exemption only goes to the personal residence of the Member and/or the Member's spouse.

I am unclear, and need to get clarification from Senator BOXER and also the Office of Government Ethics, whether her amendment would extend the new disclosure requirement that she is proposing to executive branch employees or whether it would only apply to the legislative branch. As I read her amendment, it looks as though it only applies to the legislative branch and perhaps only to Members.

I would ask, through the Chair, if the Senator from California could clarify for me—this is truly an informational question—whether she is intending this new requirement to apply to congressional staff and whether she is intending this new requirement to apply to executive branch members who are currently required to file an annual financial disclosure form.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I very much thank Senator COLLINS for that question.

Senator ISAKSON and I, as the chair and vice chair of the Ethics Committee, are applying this to the Members of Congress. That is because the scandal that took place with Countrywide involved the Members of Congress. We are not including staff in this. It also applies to more than one residence, because some of our Members have seven homes, six homes, four homes, two homes. If you have mortgages on any of those properties, you would now have to disclose those.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from California for clarifying that issue and answering my question.

I guess my further question would be, why would we only apply it to Members of Congress and not apply it to members of the executive branch? For example, I would argue that if there are conflict of interest issues or allegations of a sweetheart deal for mortgages that might be revealed by this disclosure, that that would apply equally to, say, Treasury officials—in fact, even more so to Treasury officials or bank regulators—as it would Members of Congress.

I wonder if the Senator's intent is to make sure that Members are not getting sweetheart deals on their mortgages—which obviously no Member should be receiving a sweetheart deal on a mortgage—why that same logic would not apply to executive branch officials, particularly since arguably they have far more direct influence and jurisdiction and regulatory authority over financial institutions than do Members of Congress.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would be happy to go on as a cosponsor to Senator COLLINS if she wants to take on the additional burden of moving this idea forward. I don't have any problem with it.

The point is, I am here—and I have been very open about it because I know what I am talking about when it comes to Members of Congress, because as chair of the Ethics Committee, I don't oversee Treasury. This is not my role, this is not my expertise, and I am very humble about that. I did see what happened here, along with, I would say, every member of the Ethics Committee and Senator ISAKSON.

This is a bipartisan amendment and we know what we are talking about, and we are saying there was a problem and Members of Congress were courted by Countrywide. Did they court other people? I don't know. But if there is some proof that they did and there is need to go and cover them with a similar amendment, I would be happy to work with my colleague on that. But I am not going to change this particular piece of legislation, because I know what I am talking about here. I know how to fix this. I know we have made a big mistake, and I feel it is our job to clean up our own business. And our own business, when it comes to this, is not good.

Would I wish to look over at what the Bush administration did or what the Obama administration is doing or what other administrations will do? I am happy to do that. But I am here to address our house—our house. Clean it up. Act as a role model.

I do not have any problem with supporting another piece of legislation. Maybe there is a problem over there. I, frankly, do not know what their ethics rules are. I know what our ethics rules are, and I know we have made a glaring omission when Members may have three, four, five, six, seven houses; they may have two, three, four, five, six mortgages and they never have to show them. Let's clean it up.

If my friend believes there is need for another amendment, I am happy to look at it. But Senator ISAKSON and I are doing something we have long wanted to do. This is not something we just made up. We have had a bill for a long time doing exactly this. This is a moment we would like to get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the reason I am raising this issue—I realize the Senator from California has not had the misfortune I have had, of being constantly on the floor listening to the debate on this bill—but a major issue we have been grappling with is parity in the rules. This issue has not just come up with regard to the amendment of the Senator from California, it has come up over and over.

I am not in any way singling out the Senator from California to raise this issue. This has come up on every single issue we have been tackling on the floor, which is, if we are going to have more disclosure for the legislative branch, should we not have the exact same or comparable disclosures for high-ranking executive branch officials?

The issue I raised, I wish to assure the Senator from California, is no means unique to her amendment. It has come up over and over and, indeed, the first amendment that we were supposed to have voted on last night was an amendment by Senator PAUL, making clear that this bill applied to the

executive branch and then Senator SHELBY had an amendment to make sure there was online disclosure by the executive branch.

This is an issue that has permeated the entire debate on the STOCK Act. It is not unique to the issue that has been raised by the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague for that because it was a little surprising. My understanding, and I hope to stand corrected by the Senator from Maine, if I am wrong, and the Senator from New York, that the whole idea behind the STOCK Act, the bill written by Senator GILLIBRAND and the bill written by Senator BROWN, did not deal with the executive branch. I thought the whole notion behind this was for us to clean up our act. Clean up our act over here. That is the best way to proceed.

I have no problem if my colleague wants to write an amendment, she herself, on this particular issue. If she can make the case that it has been shown that VIP loans were given to members of the executive branch—whether under George Bush or Barack Obama—and I think in the years she is looking at it would have been under Bush, but those are the years the Countrywide scandal took place—if my friend has absolute information for me that shows that members of the Bush administration or the Obama administration got special treatment from the Countrywide scandal, I would like to know about it. I do not know anything about that at this time.

If my friend believes it would be a good thing to do, to offer a separate amendment covering certain members of the executive branch, I am happy to look at it. But it strikes me as bizarre that this has become an issue. It sounds like what is going on from the Republican side is all of a sudden they want to turn attention over to the executive branch rather than focus it on us—which I think is critical. But I am happy to look at any amendment that deals with abuses the Senator can show me were occurring over on the executive branch side during those years that Countrywide was doing its damage. I would be happy to support an amendment. But I think we should keep this amendment clean. I think this amendment should be clean because we are looking at a particular ethics rule and we are essentially cutting out a loophole which has allowed colleagues to not have to list their personal residences when, in fact, we know some of them got special treatment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me make the point to the Senator from California, I am a cosponsor of the STOCK Act. I cosponsored Senator BROWN's bill, so it is not that I do not think legislation is needed in this area. I am a cosponsor on this bill and have commended him for his work. But the fact remains that in our committee markup the bill was changed.

I know the Senator was distracted when I answered that question. The bill was changed in committee to extend to the executive branch. It is in the bill that is before us now. The Senator was misinformed in that regard. The bill was changed to make very clear that the insider trading prohibition applied to the executive branch and that executive branch members have a duty to their agencies, to the government. We make that explicit. That was changed in committee.

The Senator is not correct that the bill that was brought to the floor only applied to Congress. It does not. It applies to the executive branch.

The second point I will make is this is not a partisan issue. We have bills on both sides of the aisle. We have amendments on both sides of the aisle. Indeed, we have disclosure amendments that apply to the executive branch coming from both sides of the aisle. Senator WYDEN has a disclosure amendment that is similar to that of Senator SHELBY's. We are working with both of those offices right now to try to work those out.

I do not know how this all of a sudden became a partisan debate or a debate about the Bush administration or anything. This is a debate about good government and how we can best assure the American people that, regardless of whether public officials are in the executive branch or the legislative branch, they are putting the public's interests ahead of their private interests and that they are not profiting from insider information, nonpublic information that is not available to the public which they are using inappropriately—if, in fact, that is even happening—for personal gain.

I did wish to clarify that the bill, as reported from committee, does apply to the executive branch as well as the legislative branch, that the statement made by the Senator was inaccurate in that regard, and that we have amendments on both sides of the aisle that we are working on right now to extend the disclosure requirements, the reporting requirements to the executive branch. Those are amendments coming from both Democrats and Republicans.

I would like to yield at this point to the Senator from Massachusetts.

Mrs. BOXER. Mr. President, if I can respond?

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mrs. BOXER. The Senator can't yield—I would like to have the floor now. She can't yield to another colleague except if it is for a question. I would like to have the floor since the Senator just said I was incorrect. I would like to correct her, if I might.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. What I said was, when these bills were introduced, they were directed at the Congress. That is what I said. I talked about the bills. I did not talk about what went on amending them, et cetera. I will repeat what I said was accurate. Both Mr. BROWN's bill and Mrs. GILLIBRAND's bill were, in fact, talking about the Congress.

What I would also like to say is if my colleague wants bipartisanship, she should be happy with this amendment since it is coming from Senators BOXER and ISAKSON, the chairman and the vice chairman of the Ethics Committee.

We did not investigate the executive branch and Countrywide's going after the people in the Bush administration and the Obama administration. We do not have that information. If she has information that shows there have been sweetheart deals over there, I certainly want to know about it. As I said, if my colleague wants to offer a first-degree amendment that broadens this, I am happy to look at it. Because if it can be shown to me that there have been abuses over there, from the mortgage companies going after these folks over there, I am happy to agree to that. I would have to take it to Senator ISAKSON because he is, in fact, the coauthor. Also, I have to point out that this same amendment I offered was put forward in a bill by Senator CORNYN in 2008. So there is a lot of interest on this.

I am a person who likes to know what I am talking about. I try very hard. I do not know if there has been abuse from the mortgage companies over to the executive branch. But I know for sure there has been a big problem here with colleagues getting sweetheart deals. I want to put an end to it.

If my colleague wants to strengthen my amendment, she can offer a second-degree amendment. If she can prove to me that there has been abuse and there has been a problem and there is not enough protection, I am happy to support it. But I guess I am a little taken aback as I come here in a bipartisan spirit to offer a bipartisan amendment, I have kind of been the subject of some weird sort of attack for not going far enough with my amendment. I find it bizarre, to be totally frank, and I will continue to stay on the floor until I understand what this is all about. Maybe I have nothing to do with it. If I said something wrong, I would like to know what it is. But I am offering, in good faith, a bipartisan amendment that is a no-brainer, that comes straight out of the Countrywide scandal that we studied in a bipartisan way, in Congress, and we are moving to correct the problems we know exist.

If there are more problems out there and if my friend has proof of that, if she can prove it to us, I am happy to support a first-degree amendment to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I do not know why the Senator from California, first of all, is assuming I am somehow

opposed to her amendment. I have not said that. What I raised was a very legitimate question of asking whether she had considered extending it to the executive branch.

Then her response seems to be an attack; that if I have information that there are problems and sweetheart deals in the executive branch, I should prove them.

I am not making allegations. I do not make unsubstantiated allegations against individuals. What I was trying to tell the Senator from California is that the issue of the scope and applicability of this bill has come up over and over. It came up in committee. We changed the bill in committee to make it clear that the prohibition against insider trading and a duty applied to the executive branch as well as to the legislative branch.

I have not criticized her amendment in any way. I asked a series of questions about the scope of her amendment because this issue has come up repeatedly, on both sides of the aisle. It came up in committee during our markup. It has come up on the Senate floor repeatedly as far as what the disclosure requirements should be and to whom they should apply.

I am the one who is baffled by the response of the Senator from California, since I have not indicated any opposition whatsoever to her amendment.

I have merely brought up the fact that the issue of the scope of this bill has come up repeatedly, so I was curious why she chose to have such a narrow bill rather than applying it to executive branch officials who filed the same kinds of disclosure.

The PRESIDING OFFICER. The Senator from California.

Ms. BOXER. Mr. President, we can go back and forth 100 ways to Sunday. I thought I explained exactly why Senator ISAKSON and I have a narrow bill. We are trying to fix a problem we know exists. We feel very strongly that for the good of the Senate, in particular—because this is the body we serve in. We love it. We want to make it strong and appreciated and not derided. We had a scandal that touched this body and we had a thorough investigation. It took a long time to get to the bottom of it. We uncovered the fact that Countrywide had a sweetheart deal and they were aiming it at Members of Congress.

We have crafted this amendment to respond to what we know is a problem. I am not in the business of coming down here and legislating on things that I might guess are a problem or, gee, maybe I can throw out a fishing net and catch everybody in it. If there is a problem elsewhere, I am happy to support my colleague if she would like to broaden this. I am not against it. I am saying for me and Senator ISAKSON, we have offered an amendment that cures a very simple problem; that ethics rules, as they are today, allow Senators and Members of Congress to avoid showing the mortgages they hold on personal residences. If the same thing exists in the executive branch, I don't know about that. I am dealing with an amendment here and so is Senator ISAKSON, that we know about.

If the Senator asks again why our amendment is narrow, let me again answer it in another way: We are curing a narrow problem but a problem that exists. We are not throwing out some big fishing net to catch everybody in it whom we don't know about. We think this will make the Congress a better place. We do. Because there are Members who have two, three, four, and five homes. They may have two, three, four, and five mortgages, and we think it is important for the public to know that.

But, again, I hope my colleague from Maine supports this. I don't know if she does.

She doesn't oppose it. That is a good start. I hope she supports it. If she feels she can make it stronger, she should offer a first-degree amendment, let me take a look at it, let me see whether it is necessary, and let me see whether there is reason to do it. I can surely tell her I am very open to broadening it, but the reason it is crafted the way it is is that it is dealing with a problem we are not guessing exists; we know it exists where there have been abuses before and we are trying to cure that problem.

I thank the Senator for her patience.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed that back and forth debate very much. I appreciate the spirit in which that amendment was offered. I wrote the original bill. It was my bill and Senator GILLIBRAND then filed a bill. We went through the committee process, and the original intent of the bill was to deal with insider trading. It applied to all Federal employees, not just congressional, so it is an insider trading bill.

The spirit of what we have been trying to do over the last day and a half is to address issues equally so as to eliminate all appearances of impropriety and for any branch of government to not play by the same rules as the American people would play by. So every single amendment that has come through this Chamber right now has not only been expanded to cover, obviously, those in the Senate and the House of Representatives but also equally to the executive branch.

So if this amendment is going to have any chance of passing, I can assure you I will not support it unless it specifically also applies to the executive branch. If she wants to amend it or modify it to include that, then it will have a good chance of passing; if not, I will do my best to prohibit it because it needs to be applied to everybody. For us to come and say we need to come up with proof that somebody is doing something or not doing something—listen, it is no different than what we are trying to do on the insider trading bill. There is no one who has been brought to court and found criminally responsible. We are dealing on inference and reference and innuendo. That is why we are trying to reestablish the trust with the American people to do something that would not traditionally have been done but not for a 60-minute speech. So if we knew something was happening in the mortgage industry, great, let's let it apply across the board and not exclude a group of Federal employees for some particular political reason.

Once again, if she wants to amend it, great. If not, I am going to do my best to make it amended so we can have it apply equally if we are going to ultimately take it up.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Thank you, Mr. President. I also enjoyed this debate. I agree with Senator BROWN. It is a form they already fill out now. We just have to add one other line. It is not complicated. I think it is a good idea. I will leave it at that.

I ask unanimous consent to speak in morning business about the STOP Act.

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

(The remarks of Mr. BEGICH pertaining to the introduction of S. 2054 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I wish to thank the Senator from Alaska for his explanation of what has been going on as far as executive compensation with FHFA.

AMENDMENT NO. 1492 TO AMENDMENT NO. 1470

Mr. TESTER. Mr. President, I would ask the Senate set aside the pending amendment and call up amendment No. 1492.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes amendment numbered 1492.

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

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

The amendment is as follows:

(Purpose: To amend the Securities Act of 1933 to require the Securities and Exchange Commission to exempt a certain class of securities from such Act)

At the end, insert the following:

SEC. _____. SMALL COMPANY CAPITAL FORMATION ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''Small Company Capital Formation Act of 2012''.

(b) AUTHORITY TO EXEMPT CERTAIN SECURITIES.—

(1) IN GENERAL.—Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended—

(A) by striking ''(b) The Commission'' and inserting the following:

''(2) ADDITIONAL EXEMPTIONS.—

''(A) SMALL ISSUES EXEMPTIVE AUTHORITY.—The Commission''; and

(B) by adding at the end the following:

''(B) ADDITIONAL ISSUES.—The Commission shall by rule or regulation add a class of securities to the securities exempted pursuant to this section in accordance with the following terms and conditions:

''(i) The aggregate offering amount of all securities offered and sold within the prior 12-month period in reliance on the exemption added in accordance with this paragraph shall not exceed $50,000,000.

''(ii) The securities may be offered and sold publicly.

''(iii) The securities shall not be restricted securities within the meaning of the Federal securities laws and the regulations promulgated thereunder.

''(iv) The civil liability provision in section 12(a)(2) shall apply to any person offering or selling such securities.

''(v) The issuer may solicit interest in the offering prior to filing any offering statement, on such terms and conditions as the Commission may prescribe in the public interest or for the protection of investors.

''(vi) The Commission shall require the issuer to file audited financial statements with the Commission annually.

''(vii) Such other terms, conditions, or requirements as the Commission may determine necessary in the public interest and for the protection of investors, which may include—

''(I) a requirement that the issuer prepare and electronically file with the Commission and distribute to prospective investors an offering statement, and any related documents, in such form and with such content as prescribed by the Commission, including audited financial statements and a description of the issuer's business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters; and

''(II) disqualification provisions under which the exemption shall not be available to the issuer or its predecessors, affiliates, officers, directors, underwriters, or other related persons, which shall be substantially similar to the disqualification provisions contained in the regulations adopted in accordance with section 926 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77d note).

''(C) LIMITATION.—Only the following types of securities may be exempted under a rule or regulation adopted pursuant to paragraph (2): equity securities, debt securities, and debt securities convertible or exchangeable to equity interests, including any guarantees of such securities.

''(D) PERIODIC DISCLOSURES.—Upon such terms and conditions as the Commission determines necessary in the public interest and for the protection of investors, the Commission by rule or regulation may require an issuer of a class of securities exempted under paragraph (2) to make available to investors and file with the Commission periodic disclosures regarding the issuer, its business operations, its financial condition, its corporate governance principles, its use of investor funds, and other appropriate matters, and also may provide for the suspension and termination of such a requirement with respect to that issuer.

''(E) ADJUSTMENT.—Not later than 2 years after the date of enactment of the Small Company Capital Formation Act of 2011 and every 2 years thereafter, the Commission shall review the offering amount limitation described in paragraph (2)(A) and shall increase such amount as the Commission determines appropriate. If the Commission determines not to increase such amount, it shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on its reasons for not increasing the amount.''.

(2) TREATMENT AS COVERED SECURITIES FOR PURPOSES OF NSMIA.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(A) in subparagraph (C), by striking ''; or'' at the end and inserting a semicolon; and

(B) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

''(d) a rule or regulation adopted pursuant to section 3(b)(2) and such security is—

''(I) offered or sold on a national securities exchange; or

''(II) offered or sold to a qualified purchaser as defined by the Commission pursuant to paragraph (3) with respect to that purchase or sale.''.

(3) CONFORMING AMENDMENT.—Section 4(5) of the Securities Act of 1933 is amended by striking ''section 3(b)'' and inserting ''section 3(b)(1)''.

(c) STUDY ON THE IMPACT OF STATE BLUE SKY LAWS ON REGULATION A OFFERINGS.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall—

(1) conduct a study on the impact of State laws regulating securities offerings (commonly referred to as ''Blue Sky laws'') on offerings made under Regulation A (17 C.F.R. 230.251 et seq.); and

(A) transmit a report on the findings of the study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

AMENDMENT NO. 1503 TO AMENDMENT NO. 1470

Mr. TESTER. Mr. President, I ask that the amendment be set aside, and I ask unanimous consent to call up amendment No. 1503.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER] proposes amendment numbered 1503.

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

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

The amendment is as follows:

(Purpose: To require Senate candidates to file designations, statements, and reports in electronic form)

At the end, add the following:

SEC. ___. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

Mr. TESTER. Mr. President, I also ask unanimous consent to be recognized to speak on this amendment for up to 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. TESTER. Mr. President, I am pleased to offer this amendment with Senator COCHRAN and ask unanimous consent that he be added as a cosponsor.

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

Mr. TESTER. This is a straightforward amendment. It simply requires candidates for the Senate, both challengers and incumbents, file their quarterly campaign finance reports electronically. Anyone seeking the Presidency or a spot in the U.S. House of Representatives is required to submit campaign finance records electronically right now, but Senators or would-be Senators are not. It makes no sense.

Right now, Senate candidates drop off a hard copy of their filing report with the Secretary of the Senate. Someone from the FEC comes over and then takes the reports over to the FEC to make copies, and then, finally, the copies are put online.

These documents often run hundreds of pages in length. The FEC estimates it wastes about $250,000 of taxpayer money each year just to make those copies and put them online. Now, that might not sound like a lot of money in Washington, DC, but the idea of spending $1/4 million on an outdated process represents what is wrong with Washington, DC.

Americans deserve to know how much money candidates raise and from whom, and they deserve to be able to access that information in real time.

It is not just the cost of the current process that folks should be angry about. The process of making copies and posting the documents online takes weeks. That is not just a waste of time, it is bad for the democratic process.

Campaign finance data filed right before a general election is not available to the public until the following February, long after the election has already taken place.

Since the Citizens United ruling, folks aren't able to tell who is funding third-party advertisements. It is hard enough to know who is spending the money on third-party advertisements. The least we can do is to make sure that folks have better access to the information about who is giving to the candidates.

My bill from the last Congress had strong bipartisan support—14 Democrats, 6 Republicans, and 5 of the cosponsors are members of the Homeland Security Committee. I especially appreciate, and I wish to thank, the Republican manager of the STOCK Act, Senator COLLINS, for being a supporter of that original bill.

We have an opportunity to do something that cuts government spending and adds more transparency and accountability to the elections process. I urge all of my colleagues to support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, for the information of our colleagues, productive work is going on to try to reach a final list of amendments for the STOCK Act and to have an agreement which will come up for a vote, and to have that obviously by a bipartisan agreement. We are making progress. I hope we can continue to do that.

ORDER FOR RECESS

I ask unanimous consent that the Senate recess from 4 to 5 p.m. so that all Senators can attend a classified briefing.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do week after week, as a physician who practiced medicine in Wyoming for a quarter of a century to give a doctor's second opinion about the health care law.

I was thinking last week, while sitting in the House Chamber when the President was giving his State of the Union Address, about something he said. He said:

> We will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits.

Repeating, he promised not to go back to an economy weakened by phony financial profits. That is why today, in the next hour or so, the House of Representatives will answer the President's call. They will agree. They will vote to repeal the CLASS Act—a program that is the perfect example of phony financial profits.

Let me explain further. President Obama's health care law established the CLASS Act—a brandnew Federal long-term care entitlement program. CLASS pays a stipend to individuals enrolled when they are unable to perform daily living activities, such as dressing, bathing, and eating. The issue is that to qualify for the CLASS benefit, an individual would have to pay a monthly premium for 5 years before the Federal Government starts to pay out any benefits. Well, that sounds great, but not so fast. It turns out that the math for the program doesn't add up and it will not work.

The worst part about it is that the administration has known from the very beginning that this CLASS Program—and the President's entire health care law—was built on phony financial profits. Specifically, the Obama administration hid behind a Congressional Budget Office estimate showing that this program would reduce the deficit by $70 billion over a 10-year period. These savings are entirely mythical, and they come from premiums collected over the first 5 years. During that time, the program isn't required or even allowed to pay out individual benefits. Over its first 10 years, this program, the Congressional Budget Office estimated, would collect $83 billion in premiums but would only pay out $13 billion in benefits. But then instead of holding on to the $70 billion in excess premiums collected to pay out future expenses, the Washington Democrats used it as an accounting gimmick, a budgetary trick to pay for the President's health care law. Adding insult to injury, Washington Democrats then tried to claim that the same $70 billion could also be used to pay down the deficit. Talk about phony financial profits. This is the very practice used by the President that the President now objects to.

The good news is that the administration finally admitted late last year that the CLASS Act was a complete failure and they could not make it work. The bad news is that the phony financial profits continue.

Just because the program won't go forward doesn't mean that the costs of the President's health care law don't go forward, because they do. Now the American people are stuck with the bill, and it is a much more expensive bill than the one they had been promised and the one they had expected. In fact, just yesterday, the nonpartisan Congressional Budget Office reported that the health care law is now likely to cost $54 billion more than expected between 2012 and 2021.

As Politico says:

> The big change that makes the law more expensive is the Obama administration's decision not to implement the CLASS Act, which means the government will not collect $76 billion in premiums over the next 10 years.

I applaud the House for taking the lead and voting to repeal the CLASS Act. I call on President Obama and my colleagues in the Senate to do exactly the same. Senate majority leader HARRY REID should bring H.R. 1173, the Fiscal Responsibility and Retirement Security Act, to the Senate floor for a vote. This bill will repeal the CLASS Act so that the American people have a clear understanding of the cost of the President's health care law.

It is time to end the phony financial profits in the President's health care law that continue to burden our economy and our Nation. It is time to finally find out if the President truly does believe in fairness because if he does, he will repeal the CLASS Act and make it clear that he has the same accounting standards for Washington as he has for the private sector. Washington should not be able to cook the books and to make the President's health care law look more financially sound than it really is.

The American people are sick of phony financial profits, and they are demanding fairness in the public sector as well as the private sector. That is why I will continue to come to the floor and fight each and every day to repeal and replace the President's broken health care law—replace it with a patient-centered plan, a plan that allows Americans to get the care they need from a doctor they want at a price they can afford.

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

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

RECESS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate recess at this time under the previous order.

There being no objection, the Senate, at 3:59 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

BLACK HISTORY MONTH

Mr. CARDIN. Mr. President, as we start Black History Month, I rise to discuss a national hero I have spoken about many times on the Senate floor. With this year's Black History Month focused on African-American women, it is all the more appropriate for me to talk about Maryland's Harriet Ross Tubman and her dedication to justice, equality, and service to this country.

In my career, I have spoken on the Senate floor, at events in Maryland, in meetings with constituents, and with my colleagues about Harriet Tubman's legacy. While I hope each opportunity I have taken to discuss the life of this remarkable woman helps raise the

awareness about her importance to the history of our great Nation, my ultimate goal is to properly commemorate her life and her work by establishing the Harriet Tubman Underground Railroad National Historical Park on the eastern shore of Maryland, and, in working with my colleagues from New York, to establish the Harriet Tubman National Historical Park in Auburn, NY.

A year ago this week, I reintroduced the Harriet Tubman National Historical Park and the Harriet Tubman Underground Railroad National Historical Park Act with Senators SCHUMER, MIKULSKI, and GILLIBRAND as original cosponsors. I am happy to say since that time the Senate Energy and Natural Resources Committees held a positive hearing on the bill, the Energy Committee favorably reported the bill, and it has been placed on the Senate calendar. I thank my colleagues on the committee for their support, particularly Chairman BINGAMAN and Ranking Member MURKOWSKI, and the chairman of the National Park Subcommittee, Senator UDALL of Colorado.

The establishment of the Harriet Tubman Historical Park has been years in the making and is long overdue. The mission of the National Park Service has evolved over time, from preserving our natural wonders across the United States for recreational purposes to commemorating unique places of significance to historical events and extraordinary Americans who have shaped our Nation.

The woman who is known to us as Harriet Tubman was born in approximately 1822 in Dorchester County, MD, and given the name Araminta—Minty—Ross. She spent nearly 30 years of her life in slavery on Maryland's eastern shore. She worked on a number of different plantations on Maryland's eastern shore, and as a teenager she was trained to be a seamstress. As an adult, she took the first name Harriet, and when she was 25 years old she married John Tubman.

In her late twenties, Harriet Tubman escaped from slavery in 1849. She fled in the dead of night, navigating the maze of tidal streams and wetlands that to this day comprise the eastern shore's landscape. She did this alone, exercising incredible courage and strength.

Not satisfied with attaining her own freedom, she returned repeatedly for more than 10 years to the places of her enslavement in Dorchester and Caroline Counties, where under the most adverse conditions she led away many family members and other slaves to freedom in the Northeastern United States.

She helped develop a complex network of safe houses and recruited abolitionist sympathizers residing along secret routes connecting the southern slave States and the northern free States. No one knows exactly how many people she led to freedom or the number of trips between the North and South she led, but the legend of her work was an inspiration to the multitude of slaves seeking freedom and to abolitionists fighting to end slavery.

Tubman became known as ''the Moses of her people'' by African Americans and White abolitionists alike. She is the most famous and the most important conductor of the network of resistance known as the Underground Railroad.

During the Civil War, Tubman served the Union forces as a spy, a scout, and a nurse. She served in Virginia, Florida, and South Carolina. She is credited with leading slaves from those slave States to freedom during those years as well.

Following the Civil War and the emancipation of all Black slaves, Tubman settled in Auburn, NY. There she was active in the women's suffrage movement and established one of the first incorporated African-American homes for the aged to care for the elderly. In 1903, she bequeathed the Tubman Home to the African Methodist Episcopal Zion Church in Auburn where it stands to this day. Harriet Tubman died in Auburn in 1913, and she is buried in Fort Hill Cemetery.

Fortunately, many of the structures and landmarks in New York remain intact and in relatively good condition. Only recently has the Park Service begun establishing units dedicated to the lives of African Americans. Places such as the Booker T. Washington National Monument on the campus of Tuskegee University in Alabama, the George Washington Carver National Monument in Missouri, the Buffalo Soldiers at Guadalupe Mountains National Park, the National Historical Trail commemorating the march for voting rights from Selma to Montgomery, AL, and, most recently, the Martin Luther King Jr. Memorial on The National Mall.

These are all important monuments and places of historical significance that help tell the story of the African-American experience.

As the National Park Service continues its important work to recognize and preserve African-American history by providing greater public access and information about the places and people that have shaped the African-American experience, there are very few units dedicated to the lives of African-American women, and there is no national historical park commemorating African-American women.

I cannot think of a more fitting hero than Harriet Tubman to be the first African-American woman to be memorialized with a national historical park that tells her story and her fight against institutions of slavery and the work on the Underground Railroad. I hope my colleagues will support my effort to honor Harriet Tubman and support the passage of my bill to authorize the creation of the Tubman National Historical Parks in New York and Maryland.

Let me just point out that the landscapes in which she lived still exist today, and that will be an incredible part of the national park that can tell the story, particularly to young people, about the courage of this extraordinary woman. A number of structures exist in Auburn, NY, which complement her life as the conductor of the Underground Railroad, as well as her later life in helping to advance the rights of all people.

This is an incredible opportunity for us to honor her with this national park and to help future generations understand the history of America and the courage of this extraordinary leader and hero of our Nation, Harriet Tubman.

Mr. President, these parks will hopefully pave the way for the Park Service to develop more National Historical Park commemorating the lives of many other important African-American women in our history.

The vision for the Tubman National Historical Parks is to preserve the places significant to the life of Harriet Tubman and tell her story through interpretative activities and continue to discover aspects of her life and the experience of passage along the Underground Railroad through archaeological research and discovery.

The buildings and structures in Maryland have mostly disappeared. Slaves were forced to live in primitive buildings even though many slaves were skilled tradesmen who constructed the substantial homes of their owners. Not surprisingly, few of the structures associated with the early years of Tubman's life still stand.

As I mentioned, the landscapes of the Eastern Shore of Maryland, however, remain similar to the time Tubman lived there. Farm fields and forests dot the lowland landscape, which is also notable for the extensive network of tidal rivers and wetlands that Tubman, and the people she guided to freedom, would have traveled under the cover of night.

In particular, a number of properties—including the homestead of Ben Ross, her father, Stewart's Canal, where he worked, the Brodess Farm, where she worked as a slave, and others are within the master plan boundaries of the Blackwater National Wildlife Refuge.

Similarly, Poplar Neck, the plantation from which she escaped to freedom, is still largely intact in Caroline County. The properties in Talbot County, immediately across the Choptank River from the plantation, are currently protected by various conservation easements.

Were she alive today, Tubman would recognize much of the landscape that she knew intimately as she secretly led black men, women and children to freedom.

There has never been any doubt that Tubman led an extraordinary life. Her contributions to American history are surpassed by few. Determining the most appropriate way to recognize that life and her contributions, however, has been exceedingly difficult.

The National Park Service determined that designating a Historical Park that would include two geographically separate units would be an appropriate tribute to the life of this extraordinary American.

The New York unit would include the tightly clustered Tubman buildings in the town of Auburn. The Maryland portion would include large sections of landscapes that are representive of Tubman's time and are historically relevant.

Harriet Tubman was a true American patriot. She was someone for whom liberty and freedom were not just concepts but values she fought tirelessly for. She lived those principles and achieved freedom with hundreds of others. In doing so, she has earned the Nation's respect and honor.

Harriet Tubman is one of many great Americans who we honor and celebrate every February during Black History Month.

In schools across the country, American History curriculums teach our children about Tubman's courage, conviction, her fight for freedom and her contributions to the greatness of our Nation during a contentious time in U.S. history. Now it is time to add to Tubman's legacy by preserving and commemorating the places representative of her extraordinary life.

Every year, millions of school children, as well as millions of adults, visit our National Historical Parks and gain experiences and knowledge about our Nation's history that simply cannot be found in history books or on Wikipedia.

Our Nation's strength and character comes from the actions of the Americans who came before us and the significant events that shaped our Nation.

The National Park Service is engaged in the important work of preserving where American history has taken place and providing a tangible experience for all people to learn from.

It is one thing to learn about Harriet Tubman from a book, it is a completely different and fulfilling experience to explore, to see, to listen, and to feel the places where she worked as a slave, where she escaped from, and where she lived her days as a free American.

The National Park Service is uniquely suited to honoring and preserving these places of historical significance, and I urge my colleagues to join me in preserving and growing the legacy of Harriet Tubman by establishing the Harriet Tubman National Historical Parks in her honor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

REMEMBERING J. JOSEPH GARRAHY

Mr. REED. Mr. President, I rise today to join with my colleague and friend from Rhode Island to pay tribute to former Rhode Island Governor J. Joseph Garrahy, who passed away last week at the age of 81.

Joe Garrahy loved Rhode Island, and in turn the people of Rhode Island loved Joe Garrahy. His intelligence, his instinct, and his integrity led our State with compassion and courage. He believed in the people of Rhode Island and in the virtue of public service.

More than three decades after he left public office, Joe Garrahy remains one of our most respected and beloved leaders. A man of the people, the Governor of Rhode Island, Joe Garrahy, is a Rhode Island icon who will be held in high esteem for generations to come. Rhode Islanders lost a friend. We all lost a good friend.

John Joseph Garrahy was born in humble circumstances in Providence, Rhode Island, on November 26, 1930, the son of Irish immigrants. He graduated from La Salle Academy in Providence and attended the University of Buffalo and the University of Rhode Island.

The Governor began his political career in 1962 when he was elected to represent Smith Hill in the Rhode Island General Assembly. He served as Rhode Island's Lieutenant Governor from 1969 to 1976, and then was elected Governor and served from 1977 to 1985.

After his retirement from public life, Governor Garrahy was a business consultant who championed new economic development projects and helped existing businesses that have always been the backbone of our economy in Rhode Island. He never stopped looking for and finding new ways to promote his beloved State of Rhode Island.

As Governor, Joe Garrahy had vision, initiative, and an incredibly strong work ethic. He possessed the unique ability to bring people together to address their needs at the most basic level, while at the same time tackling the most pressing public policy issues of his time. He was also particularly gifted in bringing together opposing sides and would often invite diverse interests into the room to discuss issues and matters of conflict. Because of his integrity, his decency, and his sincerity, he was more than an honest broker; he was someone people trusted.

His leadership and his example led Rhode Island with special distinction. He brought people together because they innately trusted this kind and wise gentleman. They knew he always had the interests of the State at heart, not his personal ambition, not his personal progress, but the welfare of the people of Rhode Island. His list of achievements is long. His many good works have made a lasting impression on our State. He believed government could and must do all it can to improve the lives of its citizens.

He was elected Governor after the Navy decided to close Quonset Point—which was a premier naval air station in Rhode Island, a major employer and a major source of economic activity—and reduced its presence in Newport. This was a shock to the economy of Rhode Island. In spite of double-digit unemployment and the challenging economy that was worsened by this departure, he set a new course to redirect resources and make government work for the people.

He fought for the rights of the disabled and led in the deinstitutionalization of the mentally disabled citizens of Rhode Island. He closed the Ladd School, which was our residential center, and he literally ended the practice of warehousing the disabled at the Institute of Mental Health. He reformed Rhode Island's prison system, which was plagued with unrest and violence, transforming it to a national model.

Following the energy crisis in the 1970s, the Governor provided resources to a much needed energy office to look for innovative ways to deal with a problem that still challenges the State and the Nation. He also forged creative partnerships with neighboring States throughout the Northeast and with leaders in Canada.

Governor Garrahy was a man of great passion, great decency, and he had a special affection for the elderly and the children of Rhode Island. Under his tenure he created the Department of Elderly Affairs and Children, Youth and Families, he said, to focus the attention of the State and make the delivery of services to these seniors and children more efficient and more effective. That was Joe Garrahy—thinking not about himself but, in particular, thinking about the most vulnerable people in our society.

He was always a great cheerleader for Rhode Island. He led the way for the Rhode Island Heritage Commission to flourish and to publicize and popularize our State's unique contributions to American history and its rich cultural heritage—a rich ethnic heritage which he was awfully proud of. He was always a staunch supporter of our tourism industry.

He also had a profound respect and regard for the environment and worked diligently to clean up pollution in Narragansett Bay and preserve our open spaces. He helped establish the Narragansett Bay Commission, which is one of the leading agencies in the State that treats our waste products and makes sure they are not discarded untreated into the bay. In fact, his efforts—with foresight years ago—paved the way for one of the largest projects ever completed in the State of Rhode Island, which now prevents sewage from flowing into our bay unabated. But this was just one of the extraordinary commitments he made to our environment.

He was always looking to bring businesses to Rhode Island—high-tech businesses, along with businesses that would provide people the chance for employment, the chance to own a home, and the chance to provide for a better life for their children. He worked to revitalize, particularly, the downtown Providence area through his work with the Capital Center Commission, which did landmark work in literally reshaping the face of Providence, making it one of the most attractive and most compelling cities in our country.

Throughout his administration, he always worked for public transportation facilities, and everything that would complement our economic growth. He did it with great passion, great diligence and, again and again and again, extraordinary decency.

In his final days in office he launched The Greenhouse Compact, which was a bold economic revitalization plan. He proposed to create 60,000 high-paying jobs and lay the foundation to combat the dying manufacturing industries of the State of Rhode Island at that time. And although the compact was not approved by the voters—there were concerns about how it would be paid for—many of its proposals have come to fruition; a tribute again to his foresight, to his vision, to his courageous leadership, and to his confidence, that bringing these issues to the people would eventually lead to their adoption. And they have.

Joe Garrahy was the person you wanted leading you in difficult times, and there was no more difficult time than in 1978, when the great blizzard descended upon Rhode Island. Literally, Rhode Island was paralyzed. You couldn't move. People were without communication, without electricity. But there was one constant beacon of hope and stability and strength, and that was Governor Joe Garrahy. He was the voice who quelled the anxiety—the fear, frankly—that this natural disaster would overwhelm us. In time of great turmoil, he was there. He assured us that help was on the way. And in what has become a famous historic relic in the State of Rhode Island, he did it all wearing the same plaid shirt, it seemed. That plaid shirt was a symbol of him: Nothing fancy; someone you could trust; someone you could depend upon; someone who rolled up his sleeves to get the job done for the people of Rhode Island to literally, in some cases, save people in a very demanding natural disaster through his leadership. He was, as I say again and again, one of the most decent individuals I have ever met. He was so kind to me, so understanding, so tolerant. And I am not alone.

I recall something that was said about another great American, Franklin D. Roosevelt. He was in his final position; the cortege was going down Pennsylvania Avenue. There was an individual by the side of the road who was weeping, literally. A reporter went up to him and said, Well, you must have known the President; you are so upset. And he said, No, no; I didn't know him, never met him. But he knew me.

Joe Garrahy knew the people of Rhode Island. He was a man of innate decency and goodness. He believed that every situation had some merit, a silver lining, something he could do to bring forth good out of bad, progress out of adversity. He was a man of deep faith, who worked hard, and remained optimistic and compassionate in every moment. He was a noble public servant. That word is used often, but no more accurately than with respect to Joe Garrahy, a man of nobility—a nobility born not of privilege or wealth but of character, conscience, and concern.

He had an extraordinary winning personality. He was one of those people you wanted to bump into because he made you feel better. His warm, embracing personality, his humor, his friendliness, his caring, his sincerity, all those things transmitted this sense of knowing you and caring for you—which was unique and will never, I think, in my mind, be replicated by any of us in Rhode Island.

Whenever you were with the Governor, you always felt a little bit better about where you were, about the future, and about the world. He was fond of people, and that fondness was repaid by a deep sense of gratitude for what he has done and profound respect for a wonderful man.

But above all this, he loved his family the most. He was a devoted husband, father and, as he was described by his grandchildren, their Poppy.

We remember him now, and we also remember his family because they have lost a great man. But he did so much for all of us to make us bigger and better that we can withstand this great loss.

I want to join with my fellow Rhode Islanders in offering my heartfelt sympathy to his wonderful wife Margherite and his wonderful family, Colleen and Michael Mahoney, their children Ryan and Michaela; John and Barbara Cottam Garrahy, their daughters Katherine and Elizabeth; Maribeth and Robert Hardman and their son Wesley; Sheila and Gregory Mitchell and their children, CJ, Todd, and Chad; and Seana and Michael Edwards and their children Drew, Brayden, and Ellie Rose.

We will miss him. But his legacy and his personal example of kindness and good will continue to sustain and inspire us. Today, we celebrate his life, and in the days and weeks and years to come we will remember him fondly as one of Rhode Island's greatest Governors. We are all the better for having Joe Garrahy in our Biggest Little State.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to join my senior colleague, Senator REED, in tribute to the memory of a great public servant and a great friend, Jay Joseph Garrahy, former Governor of Rhode Island, who passed away last week at the age of 81.

At his funeral services this week, he was remembered by an enormous crowd for his warmth, for his kindness, and for his steady leadership of our State.

Joe Garrahy was born in Providence, RI to a blue-collar, Irish immigrant family. He worked his way through Catholic school, and he served in the Air National Guard and in the Air Force during the Korean war. He came back home from the war and went to work as a beer salesman for our Narragansett Brewery. He was what they fittingly called a Narragansett Goodwill Man. And, as Senator REED has explained, Joe Garrahy brought good will wherever he went.

He turned to politics and to public service with the 1960 Presidential campaign of John F. Kennedy. Joe followed his path himself, ultimately, with election to the Rhode Island Senate, and then he was elected statewide as Lieutenant Governor, and then served two terms as Rhode Island's Governor—serving as Chief of State in the very statehouse where his mother had once cleaned floors. It was a beautiful American success story for him to rise to lead the statehouse that his mother had cleaned.

The story was told at his funeral that when he was Lieutenant Governor and she was still cleaning the statehouse, he said: Mom, don't you want to find something else to do now that I am here as Lieutenant Governor? She turned to him and said: Joe, I got here first.

In his public life, Joe Garrahy always made the effort to be what he once described as ''probably one of the easiest guys in the State of Rhode Island to get along with.'' He sure was. I don't think anyone who has worked with him over the years would disagree with that. Joe was certainly always very kind and supportive to me as I embarked on my fledgling career in public service.

But Governor Garrahy's service to our State stands as a guidepost for today's political leaders. He saw Rhode Island through the difficult economic recession of the early 1980s. He was a staunch defender of Narragansett Bay, our environmental jewel, and of Rhode Island's open spaces; his efforts to attract high-tech industries to Rhode Island and to advance our economy; his work on behalf of children and senior citizens and those with disabilities all continues to inspire us.

Of course, all Rhode Islanders who are old enough remember the blizzard of 1978, which buried parts of our State under 3 feet of snow and brought our roads and businesses to a shuddering halt. People spent days in factories, in movie theaters, in department stores where they were snowed in. I still recall the scene of cars up and down 95 covered in snow, abandoned, the road closed. Rhode Islanders are filled with stories of where they were and what they did during the great blizzard of 1978 and how they struggled to get home to their loved ones.

Through all of that, Governor Garrahy marshaled resources from the Federal Government and from neighboring States and got Rhode Island back on its feet. In his frequent televised messages to Rhode Islanders during the crisis, his plaid flannel shirt became a trademark of his accessible, hard-working, easygoing style.

Governor Garrahy's righthand man throughout his political career was Bill Dugan, his chief of staff. As fate would have it, we are also mourning the loss of Bill, who passed away the day before we lost the Governor. It was often said that Governor Garrahy didn't know how to say no. He was too nice for that. Well, that job often fell to Bill Dugan.

Joe and Bill were lifelong friends, graduated in the same class at La Salle Academy, went into politics together, and made a memorable political team in Rhode Island history. Last Thursday, Joe Garrahy and his dear companion and political associate Bill Dugan were together one last time.

Bill's sons are friends of mine, David and Richard. At Bill's funeral I spoke to Richard, and I remarked on how extraordinary it was that this exceptional Rhode Island friendship and political alliance should end with these two men dying in the same week within virtually hours of each other.

Richard looked back at me and he said: SHELDON, you don't know the half of it. It was during my father's wake at Boyle's Funeral Home that the Governor was brought home from Florida, where he had been vacationing, by the State police to Rhode Island. And that night, the two old companions rested one last time, side by side, on Smith Hill at Boyle's Funeral Home.

On behalf of my wife Sandra and my family, I extend to the Garrahy family our deepest condolences. To Joe's loving wife Margherite, to their children Colleen, John, Maribeth, Sheila, Seana, and their 11 grandchildren and the entire Garrahy family, we have you in our hearts.

Joe Garrahy often spoke about the great joy his children and his 11 grandchildren gave him, especially in the years after his retirement. Our thoughts and prayers are with them all today.

I am very pleased to have this opportunity to join with Senator REED and with so many Rhode Islanders who are still remembering, thinking of, praying for, and giving homage to Governor Garrahy. We will never forget his ready smile, his easy friendship, his distinguished service, his ability to remember every name, and his long and very loving marriage.

I join Senator REED in saluting his legendary service to our State.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I know folks are riveted to their televisions. I wanted to give them an update as to where we are on the STOCK Act.

First of all, there have been a lot of good amendments back and forth. We have reviewed them. We worked obviously late into last night and have been working throughout today. We are gearing up for votes that hopefully will be forthcoming, if not today, then hopefully tomorrow.

But I do appreciate the process, and I wanted to publicly thank Leader REID for his willingness to allow us to work through this process because it is sensitive for some people and it is new territory for others. But I will say, being the first time and having the ability to come down and co-manage the floor with Senator COLLINS and work with Senator LIEBERMAN and Senator GILLIBRAND, the process has been open and fair. We are trying now to eliminate some of the amendments that may not be relevant. We have had some folks step back and say, yes, take this off or take that off, and that is good. And we have been trying to combine other amendments to try to solidify where we want to go.

But I did want to let folks know that we are working diligently with the staffs of all the concerned Members, and hopefully we will get some votes very shortly.

Once again, I commend Leader REID and his staff, the chairman and his staff, Senator GILLIBRAND, and Senator COLLINS, for everyone working together trying to make this happen. I appreciate that, and I want to make that reference for folks who are paying attention.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the call of the quorum be rescinded.

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

Mr. REID. Mr. President, I apologize to the Presiding Officer and staff and Senators, but we have not been able to reach an agreement yet on how to move forward on this simple bill. Remember, everybody loved the bill? We should have been able to finish it quickly. It has not worked out that way, but we are close. I hope in the morning we can do this and finish the bill tomorrow afternoon. That would be preferable. I hope we can do that.

Everyone has worked in good faith and there are a number of amendments we will vote on, and if that is the case, we can finish this hopefully tomorrow, late in the afternoon or early evening. We are not there yet, but we are very close.

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

Mr. LIEBERMAN. Mr. President, while the majority leader is here, I wished to thank him for the work he and his staff have continued to do to enable us to get to a vote on this bill, which most everybody in the Senate supports, to make it clear that Members of Congress and our staffs are covered by anti-insider trading laws. Senator GILLIBRAND, Senator COLLINS, and Senator BROWN have all been working to bring this to an end and give Members on both sides the opportunity to introduce amendments. Senator REID has been showing great forbearance in not moving to file a cloture motion. In some sense, this is a test of whether we can all apply to ourselves a rule of reasonableness so that there can be a pretty open amendment process, but one that does not stop the Senate from getting something accomplished.

I share the leader's optimism. There is only one obstacle now to having an agreement and, hopefully, we can begin voting tomorrow afternoon and get it done before we finish.

Mr. REID. Mr. President, it is Senator GILLIBRAND's fault we are in all of this trouble.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I wish to commend the leader for his forbearance and patience in this very long and extended process. But we are making great efforts to come together to work in a bipartisan way to accomplish something good for the American people and to begin to restore faith and trust in this institution and in our government. So I thank our leader. We are so grateful for his patience. I also thank the chairman for his work in leading this legislation.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, to Senator LIEBERMAN, we did a lot more generalized work than the distinguished junior Senator from New York. She is an absolute expert in this area where we are dealing with corporate law, all the stuff we did with derivatives and all that, and I was certainly joking when I said she was the cause of trouble for this legislation. It was her idea. We appreciate her good work. Senator LIEBERMAN and I have been through a number of battles together and this is one of the minor skirmishes.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. GILLIBRAND. 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.

TRIBUTE TO PHYLLIS CAUSEY

Mr. MCCONNELL. Mr. President, I rise to send my best wishes and gratitude to a good friend of mine and a loyal public servant to the people of

Kentucky for many years, Ms. Phyllis Causey. After nearly 2 decades working for the Representative from Kentucky's 2nd Congressional District—first Congressman Ron Lewis, then Congressman BRETT GUTHRIE—she has chosen to embark on a well-earned retirement.

As a field representative for Congressmen GUTHRIE and Lewis, she has made a huge impact on the lives of countless Kentuckians. Her dedication and hard work has set a standard for all who enter public service. She made many friends across the Commonwealth in her 18 years as a House staffer, and I am proud to be one of them.

Phyllis graduated from Hopkinsville Community College in 1970 and earned her bachelor's degree at Western Kentucky University in 1972. She also worked for Western Kentucky University for 23 years.

Before going to work for Kentucky's Second District, Phyllis was the vice chairwoman of the Warren County Republican Party. It was in that capacity she met Ron Lewis, who was exploring a run for Congress. A lot of people did not give Ron much of a chance at the time—after all, the previous holder of that district's Congressional seat, a Democrat, had held it for almost 40 years.

Well, Ron Lewis surprised a lot of people when he won that race. After winning, one of his first decisions—one of his best decisions—was to hire Phyllis Causey. And one of BRETT's best decisions was to retain her.

In her retirement, Phyllis has said she hopes to be able to spend more time with her husband, Larry, and also care for her mother. As so many people have stepped forward to wish her well upon the news of her retirement, Phyllis has humbly said, ''All I can hope is that I have made a difference.''

I certainly think it is safe to say she has. I value her friendship and wish her the best in her future endeavors. I know my colleagues in the U.S. Senate join me in honoring Ms. Phyllis Causey upon her retirement and thanking her for her many years spent in public service.

The Bowling Green, Kentucky-area publication The Daily News recently published an article highlighting Phyllis Causey's life and career. I ask unanimous consent that it be printed in the RECORD.

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

[From The Daily News, Jan. 14, 2012]

CAUSEY IS HAILED AS PUBLIC SERVANT; GUTHRIE AIDE RETIRING AT THE END OF JANUARY

(By Andrew Robinson)

When U.S. Rep. Brett Guthrie, R–Bowling Green, was campaigning for Congress in 2008, he was frequently posed a question. But it wasn't about his views on taxes, federal spending or social issues.

''Are you going to keep Phyllis Causey?'' people often asked Guthrie.

Guthrie did in fact keep Causey, who served as his field representative for the past three years. But Causey said goodbye Friday, retiring after 18 years of work with congressmen in Kentucky's 2nd Congressional District.

Causey, who worked for former U.S. Rep. Ron Lewis before joining Guthrie's office, officially retires at the end of January.

In a reception at the Warren County Justice Center, Causey thanked co-workers, friends and families for their support over the years.

''I have mixed emotions,'' Causey said. ''I've been crying a lot, as a matter of fact. It's very nice that people are stopping by.''

She said she'll remember the friends she has made.

''And, of course, working for a great guy like (Guthrie) and the previous congressman is a blessing,'' Causey said.

In December, Guthrie spoke for a few minutes about Causey's service on the floor of the U.S. House, a moment that was entered into the Congressional Record.

''She has been such an inspiration to me,'' Guthrie said on the floor. ''She has always been devoted to the causes she believes in—church, family and friends. Phyllis is an incredible wife, daughter, sister and mother. I know her family, especially her husband Larry, will be happy to have her around more often.''

The moment caught Causey by surprise.

''I did not know that was happening until the day before,'' Causey said. ''I'm overwhelmed and honored that he would want to do that.''

Of course, Guthrie and Lewis had nothing but good things to say about Causey.

''I used to tell her, and she thought I was kidding, but I used to say, ''Phyllis, don't run against me, you'll beat me hands down,''' Lewis said. ''In the counties that Phyllis serves, the people love her. She's never met a stranger. Everywhere you go, they know Phyllis Causey.''

Lewis met Causey in 1993. She was working as the vice chairwoman of the Warren County Republican Party and Lewis was trying to gauge his support in Warren County when he ran for Congress.

Lewis was invited by Causey to several events in Warren County.

''She became one of my first supporters in Warren County,'' Lewis said. ''She told me all the key people to talk to.''

Such stories are endless, Lewis said.

''A lot of people who are very political have trouble turning that into public service,'' Guthrie said. ''And what's amazing about her, as hard-core of a Republican she is, she served everybody.''

Causey plans to spend more time with her husband, as well as be a full-time caregiver for her mother. Mark Lord, who is serving as Guthrie's district director, will step up to serve Warren and Barren counties as field representative.

''She just has a great personality, loves people, loves her job—and talk about a true public servant,'' Lewis said. ''Phyllis is a public servant. I'm sad she's retiring because people love her.''

TRIBUTE TO KEN HARVEY

Mr. MCCONNELL. Mr. President, today I wish to recognize a distinguished Kentuckian who has worked tirelessly and selflessly in public service for over 25 years. I am sad to report to my colleagues today that Mr. Ken Harvey, the longest serving tourism director for any county in the Commonwealth, is retiring today.

Ken has worked since 1986 as the executive director of the London-Laurel County Tourist Commission in southeastern Kentucky. During his tenure, tourism growth in the area has tripled, the number of motels in the area has more than doubled, and the number of restaurants has doubled. Ken's coworkers, friends, and neighbors know that such a feat would not have been possible without Ken's endless energy and enthusiasm in his work.

When Ken moved to London, KY, with his wife Cheryl many years ago, he was working for Kmart and was sent to Kentucky for a temporary assignment. But, in Ken's own words, London ''just felt like home.'' It is to the rest of the town and county's benefit that Ken and Cheryl decided to put down roots and make London their home.

In addition to his long tenure as executive director of the London-Laurel County Tourist Commission, Ken keeps busy with many other pursuits. He is a longtime board member of the Southern/Eastern Kentucky Tourism Development Association and has served as that organization's president. He has been a board member of the Kentucky Tourism Council Federation and served that group for several terms as chairman or vice chairman. He has served with the Kentucky Festival Association and the Kentucky Main Street Board. Ken is also an avid historian who has volunteered for the Kentucky Civil War Trail and helped coordinate Civil War reenactments.

Ken is also a member of the Optimist Club, the Laurel County Rotary Club, and a Leadership Tri-County graduate. He was named Laurel County Man of the Year by the News Leader in 1990. And I would certainly be remiss if I did not mention what many believe to be Ken's greatest achievement as tourism director—for many years he has been the driving force behind the World Chicken Festival.

The World Chicken Festival brings over 200,000 visitors to Kentucky each year for what has become one of the top 10 festivals in the Southeastern United States. It offers entertainment, talent shows, art exhibits, carnival rides, and of course food—particularly chicken. It has been noted for exhibiting the world's largest stainless steel skillet. Lasting 4 days, taking up 10 square blocks, and free to visitors, I am sure my colleagues will understand when I say that under Ken's leadership, the World Chicken Festival is one of Kentucky's most ''egg-citing'' events.

Ken's retirement will be Kentucky's loss but certainly his family's gain. I understand he is looking forward to spending more time with his 6-year-old grandson. On behalf of the people of London, Laurel County, and all of Kentucky, I want to thank Mr. Ken Harvey for his many years of service. He will be missed, and I certainly wish him all the best in his well-earned retirement.

Mr. President, a recent article printed in the Laurel County area publication the Sentinel Echo highlighted Mr. Ken Harvey's many achievements. I ask unanimous consent that said article be printed in the RECORD.

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

[From the Sentinel Echo, Nov. 28, 2011]

HARVEY TO RETIRE

LONGEST-SERVING TOURISM DIRECTOR IN STATE

(By Nita Johnson)

LAUREL COUNTY, KY.—What began as a year's assignment in 1982 evolved into the longest-running term of a tourism commissioner in the state.

Ken Harvey, executive director of the London-Laurel Tourist Commission, announced his plans to retire on Feb. 1, after serving in that capacity for 26 years.

He has seen much growth during his tenure with the tourist commission, with his latest focus on developing the Heritage Hills property off Falls Street.

But the evolution of the World Chicken Festival, the Redbud Ride, various athletic events and a motel tax are just a few of the accomplishments that have brought revenue to the tourism commission during Harvey's term—accomplishments he credits to the board members with whom he has served.

Board members returned the compliment, with Tourism Commission Board President Caner Cornett describing Harvey as ''one of a kind.''

''He's a self-propelled man. Ken only knows one speed—full force,'' Cornett said. ''He's the kind who can talk to someone on jail work release or the governor and show no partiality. He has that kind of personality.''

Cornett said Harvey's exit as tourism director leaves ''some big shoes to fill.''

''He'll be hard to replace. His knowledge and experience is invaluable,'' he added.

Though coming to London from Ohio, Harvey said just a few months after settling here, he and wife Cheryl knew they wanted to stay in the area.

''It just felt like home,'' he said. ''When we came here, there were 650 motel rooms. Now there are 1,300,'' he said. ''Interstate 75 is an attraction in itself for travelers going north or south. We have a good cross-section of dining here and our board is made up of citizens whose home is here.''

Other attractions that have increased the tourism business are the annual Battle of Camp Wildcat, which Harvey considers ''the best in the state,'' along with the location of the Harley-Davidson dealership.

Harvey has been honored several times for his diligence in promoting tourism in the London area and is proud that the London commission is highly respected across the state. While he readily admits he does not wish to retire, he realizes that his ongoing health problems and three recent back surgeries are limiting his ability to serve in the capacity that he wishes to continue.

''It's time. I hope they bring in someone with fresh ideas that can continue to develop the Heritage Hills property and give some new ideas for other developments,'' Harvey said. ''Besides, I have a grandson who is six years old and I'm looking forward to spending lots and lots of years with him.''

VISA WAIVER PROGRAM ENHANCED SECURITY AND REFORM ACT

Ms. MIKULSKI. Mr. President, Senator KIRK and I have introduced the Visa Waiver Program Enhanced Security and Reform Act.

This is a piece of legislation near to my heart. For those who have known me, they have known I have fought long and hard for Poland to become free and independent. I think about the dark days of martial law in Poland, when we worked to support the solidarity movement in Poland and remove the yoke of communism. And after Poland emerged from the Iron Curtain, I worked with many of my colleagues to secure Polish democracy and bring them into NATO, securing their future in Western Institutions.

This legislation would help provide Poland a path to entry into the visa waiver program. It would eliminate the need for Polish citizens to obtain a visa to travel to America. As the granddaughter of a woman who came to America from Poland over 100 years ago, it would warm my heart to know a grandmother from Gdansk would no longer need a visa to visit her grandchildren in Baltimore.

This legislation does much more than just strengthen our relationship with Poland. It is a jobs bill. The visa waiver program makes America open for business for more tourists from allied countries. This can have a profound impact. South Korea entered the VWP in early 2009. In 2010, there was an increase of 49 percent in arrivals to the United States from South Korea, which created $789 million in new spending and supported 4,800 new jobs.

If Poland becomes eligible for the visa waiver program and has a similar increase in visitors, it would create $181 million in new spending and 1,500 new jobs. It's good for business and good for the economy.

Finally, it would strengthen America's national security by improving how we protect our borders. To participate in the visa waiver program, countries must agree to stronger passport controls, border security, and cooperation with American law enforcement—making it harder for terrorists to use these countries as entry points to the United States.

This legislation reinforces the program as an important component of national security by placing member countries on probation if any of the VWP requirements are not met and requiring a country's removal if it does not fulfill its requirements within two years.

The legislation also reinstates the Secretary of Homeland Security's Waiver Authority and a new cap on visa refusal rates will be set at no more than 10 percent, allowing the Secretary to recognize those nations that have met U.S. concerns on passport security, law enforcement cooperation, and border security. By admitting countries that have greater security standards for their travelers, the State Department can focus its limited consular resources on higher risk nations.

Poland has long been a friend to the United States, sending two of its finest heroes, Kosciusko and Pulaski, to fight in the Revolutionary War for America's freedom. In recent years, Poland has stood besides the United States in the aftermath of September 11, sending troops to fight alongside Americans in Iraq and Afghanistan.

Poland has overcome a melancholy history to become a vibrant and growing democracy. This legislation helps cement that relationship while improving America's security and creating new jobs. I look forward to working with my colleagues to secure its passage.

REMEMBERING RAY REID

Mr. BOOZMAN. Mr. President, I rise today to honor the life of Ray Reid, a devoted champion of Arkansas and its citizens, affectionately known as Arkansas's 'fifth congressman.'

Ray dedicated his life to public service, serving more than 30 years in the Army including three wars—WWII, Korea and Vietnam—before retiring as a colonel and continuing his commitment to this country serving for more than 23 years as chief of staff for three of Arkansas's Third Congressional District Congressmen—John Paul Hammerschmidt, Tim Hutchinson and Asa Hutchinson.

As a loyal staffer, Ray was an ambassador of and to Arkansas, going above and beyond to help resolve issues constituents had with the Federal Government. Under his guidance, Congressman Hammerschmidt laid the groundwork for successful constituent service. Ray recognized that the key to good governing and good public service is that you treat everyone fairly and set political differences aside.

Congressman Hammerschmidt recently said of his former right-hand man that he was the best administrative assistant in the House during his service. Upon his retirement Congressman Asa Hutchinson said Ray was known to be one of the most knowledgeable men in Washington.

When I was elected to Congress in 2001, Ray went out of his way to help us get on the right track. His skills and experiences were vital to helping us build a strong foundation to serve the people of the Third District.

Despite working in the minority for much of his career, Ray managed to accomplish great things for Arkansas because of the long-lasting relationships he built. Certainly Ray saw many changes in the Third Congressional District during his years of service to Arkansas and many can be credited to his efforts. Ray had a hand on many infrastructure projects including Interstate 540 and the Northwest Arkansas Regional Airport.

In a recent interview, Congressman Hammerschmidt fondly recalled Ray's passion for the Natural State: ''Ray really loved Arkansas,'' he said. Ray helped change the landscape of Arkansas. His impact is far reaching and his legacy is evident in the Third Congressional District.

The State of Arkansas has lost a true friend who went to great lengths to make it a better place.

ADDITIONAL STATEMENTS

RECOGNIZING MONTH OF THE HAWAIIAN LANGUAGE

● Mr. AKAKA. Today I wish to speak to the celebration of the Hawaiian language. February is designated as the ''Month of the Hawaiian Language'' by the State of Hawai'i. Speakers and students of the language use this time to foster and promote Hawaiian through festivals, spelling bees, and speech and debate competitions where the Hawaiian language is the primary medium.

Since the first official designation in 1994, February has been a celebration of the Hawaiian language in Hawai'i. However, this modern renaissance happened only after the Hawaiian language came close to extinction, and the people of Hawai'i fought to preserve it.

In 1896, following the overthrow of the Kingdom of Hawai'i, English was named as the primary language of instruction in Hawai'i's schools. As a result, students who spoke Hawaiian were subject to physical punishment or public humiliation. As Native Hawaiian families struggled to assimilate with the increasing Western presence in Hawai'i, parents gave children non-Hawaiian first names. Families who carried Hawaiian family names adopted Western surnames to avoid a Hawaiian identity. Parents stopped teaching their children Hawaiian, and maintained English-only households. This was a sad chapter in Hawai'i's history, but fortunately, today, thanks to the effort of many Hawai'i residents, political and community leaders, and educators, the Hawaiian language is thriving.

In 1978, the Hawaiian language, also called 'Ōlelo Hawai'i by its speakers, was declared one of the two legal languages of the State of Hawai'i. In 1984, the first Hawaiian language preschool was established, 'Aha Pūnana Leo. Three years later, Hawaiian language immersion expanded to include kindergarten through grade 12, and today, students can study the Hawaiian language from preschool through their doctorate studies.

Use of the Hawaiian language is not limited to its fluent speakers. Those who live in and visit Hawai'i use Hawaiian words and phrases in their everyday vocabulary, whether they are Native Hawaiian or not. Towns, roadways, schools, and parks bear Hawaiian names. Island residents commonly give each other directions using the words mauka—meaning towards the mountains, or makai—meaning towards the ocean. A waitress might ask you if you are pau, or done, with your meal before she clears the table. You might tell her it was 'ono, or delicious.

Some of the more commonly used words, including aloha and mahalo, are known well beyond the shores of Hawai'i. I probably do not have to explain that mahalo means thank you, or that aloha is a greeting that conveys warmth, love, and affection and is used to both welcome someone and wish them well.

The Hawaiian language is thriving in our modern society and it remains relevant as technology evolves around us. The iPhone and Google's homepage are just two instances where the Hawaiian language can be selected as an option in language settings. Developers of the popular website, Wikipedia, borrowed the Hawaiian word wikiwiki, meaning speedy, for its name. Travelers through Honolulu International Airport are greeted every half hour with a public announcement first in Hawaiian, followed by its English translation. Local television reporters and weather forecasters consult with language experts on Hawaiian pronunciation. One of the morning news shows features a segment produced entirely in the Hawaiian language. Cable subscribers receive a channel featuring Hawaiian language reporting.

The Hawaiian language is engrained in our daily lives in Hawai'i, and is important to all of Hawai'i's people. I am extremely grateful for the efforts made by kūpuna, our elders, as well as language and cultural educators, to preserve the Hawaiian language. According to the University of Hawai'i at Hilo, there are approximately 7,500 people learning the Hawaiian language today, from preschools, institutions of higher education, and community programs. Parents are again raising their children to speak Hawaiian. While there is an increasing interest in the Hawaiian language, this is still just a small percentage of the population of the State of Hawai'i. I applaud the State for designating February as the ''Month of the Hawaiian Language'' and bringing awareness to the need to perpetuate our language so that future generations may learn the language of their ancestors.

E ola mau ka 'Ōlelo Hawai'i! Long live the Hawaiian language.●

RECOGNIZING NATIONAL GIRLS AND WOMEN IN SPORTS DAY

● Mr. BENNETT. Mr. President, today, February 1, I wish to celebrate the 26th annual National Girls and Women in Sports Day, on which we praise the importance of sports participation and athletics in the lives of girls and women everywhere. This year's celebration has special meaning as it falls on the eve of the 40th anniversary of the passage of title IX of the Education Amendments of 1972. For over 40 years, this historic law has furthered gender equality in sports participation in schools so that young women, including my three daughters, Caroline, Halina and Anne who all play soccer, may enjoy the benefits that come along with sports participation.

Studies show that participation in sports has a positive influence on the intellectual, physical and psychological health of young girls. According to the National Federation of State High School Associations, by a 3–1 ratio, female athletes do better in school, do not drop out, and have a better chance to get through college. Additionally, a study from the Women's Sports Foundation showed that high school athletes are less likely to smoke cigarettes or use drugs than their non-athlete peers. Sports participation is also linked to lower rates of pregnancy in adolescent female athletes. With these statistics in mind, it is not surprising that a study from the Oppenheimer/MassMutual Financial Group shows that of 401 executive business women surveyed, 82 percent reported playing organized sports while growing up, including school teams, intramurals, and recreational leagues.

In my home State of Colorado, we are ahead of the curve with regard to the participation of girls and women in sports. The U.S. Olympic Training Center, located in Colorado Springs, was created by an act of Congress in 1978, just a few years after title IX was passed. It is encouraging to know that women like Gold Medal Winner Lindsey Vonn, now make up nearly half of all U.S. Olympians competing at the games, representing more than 48 percent of the 2008 team. Colorado also supports the success of Paralympians such as Sarah Will, who after a skiing accident that left her paralyzed from the waist down, went on to help found the Vail Monoski Camp and won 12 gold Paralympic medals from 1992 to 2002.

Colorado is also a vanguard in providing early education and sports opportunities for women. The flagship all girls school, GALS, Girls Athletic Leadership Schools, has opened its first public charter school in Denver, CO. The school practices active learning that engages students in health and wellness activities in the belief that these are key contributing factors in optimizing academic achievement and self-development. There are also groups such as the Colorado Women's Sports Fund Association that work towards increasing the number of girls and women who participate in athletics and reducing and eliminating barriers that prevent participation.

Despite the vast improvements with regard to sports participation for girls and women, inequalities and disparities still remain. According to the National Federation of State High School Associations, schools are still providing 1.3 million fewer chances for girls to play sports in high school than boys. These numbers have an even greater impact on Latinas and African-American young women. The Women's Sports Foundation shows that less than two-thirds of these girls play sports while more than three-quarters of Caucasian girls do. And three-quarters of boys from immigrant families are involved in athletics, while less than half of girls from immigrant families are.

Mr. President, we have work to do. Part of our job is to promote the importance of this national effort to grow the rates of female athletes. Please

join me in celebrating National Girls and Women in Sports Day by supporting efforts to expand equality in sports participation and education for women and girls around the country.●

TRIBUTE TO JACK KING

● Mrs. FEINSTEIN. Mr. President, on behalf of myself and Senator BOXER, I join my colleagues in the House of Representatives, including Mr. COSTA, Mr. LUNGREN, Mr. CARDOZA, Mr. FARR, Mr. DENHAM, Ms. RICHARDSON, Mr. BACA, Mr. HERGER, Mrs. CAPPS, Mr. FILNER, Ms. LOFGREN, Ms. MATSUI, Mr. NUNES, Mr. MCNERNEY, Mr. THOMPSON, Mr. SCHIFF, Ms. LEE, Ms. LORETTA SANCHEZ, Ms. ESHOO, Ms. CHU, Ms. SPEIER, Ms. LINDA SÁNCHEZ, Mr. BECERRA, Ms. HAHN, Mr. SHERMAN, Mr. HONDA, Mr. MCCLINTOCK, and Mr. CALVERT, to pay tribute to Mr. Jack King on the occasion of his retirement from the California Farm Bureau Federation. For more than 35 years, Jack King has worked on behalf of our Nation's farmers and ranchers to ensure that they have a voice in our Nation's capital. His passion for agriculture has made him a strong and effective advocate for the American Farm Bureau Federation and the California Farm Bureau Federation.

Growing up on a dairy farm in Wisconsin taught Jack the value of hard work, and the important role agriculture plays in America—specifically when it comes to feeding and clothing our families and supporting our economy. Upon graduating from the University of Wisconsin, Jack began his career in agriculture with the university's cooperative extension office. Jack then went on to work for the Wisconsin Council of Agricultural Cooperatives and the Wisconsin Council of Agriculture. In 1973, Jack ventured west and joined the California Farm Bureau Federation as assistant manager of the information division.

Jack expanded his work with the Farm Bureau, and in 1985, he became news services director for the American Farm Bureau Federation. Based in Illinois, Jack managed internal and external communications and often worked in conjunction with the Washington, D.C. office to ensure that legislators were connected with farmers and ranchers. In 1994, Jack returned to California to serve as manager of the California Farm Bureau Federation's National Affairs Division. He served as a direct link between farmers, ranchers, and Members of Congress.

Jack's tremendous contributions and dedication can be measured in a number of ways. Notably, Jack made approximately 200 trips to Washington, D.C. His deep commitment was based in his belief that legislators needed to hear directly from farmers and ranchers in order to understand their contributions and the difficulties they face. Specifically, Jack has been dedicated to working on comprehensive immigration reform, natural resource regulations, and renewable energy.

Of course none of these accomplishments would be possible without the love and support of Jack's wife, Mary Ann; their sons, Carl, David and Bryan; and two grandchildren.

We ask our colleagues to join us in recognizing Jack King's enthusiasm and work ethic. His devotion and loyalty to our Nation's farmers and ranchers make him a source of pride for our community, State and Nation. We thank Jack for his work on behalf of farmers and ranchers in California and all across the country, and wish him well in retirement.●

RECOGNIZING BULL JAGGER BREWING COMPANY

● Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I have heard time and again how difficult it is to start a business in our current economy. As the new year begins, I find it especially critical to honor those entrepreneurs, who in spite of these challenging times, are surmounting all obstacles to pursue the American dream of starting a small business. With this in mind, today I wish to commend and recognize the most recent addition to the renowned brewing family, the Bull Jagger Brewing Company of Portland, ME.

Bull Jagger opened in the fall of 2011 with two employees and a dream to produce high-quality lager. In a 1,500-square-foot space in Portland's Riverside Industrial Park, the two owners, Tom Bull and Allan Jagger, have begun producing the Portland Lager. In their small facility, they currently produce about eight barrels a week which makes approximately 1,800 bottles of the refreshing beverage. Their lager debuted at the Portland Harvest on the Harbor in October of 2011 to rave reviews.

This success is truly exceptional as only a few years ago, Tom Bull, a Bath native who has worked at local companies such as Gritty McDuff's and the former Stone Coast Brewing, was developing his own homemade beer and dreaming of opening a micro-lager business. Fortunately, after meeting through mutual friends and tasting Tom's homebrew, local businessman Allan Jagger was convinced that Tom's dream was worth pursuing. Together as partners, they decided to turn their aspirations into reality and venture into Maine's micro-brew market.

Across the State, both Tom and Allan found that Maine's micro-brew market lacked one particular beer variety—a micro-brew lager. While larger breweries all produce lagers, most micro-breweries shy away from lagers because of the increased length of brewing time in comparison to ales. Typically, lager has to sit in a cold cellar for several weeks to allow proper fermentation to occur. While this may have deterred other micro-breweries in the past, Bull Jagger believed their lager would be worth the wait, and they were certainly right. In true lager fashion, this small brewery allows their lager to ferment over 6 weeks, which is approximately a month longer than traditional ales. This may have diminished the speed with which the product leaves the factory, but it certainly has not slowed down the consumption, as sales are continuing to grow.

As a new small business that has already distinguished itself in Maine's prominent micro-brew market, Bull Jagger is looking forward to producing additional varieties, including a Pilsner beer, in the near future. This small firm's attention to detail and initial success demonstrates the remarkable quality of their product. I am proud to extend my congratulations to Tom Bull and Allan Jagger for their tremendous efforts, and offer my best wishes for the continued success of Bull Jagger Brewing Company.●

TRIBUTE TO ERICA MARIE D'AQUIN

● Mr. VITTER. Mr. President, today I recognize Ms. Erica Marie d'Aquin, a bright and talented young Louisianian.

Each year since 1743, the carnival celebration known as Mardi Gras, French for Fat Tuesday, has been celebrated by the people of New Orleans. The season officially begins on January 6, the Twelfth Night of Christmas and the Feast of the Epiphany. Also recognized in many countries around the world with large Roman Catholic populations, Mardi Gras is the final blow out party prior to the ritual fasting of the Lenten Season, which begins on Ash Wednesday.

Over the many decades that New Orleanians have celebrated Mardi Gras, ''krewes'', or private Mardi Gras social organizations, have also contributed to the merriment and glee surrounding the festive season. In Greek mythology, Endymion was known for his everlasting youth and beauty. In 1966, the Krewe of Endymion was established and has annually paraded through the streets of New Orleans. Today, Endymion is known for being the largest parade in New Orleans, both for the number of members—2300—and also for the number of floats. This krewe has meant a lot to me since I had one of my first jobs as a high school student painting Endymion's floats—white primer only, as I wasn't trusted with colors.

During this, the Krewe of Endymion's 46th year, Ms. Erica Marie d'Aquin will reign as queen. Ms. d'Aquin is a senior at Archbishop Chapelle High School and is on the distinguished honor roll. She is a member of the National Art Honor Society, is a member of the pro-life club, has a fond love for art, and is very active in the Chapelle Animal Rescue Effort to promote the awareness of issues affecting animals. She is the daughter of Mr. and Mrs. Daryl d'Aquin and the granddaughter Mr. and Mrs. Edmond J. Muniz, the founder and captain of the Krewe of Endymion.

It is exciting for such an accomplished young person to have this honor and will be something she will cherish for a lifetime. She joins a long line of family members who have also had the honor of serving as queen of Endymion: her mother Mary in 1984, her aunt Michelle in 1986, and her aunt Margie in 1991.

As we celebrate the 2012 Mardi Gras season, it is my pleasure to honor Ms. Erica d'Aquin as the 46th queen of the Krewe of Endymion.●

REMEMBERING GAIL ACHTERMAN

● Mr. WYDEN. Mr. President, today I wish to recognize someone who may not be familiar to members of the Senate, but in my State is synonymous with what makes Oregon a place that values the environment, its natural resources and its scenery.

Gail Achterman of Portland passed away on January 28 of pancreatic cancer. Gail was a special friend for more than 40 years. When I arrived on the Stanford University campus in the summer of 1969, Gail and I were tour guides together, two Democrats at the conservative Hoover Institution of War, Revolution and Peace. We laughed about it then, and kept sharing jokes and stories for more than 40 years.

Gail leaves behind an impressive legacy of public service and dedication to environmental causes that will endure for years to come. Her professional resume is impressive: Lawyer, director of the Institute for Natural Resources at Oregon State University, chair of the Oregon Transportation Commission, natural resources advisor to a former governor and member of too many State councils, boards and commissions to list here.

Even more impressive, however, was her life-long commitment to those things that make Oregon great. For an example, look no further than the indispensable role she played in creation of the Columbia Gorge National Scenic Area in 1981. Anyone who has seen the majestic Columbia River Gorge knows it is one of the most beautiful places on earth—a crown jewel in a landscape filled with natural beauty. I was proud to be part of protecting The Gorge and proud of partnering with Gail in making that happen.

I want to extend my condolences to her husband Chuck and to her family and assure them that Oregon is a greater State thanks to my special friend Gail and the ideals she believed.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Nieman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:25 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 658) to amend title 49, United States Code, to authorize appropriates for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. MICA, PETRI, DUNCAN of Tennessee, GRAVES of Missouri, SHUSTER, Mrs. SCHMIDT, Messrs. CRAVAACK, RAHALL, DEFAZIO, COSTELLO, BOSWELL, and CARNAHAN.

From the Committee on Science, Space, and Technology, for consideration of sections 102, 105, 201, 202, 204, 208, 209, 212, 220, 321, 324, 326, 812, title X and title XIII of the House bill and sections 102, 103, 106, 216, 301, 302, 309, 320, 327, title VI, and section 732 of the Senate amendment, and modifications committed to conference: Messrs. HALL, PALAZZO, and Ms. EDDIE BERNICE JOHNSON of Texas.

From the Committee on Ways and Means, for consideration of title XI of the House bill and titles VII and XI of the Senate amendment, and modifications committed to conference: Messrs. CAMP, TIBERI and LEVIN.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–4825. A communication from the Secretary of the Commission, Division of Market Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Real-Time Public Reporting of Swap Transaction Data'' (RIN3038–AD08) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4826. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Change in Reporting Requirements and New Information Collection'' (Docket No. AMS–FV–11–0041; FV11–920–1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4827. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Dairy Promotion and Research Program; Amendments to the Order'' (Docket No. AMS–FV–11–0047; FV11–930–1 FR) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trichoderma virens strain G-41; Exemption from the Requirement of a Tolerance'' (FRL No. 9333–5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4829. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John D. Gardner, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4830. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Robert F. Willard, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–4831. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4832. A joint communication from the Acting Under Secretary of Defense (Personnel and Readiness) and the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities of the Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries, and Amputations; to the Committee on Armed Services.

EC–4833. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Freedom of Information Act Implementation'' (RIN2590–AA44) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4834. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Privacy Act Implementation'' (RIN2590–AA46) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4835. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4836. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4837. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4838. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle (AFV) program for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–4839. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–4840. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers'' (RIN1904–AB92) received in the Office of the President of the Senate on January 25, 2012; to the Committee on Energy and Natural Resources.

EC–4841. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, and Incandescent Reflector Lamps'' (RIN1904–AC45) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Energy and Natural Resources.

EC–4842. A communication from the Assistant Administrator for Strategic Infrastructure, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Implementing the National Environmental Policy Act'' (RIN2700–AD71) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC–4843. A communication from the Chief of the Aquatic Invasive Species Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Injurious Wildlife Species; Listing Three Python Species and One Anaconda Species as Injurious Reptiles'' (RIN1018–AV68) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC–4844. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision 1 to the Final Safety Evaluation of Electric Power Research Institute (EPRI) Report, Materials Reliability Program (MRP) Report 1016596 (MRP–227), Revision 0, 'Pressurized Water Reactor (PWR) Internals Inspection and Evaluation Guidelines' (TAC No. ME0680)'' received in the Office of the President of the Senate on January 26, 2012; to the Committee on Environment and Public Works.

EC–4845. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 8-hour Ozone Standards'' (FRL No. 9624–6) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-hour Ozone Standards'' (FRL No. 9624–5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4847. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Areas for Air Quality Planning Purposes; Maryland; Determination of Nonattainment and Reclassification of the Baltimore 1997 8-hour Ozone Nonattainment Area'' (FRL No. 9625–3) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4848. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Regional Haze State Implementation Plan'' (FRL No. 9625–5) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4849. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Virginia's Regulation Regarding the Sulfur Dioxide National Ambient Air Quality Standard'' (FRL No. 9625–8) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4850. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nonconformance Penalties for Onhighway Heavy Heavy-Duty Diesel Engines'' (FRL No. 9623–8) received in the Office of the President of the Senate on January 30, 2012; to the Committee on Environment and Public Works.

EC–4851. A communication from the Acting Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Global Entry Program'' (RIN1651–AA73) received in the Office of the President of the Senate on January 31, 2012; to the Committee on Finance.

EC–4852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: 2012 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2012–6) received in the Office of the President of the Senate on January 31, 2012; to the Committee on Finance.

EC–4853. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012–0001—2012–0011); to the Committee on Foreign Relations.

EC–4854. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age'' (29 CFR Part 4044) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4855. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4044) received in the Office of the President of the Senate on January 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–4856. A communication from the Chairman of the National Endowment of the Arts, transmitting, pursuant to law, the Endowment's Performance and Accountability Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4857. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Agency's fiscal year 2011 Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–4858. A communication from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Sunshine Act Report for 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–4859. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–272 ''District Department of Transportation Omnibus Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4860. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–273 ''Processing Sales Tax Clarification Second Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4861. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–274 ''Green Building Compliance Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4862. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–275 ''Retirement Distribution Withholding Temporary Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4863. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–276 ''Board of Elections and Ethics Electoral Process Improvement Temporary Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4864. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–277 ''Public Notice of Advisory Neighborhood Commissions Recommendations Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4865. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–278 ''Captive Insurance Company Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–279 ''Board of Medicine Membership and Licensing Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–280 ''Southwest Duck Pond Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–281 ''Commission on African-American Affairs Establishment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–282 ''Paul Washington Way Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–283 ''Glover Park Community Center Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–284 ''Rev. Dr. Jerry A. Moore, Jr. Commemorative Plaza Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–285 ''Military Parents' Child Custody and Visitation Rights Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–286 ''Long-Term Care Ombudsman Program Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–287 ''Human Rights Service of Process Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–288 ''Oak Hill Conservation Easement Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–289 ''9/11 Memorial Grove Dedication Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–290 ''District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–291 ''Old Naval Hospital Real Property Tax Exemption Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–292 ''Lillian A. Gordon Water Play Area and Park Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–293 ''Willie Wood Way Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

EC–4881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–297 ''William O'Neal Lockridge Memorial Library at Bellevue Designation Act of 2012''; to the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNET (for himself and Mr. WARNER):

S. 2053. A bill to encourage transit-oriented development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH (for himself, Mr. THUNE, Mr. TESTER, Mr. BLUNT, Mrs. MCCASKILL, Mr. GRASSLEY, Mr. HOEVEN, Mr. BROWN of Massachusetts, Mr. BAUCUS, Mr. ENZI, Mr. JOHANNS, Mr. CASEY, Mr. MCCAIN, Mr. DEMINT, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. BURR, Mr. RISCH, Mr. TOOMEY, Mr. PAUL, Mr. COBURN, and Mrs. SHAHEEN):

S. 2054. A bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY (for himself, Mr. CRAPO, and Mr. WICKER):

S. 2055. A bill to amend the Federal Deposit Insurance Act with respect to the protection of certain information; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. LEE):

S. 2056. A bill to authorize the Secretary of the Interior to convey certain interests in Federal land acquired for the Scofield Project in Carbon County, Utah; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. CRAPO):

S. 2057. A bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mr. HELLER, Mrs. GILLIBRAND, Mr. PORTMAN, Mr. BARRASSO, Mr. CORNYN, Mr. KYL, Mr. VITTER, Mr. RISCH, Mr. HOEVEN, Ms. LANDRIEU, Mr. BEGICH, Mr. LUGAR, Mr. BENNET, Mr. MENENDEZ, and Mr. CRAPO):

S. 2058. A bill to close loopholes, increase transparency, and improve the effectiveness of sanctions on Iranian trade in petroleum products; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, and Mr. REED):

S. 2059. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 2060. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of non-participation due to Government error; to the Committee on Armed Services.

By Mr. GRAHAM:

S. 2061. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. Res. 365. A resolution honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON of Florida, and Mr. CASEY):

S. Res. 366. A resolution honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza; considered and agreed to.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. KOHL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 27, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 704

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 704, a bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes.

S. 720

At the request of Mr. THUNE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1610

At the request of Mr. BARRASSO, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1895

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was withdrawn as a cosponsor of S. 1895, a bill to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, to provide a tax credit for farmers' investments in value-added agriculture, and for other purposes.

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1895, supra.

S. 1925

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1930

At the request of Mr. TOOMEY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1930, a bill to prohibit earmarks.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 1979

At the request of Mr. CONRAD, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2005

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2005, a bill to authorize the Secretary of State to issue up to 10,500 E-3 visas per year to Irish nationals.

S. 2043

At the request of Mr. RUBIO, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Arizona (Mr. MCCAIN), the Senator from Texas (Mr. CORNYN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. WICKER), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Dakota (Mr. THUNE), the Senator from Alabama (Mr. SESSIONS), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. COBURN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Maine (Ms. COLLINS) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2046

At the request of Ms. MIKULSKI, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Ohio (Mr. BROWN), the Senator from Alaska (Mr. BEGICH), the Senator from Maryland (Mr. CARDIN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

AMENDMENT NO. 1470

At the request of Mr. MANCHIN, his name was added as a cosponsor of amendment No. 1470 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1471

At the request of Mr. MANCHIN, his name was added as a cosponsor of amendment No. 1471 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1480

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 1480 intended to be proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

AMENDMENT NO. 1483

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of amendment No. 1483 proposed to S. 2038, an original bill to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself, Mr. THUNE, Mr. TESTER, Mr. BLUNT, Mrs. MCCASKILL, Mr. GRASSLEY, Mr. HOEVEN, Mr. BROWN of Massachusetts, Mr. BAUCUS, Mr. ENZI, Mr. JOHANNS, Mr. CASEY, Mr. MCCAIN, Mr. DEMINT, Mr. ROBERTS, Mr. JOHNSON of Wisconsin, Mr. BURR, Mr. RISCH,

Mr. TOOMEY, Mr. PAUL, Mr. COBURN, and Mrs. SHAHEEN):

S. 2054. A bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BEGICH. The STOP Act is the Stop the Outrageous Pay for Fannie and Freddie Act, the bill Senator THUNE and I introduced this morning. Our bill comes in the aftermath of a series of events that began last November when reports surfaced that the Federal Housing Finance Agency, FHFA, approved nearly $13 million in bonuses for 10 executives, that enterprise that supervises Fannie Mae and Freddie Mac.

In response, Senator THUNE and I spearheaded a bipartisan letter, signed by 58 other Senators to the FHFA, Acting Director Edward DeMarco and the Treasury Secretary, Timothy Geithner. We expressed outrage over these pay levels, and I believe our message was heard. Almost 3 months after our letter was sent, the pressure was clearly on. Government regulators were cutting the pay of the executives they hired to replace the departing heads of Fannie Mae and Freddie Mac.

Also, in response to our efforts, House Financial Services Committee chairman SPENCER BACHUS introduced legislation suspending these bonuses and limiting future compensation packages for Fannie and Freddie employees. In November, his committee passed the bill by a vote of 52 to 4.

The Begich-Thune STOP Act is a commonsense approach to address the outrageous Wall Street-like bonuses and pay that have occurred at Fannie Mae and Freddie Mac for far too long and which continue to occur to this day, even after billions in taxpayer bailouts. I wish to make it clear, this bill will not change the life much for nonexecutives. The pay structure for the everyday, hard-working Americans at Fannie and Freddie will stay almost as it is today. They are not the target. However, it will change the life for executives such as Peter Federico, who earned $2.5 million in 2010 and had a target compensation of $2.6 million in 2011. This was at the same time he was gambling that struggling homeowners would be unable to refinance their high-interest mortgages to record-low interest rates. This is unacceptable, unethical, and I know this body will not tolerate it.

Here is how our legislation works: It simply places Fannie Mae and Freddie Mac employees on the same pay scale as the financial regulators at the FDIC and SEC, a pay scale long established in Federal law. It is a pay scale called the Financial Institutions Reform, Recovery, and Enforcement Act. This is the pay scale we are basing our legislation on.

Under our approach, Fannie Mae and Freddie Mac employees cannot be paid more than employees of other Federal financial regulatory agencies. Right now the highest paid person under this pay scale makes $275,000 a year. This is our pay cap. While this is a lot of money, it is not any more than what the cops, as we call them, on the financial beat make to ensure that ordinary Americans are protected and get a fair shake.

Our legislation also stops any future bonus payments that go beyond the cap established in this legislation. Also, any bonuses that have been granted but have not yet been paid will be stopped. Any money in excess of the cap we have established will be used to pay down the national debt. Finally, our bill requires that Fannie and Freddie salaries be made available to Congress and the public through the Senate Banking Committee and the House Financial Services Committee.

I am aware of the criticism of this bill and I would like to address them. Senator MCCAIN offered an amendment yesterday that freezes bonus pay. I support Senator MCCAIN in his efforts. In fact, I cosponsored this very same amendment the last time it was offered. Many of my colleagues have asked me why our bill does not freeze bonus pay. Our bill is based on a broad-based approach that looks at the entire pay structure within Fannie Mae and Freddie Mac.

While it tackles the huge bonuses and pay policies for executives at Fannie and Freddie, we believe the everyday employees earning modest salaries should be occasionally rewarded for outstanding work so it ensures they get the small bonuses that may be effective for them. But to clarify, these would be modest bonuses that would never exceed the pay cap established in this bill.

I have also heard the concern that Fannie and Freddie will not be able to attract the right kind of talent if they cannot pay people multimillion-dollar compensation packages. I hate to state the obvious: Fannie and Freddie have proven the opposite. They paid executives outrageous compensation and yet still failed by Alaskans and all Americans. They needed hundreds of billions of dollars in taxpayer bailouts and still ended up in conservatorship. This sends an unsettling message to millions of hard-working people who are struggling to make ends meet. They have taken Alaskans' tax dollars in the form of bailouts. Yet when my constituents in Anchorage or Kotzebue or Fairbanks or Juneau needed help to avoid foreclosure or refinance their loans, Fannie and Freddie often turned their backs.

Finally, I have this response to people who say Fannie and Freddie executives need to earn millions: Whatever happened to the concept of public service or to the notion that it is an honorable calling to work on behalf of your friends and your neighbors? There are lots of dedicated, hard-working professionals at Fannie and Freddie who believe in that notion, and they are doing their absolute best to help American families to afford the American dream of owning and keeping their homes.

The Begich-Thune bill makes sure this hard work continues and that their bosses at Fannie and Freddie come to work every day not with visions of dollar signs but instead with a clear eye of doing what is right for all Americans.

I urge all Members to support this commonsense bipartisan bill. Senators TESTER, MCCASKILL, BAUCUS, BLUNT, GRASSLEY, HOEVEN, ENZI, and SCOTT BROWN have already joined Senator THUNE and me as original cosponsors. I wish to thank them for their support.

By Mr. WHITEHOUSE (for himself, Mr. AKAKA, Mr. BEGICH, Mr. LEAHY, Mr. HARKIN, Mr. BLUMENTHAL, Mr. SANDERS, Mr. SCHUMER, and Mr. REED):

S. 2059. A bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers; to the Committee on Finance.

Mr. WHITEHOUSE. Mr. President, we are in an age of tight budgets and tough choices, and I rise today to introduce legislation that would address some loopholes in the Tax Code that provide ways for Americans with superhigh incomes to pay lower tax rates than are paid by regular hard-working, middle-class families. These middle-class families feel they are struggling to get by but then find that some people with extremely high incomes are actually paying a lower, all-in federal tax rate than they are. To them, it defies common sense, and I think for all of us it defies common sense. Americans deserve a straight deal, and right now they are not getting one from our tax system.

To see the unfairness of our current tax system, we don't have to look much further than the national headlines. According to a Forbes magazine report last fall, billionaire Warren Buffet ''paid just 11.06 percent of his adjusted gross income in Federal income taxes'' in 2010. Mr. Buffet is the first to express his dismay at this circumstance and acknowledges that the rate he pays is lower than the tax rate paid by his own secretary. Mr. Buffet has called for a correction of this anomaly, and I agree with him. So does President Obama, who, in his State of the Union Address, said Washington should stop subsidizing millionaires. I agree.

We should celebrate the success of people who are earning $1 million and more a year, but we don't—particularly in this time of tight budgets and hard choices—need to subsidize that. The legislation I have introduced today, the Paying a Fair Share Act of 2012, would ensure that those with extremely high incomes pay at least a minimum Federal tax rate of 30 percent. I thank Senators AKAKA, BEGICH, LEAHY, HARKIN, BLUMENTHAL, and SANDERS for being initial cosponsors of this measure.

The structure of our bill is pretty simple. If your total income—capital gains included—is over $1 million, you calculate your taxes under the regular system. If your effective tax rate turns out to be greater than 30 percent, you pay that rate. If, on the other hand, your effective tax rate is under 30 percent, like Warren Buffet's 11 percent, then you would pay the fair share tax rate.

After collecting input from some of my colleagues, I have also included a provision to allow the fair share tax to be gradually phased in for taxpayers earning between $1 million and $2 million per year. Taxpayers earning less than $1 million—which is 99.9 percent of all Americans—wouldn't be affected by this bill at all. Taxpayers earning over $2 million would be subject to the 30 percent minimum Federal tax rate, and those in between $1 million and $2 million would pay, on a phased-in basis, a portion of the extra tax required to get up to the 30-percent effective tax rate. This way we make sure no taxpayer faces a tax cliff where earning an additional $1 of income increases his or her taxes by more than $1.

In his State of the Union Address on Tuesday, President Obama called for legislation to ensure that the highest earning taxpayers pay at least a 30-percent tax rate. The Fair Share Act would do just that. To call our tax system fair, I believe the highest income Americans should pay a higher rate—not a lower one—than middle-income taxpayers. For more context, let's take a look again—because I have given this speech over and over on the floor—at how superhigh-income-tax payers fare under our current system.

This is the Helmsley Building in New York, as I have pointed out before. It is on Park Avenue, and it has a unique characteristic, which is that it is so big it has its own ZIP Code. Because the Internal Revenue Service publishes information about tax payment by ZIP Code, we can see what the tax payments are that come out of this building. What we find with the latest information that the IRS has published is that the average filer has an adjusted gross income of over $1 million in the Helmsley Building, but the average tax payment out of that building is only 14.7 percent.

To provide a little context for that, if we look at what the average New York City janitor or the average New York City security guard pays in terms of an effective all-in Federal tax rate, it is 28.3 percent for the security guard and 24.9 percent for the janitor. So at this point it looks as if the people who are the very successful occupants of the Helmsley Building pay an actual lower Federal tax rate than the people who come in and clean the building, and that does not seem fair or sensible.

One might say, well, maybe it is just something about the Helmsley Building that causes it, but it is not. Despite Leona Helmsley's infamous line that it is only the little people who pay the taxes, it is a broader issue than that. Take a look at the income tax information about the 400 highest earning Americans.

In the same way that the IRS aggregates information by ZIP Code, it also takes the highest income earners and reports on them in aggregate. The 400 top incomes for 2008—which is the last year the IRS has assembled—had an average income each of $270 million, which certainly is something to be proud of and to celebrate if one can achieve that kind of success. But the average tax rate paid by the 400 was only 18.2 percent, which is—apart from the discussions we have been having in the Senate—about what the top income tax rate should be.

We discuss often whether the top income tax rate should be 35 percent or should be 39.6 percent. It was 39.6 percent, for instance, during the booming Clinton economy. It is now 35 percent. Depending on where the tax cut discussion goes, it may go back up again. But that is not what a large number of these very high income earners pay. In fact, the top 400 aren't anywhere near that. They are at half that, at 18.2 percent. We are supposed to have a progressively graduated Tax Code, with people who earn more paying a higher rate.

Let's see who else pays at the 18.2-percent rate. We looked at Bureau of Labor Statistics information for a single filer earning $39,350. That is where you hit an 18.2-percent tax rate, just like the 400 who made $¼ billion each, on average. They are in the same position as somebody who is earning a little less than 40,000 who pays 18.2 percent under our present system. If we look at the type of jobs that hit that area, according to the Bureau of Labor Statistics, in the Rhode Island labor market a truckdriver earns on average $40,200. So we have a truckdriver paying the same rate of Federal tax as somebody earning $¼ billion in a year.

So I think there is plenty of room for correction and to bring our tax system in line to the principle that I think we all espouse theoretically, which is that it is a progressive tax system. The more you earn, the more you pay and indeed the higher rate you are supposed to pay. It is not supposed to be at the other way around where, at the other high extreme, you end up paying lower rates than regular Americans.

The Helmsley Building was one building that has a little story to tell all of us. Here is another building with a story to tell. This is a building that is called Ugland House, and it is in the tax haven Cayman Islands. It doesn't look like much, does it? I don't want to say it is a crummy little building, but it certainly doesn't compare to a lot of other business buildings. But it does have something remarkable happening within it. It has 18,000 corporations that claim to be doing business out of this location—18,000 corporations in this little five-story building. It gives a new meaning to the phrase ''small business.''

As our budget chairman KENT CONRAD has pointed out, the only business going on in Ugland House is funny business with our Tax Code, shell companies that hide assets and dodge tax liabilities. It does not make sense that our tax system permits the highest income Americans to pay a lower tax rate than a truckdriver pays, and it doesn't make sense that we allow Americans and American companies by the thousands to hide income in offshore tax havens.

If we look at the rates that are paid—Warren Buffet 11.6 percent, the occupants of the Helmsley Building on average 14.7 percent, and the 400 $¼ billion-a-year earners on average 18.2 percent—and we look at the fact that we have multi-trillion-dollar budget deficits, it means the taxes they are not paying at the nominal 35-percent rate are taxes that somebody else ends up having to pay either through deficit or through additional taxation.

This is why the Fair Share Act makes a lot of common sense, and I hope Senators on both sides of the aisle will take a look at it. This bill would do a lot of good. It would simplify taxes. There is no point chasing loopholes if someone knows they are going to have to pay the 30-percent minimum. It will simplify that. It would discourage the exotic tax dodges that allow people to go down to 14 percent or whatever tax rates because they know they are going to get caught at 30 percent, so why do the effort. The exotic tax dodges will be discouraged. It will reduce the deficit. We don't have a number yet from the Joint Committee on Taxation, but the public reporting so far has suggested it is going to be in the $40 billion to $50 billion range per year. Of course, it will bring fairness, as well as common sense, to our tax system. It makes no sense for somebody earning $80,000 or $100,000 or $120,000 a year to be paying a substantially higher tax rate than somebody earning $¼ billion a year.

There are a lot of advantages that come with enormous income, and that is a great thing because America thrives on capitalism, and we all love success. We celebrate success in America. We provide an economy and a culture in which people can accomplish remarkable things and create enormous fortunes and become enormously successful. That is part of what is good and what is right with America. They do it through hard work, they do it through being smarter than other people, they do it with a lot of good personal characteristics. But with all the advantages that do come with an enormous income, paying a lower tax rate than regular working families should not be one of those advantages.

I hope we can get together to correct this, and I look forward to working with my colleagues on this issue.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 2060. A bill to provide for the payment of a benefit to members eligible for participation in the Post-Deployment/Mobilization Respite Absence program for days of nonparticipation due to Government error; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today to introduce the Fair Military Leave Act. This legislation fixes a problem that is preventing some of our brave servicemembers from using benefits that they earned after serving multiple or extended deployments overseas.

In 2007, the military established the Post-Deployment/Mobilization Respite Absence Program, or PDMRA, to assist men and women who are ordered to deploy beyond the established standards for troop rotation by providing extra paid leave when they return home. Unfortunately, a mistake during demobilization prevented some soldiers from receiving the paid leave they earned. The Army's records indicate that this problem affects 577 soldiers across the country, including 80 in Wisconsin.

These soldiers have since gotten their military records corrected to reflect the days of PDMRA leave they were supposed to receive. However, the only way for these soldiers to use this benefit is to take extra paid leave on a future deployment. For those soldiers who will not deploy again or who have left the military entirely, this remedy does not work.

Mistakes happen, but they need to be fixed. The Fair Military Leave Act gives troops the option of cashing out the leave they were incorrectly denied when they came home. This solution is modeled after legislation Congress passed in the National Defense Authorization Act for fiscal year 2010. As with that bill, the Fair Military Leave Act reimburses soldiers at a rate of $200 per day of PDMRA that they were incorrectly denied.

I am pleased to have the senior Senator from Oregon join me as an original cosponsor of this legislation. My friend from Oregon led the effort to fix the earlier problem with PDMRA benefits in the 2010 defense authorization.

The men and women of our Armed Forces have done so much for our country, and we should not drag our feet in making this right. These troops earned their PDMRA benefit, and they should be allowed to use it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 365—HONORING THE LIFE OF KEVIN HAGAN WHITE, THE MAYOR OF BOSTON, MASSACHUSETTS FROM 1968 TO 1984

Mr. KERRY (for himself and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 365

Whereas Kevin White was born in Boston on September 25, 1929;

Whereas his father, Joseph C. White, a legislator of the Commonwealth of Massachusetts; his maternal grandfather, Henry E. Hagan; and his father-in-law, William Galvin; each served as presidents of the Boston City Council;

Whereas Kevin White earned a bachelor's degree from Williams College in 1952, a law degree from Boston College in 1955, and also studied at the Harvard Graduate School of Public Administration, now the John F. Kennedy School of Government;

Whereas in 1956, Kevin White married Kathryn Galvin;

Whereas in 1960, at the age of 31, Kevin White was elected Secretary of the Commonwealth of Massachusetts and was reelected 3 times, serving until 1967;

Whereas in January 1968, Kevin White became the 51st Mayor of the City of Boston, Massachusetts;

Whereas within months after taking office as Mayor of Boston, Kevin White was instrumental in helping guide the City of Boston after the assassination of Dr. Martin Luther King, Jr.;

Whereas on April 5, 1968, Mayor White asked that the James Brown concert at the Boston Garden be televised rather than be cancelled, as many suggested;

Whereas during the concert, Mayor White addressed the citizens to plead for calm and said, ''Twenty four hours ago Dr. King died for all of us, black and white, that we may live together in harmony without violence, and in peace. I'm here to ask for your help and to ask you to stay with me as your mayor, and to make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.'';

Whereas during his time as Mayor of Boston, Kevin White undertook a program of urban revitalization of the downtown areas of Boston that forever transformed Faneuil Hall and Quincy Market;

Whereas during his time as Mayor, Kevin White brought the residents of each neighborhood of Boston, from Mattapan to Charlestown, from South Boston to Brighton, from East Boston to West Roxbury, together through programs like Summerthing, Little City Halls, and jobs for at-risk youth;

Whereas in 1974, Judge W. Arthur Garrity Jr. of the United States District Court for the District of Massachusetts ordered Boston to begin busing children to integrate its schools;

Whereas during a difficult period of racial tension for the City of Boston, Mayor White urged the people of Boston to remember their common identity;

Whereas from 1984 to 2002, Kevin White was the director of the Institute for Political Communication at Boston University;

Whereas Mayor White valiantly fought against Alzheimer's disease after his diagnosis in 2003 and despite this debilitating challenge, he never stopped being an example of strength for the City of Boston and his family;

Whereas Kevin White is survived by his wife, Kathryn; a brother, Terrence, who managed his early campaigns; his sons, Mark and Chris; his daughters, Caitlin, Beth, and Patricia; his 7 grandchildren; and his sister, Maureen Mercier;

Whereas the most famous campaign slogan coined Kevin White, ''A loner in love with the city''; and

Whereas the irony of the slogan is that Kevin White was never lonely and that the people of Boston who he loved so much, loved him back: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes that Kevin White forever enriched the Boston political landscape and forged a new path for the City of Boston;

(B) pays tribute to the work by Kevin White to improve the lives of the residents of the City of Boston; and

(C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Kevin White; and

(2) when the Senate adjourns today, it stand adjourned as a mark of respect to the memory of former Boston Mayor Kevin Hagan White.

SENATE RESOLUTION 366—HONORING THE LIFE OF DISSIDENT AND DEMOCRACY ACTIVIST WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME FOR THE DEATH OF WILMAN VILLAR MENDOZA

Mr. MENENDEZ (for himself, Mr. RUBIO, Mr. NELSON of Florida, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 366

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, ''Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.'';

Whereas Amnesty International stated, ''The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.'';

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the ''Black Spring'' crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

AMENDMENTS SUBMITTED AND PROPOSED

SA 1496. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table.

SA 1497. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1498. Mr. BLUMENTHAL (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1499. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1500. Mr. INHOFE (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1501. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1472 proposed by Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. JOHANNS) to the amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1502. Mr. BENNET (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1503. Mr. TESTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, supra.

SA 1504. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1505. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1506. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1507. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1508. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1509. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

SA 1510. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2038, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1496. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) MAINTENANCE OF LONG RUN GROWTH; PRICE STABILITY AND LOW INFLATION.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended—

(1) by striking ''maximum employment, stable prices,'' and inserting ''long-term price stability, a low rate of inflation,''; and

(2) by at the end the following: ''The Board shall establish an explicit numerical definition of the term 'long-term price stability' and shall maintain monetary policy that effectively promotes such long-term price stability.''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed as a limitation on the authority or responsibility of the Board of Governors of the Federal Reserve System—

(1) to provide liquidity to markets in the event of a disruption that threatens the smooth functioning and stability of the financial sector; or

(2) to serve as a lender of last resort under the Federal Reserve Act when the Board determines such action is necessary.

(c) CONGRESSIONAL OVERSIGHT.—The Board of Governors of the Federal Reserve System shall, concurrent with each semiannual hearing to Congress, submit a written report to the Congress containing—

(1) numerical measures to help Congress assess the extent to which the Board and the Federal Open Market Committee are achieving and maintaining a legitimate definition of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section);

(2) a description of the intermediate variables used by the Board to gauge the prospects for achieving the objective of long-term price stability; and

(3) the definition, or any modifications thereto, of the term long-term price stability, as such term is defined or modified pursuant to the second sentence of section 2A of the Federal Reserve Act (as added by this section).

SA 1497. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—RESIDENTIAL MORTGAGE MARKET PRIVATIZATION AND STANDARDIZATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Residential Mortgage Market Privatization and Standardization Act of 2012''.

SEC. 202. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) COVERED MORTGAGE LOAN.—

(A) IN GENERAL.—The term ''covered mortgage loan'' means any residential mortgage loan, including any single-family and multifamily loan, that is originated, serviced, or subserviced, in whole or in part, owned directly or indirectly, including through any interest in a security that is backed in whole or in part by a mortgage loan, or securitized or resecuritized, by an entity or affiliate or subsidiary thereof that is regulated by any of the agencies listed in subparagraph (B).

(B) AGENCIES.—The agencies listed in this subparagraph are—

(i) the Board of Governors of the Federal Reserve System;

(ii) the Department of Agriculture;

(iii) the Department of Housing and Urban Development;

(iv) the Federal Deposit Insurance Corporation;

(v) the Federal Housing Finance Agency;

(vi) the Farm Credit Administration;

(vii) the Federal Trade Commission;

(viii) the Office of the Comptroller of the Currency;

(ix) the National Credit Union Administration; and

(x) the Securities and Exchange Commission.

(2) ENTERPRISES.—The term ''enterprises'' means, individually and collectively, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(3) FHFA; DIRECTOR.—The terms ''FHFA'' and ''Director'' mean the Federal Housing Finance Agency and the Director thereof, respectively.

(4) MORTGAGE DATA.—

(A) IN GENERAL.—The Director shall define mortgage data, by regulation, consistent with this paragraph.

(B) SINGLE-FAMILY LOANS.—For single-family covered mortgage loans, the term ''mortgage data'' means, as of the date of origination—

(i) the loan origination date and the loan maturity date;

(ii) whether the loan is a purchase loan or a refinance, and for refinance loans—

(I) the date on which the refinanced loan was originated;

(II) the identity of the lender on the refinanced loan; and

(III) the unpaid principal balance of the refinanced loan that was repaid by the new loan;

(iii) the value of the collateral property on which the lender relied, and how the lender determined the value;

(iv) the credit score or scores that the lender used or on which it relied, and the entity that supplied each;

(v) debt-to-income ratios, including—

(I) the ratio of the total debt of the borrower and coborrowers, expressed as a monthly payment amount, to the total current and expected future income of the borrower and any coborrowers on which the lender relied, expressed as a monthly income amount; and

(II) the ratio of the first scheduled payment on the loan, expressed as a monthly payment amount, to the total current and expected future income of the borrower and any coborrowers on which the lender relied, expressed as a monthly income amount;

(vi) the total value of borrower assets, but not including the value of the collateral and not including income, on which the lender relied;

(vii) the principal amount of the loan;

(viii) the interest rate on the loan;

(ix) if the interest rate may adjust under the loan terms, the terms and limits of any permissible adjustment, including the index and margin, if applicable, when the rate may adjust, and any caps or floors on any such adjustment;

(x) if the principal may increase under the loan terms at origination, the terms and limits of any permissible increase, including when the increase or increases may occur, how the amount and timing of any increase is determined, and any caps on any such increases;

(xi) if the payment amount may adjust, independently of a rate adjustment or of an increase in the principal amount, the terms and limits of any permissible adjustment, including when the adjustment may occur, how the amount and timing of any adjustment is determined, and any caps or floors on any such adjustments;

(xii) whether, under the loan terms, the borrower may be required to pay any prepayment penalty, and if so, the potential amount and timing of any such penalty;

(xiii) any permissible grace periods and late fees under the loan terms, including fee amounts permitted on the loan;

(xiv) whether the borrower or any coborrower has stated an intent to reside in the property as a principal residence;

(xv) whether the loan is assumable under the loan terms at origination and if so, the conditions on which any assumption may be denied;

(xvi) whether the originating lender was or is aware of any subordinate or senior lien on the property at the time at which the loan was originated, and if so, the identity of all lenders or other lienholders of such other loans, the relative lien position of each, and the date of origination of each lien if it secures a mortgage loan;

(xvii) the type of mortgage insurance relating to the loan, including who pays it, and the amount and scheduled payment dates of any premiums;

(xviii) whether flood insurance is required in connection with the loan, and if so, the amount and timing of premiums;

(xix) whether the loan has an escrow account and if so, the amount of the initial deposit into the escrow account and the amount of the monthly payments scheduled to be deposited into the escrow account;

(xx) the amount of points, fees, and settlement charges paid to originate the loan, including the amount of any compensation paid to a mortgage broker, and who paid it;

(xxi) whether the borrower or borrowers have any payment assistance at origination, such as government or private subsidies or buydowns, and if so, the amounts, terms, and timing of such assistance; and

(xxii) the address of the real property securing the mortgage loan.

(C) MULTIFAMILY LOANS.—For multifamily covered mortgage loans, the term ''mortgage data'' means, as of the date of origination—

(i) the number of dwelling units in each property securing each loan;

(ii) the rent on each dwelling unit, or, if more than 1 has the same rent, the number of units at each rent level;

(iii) the occupancy status of each dwelling unit;

(iv) whether the rent is subsidized by any government agency and, if so, in what amounts, under what terms and conditions, and for what period of time;

(v) whether the rent on the units is current, and if not, how many days or months the rent for each unit is delinquent; and

(vi) all of the information described in subparagraph (B), except as modified by the Director, by regulation, consistent with this title.

(D) AFTER ORIGINATION.—For both single-family and multifamily covered mortgage loans, beginning the day after the date of origination of the loan, and reported not less frequently than monthly thereafter until the loan ceases to exist, the term ''mortgage data'' includes—

(i) the amount and date of payments received each month, including—

(I) whether each payment is received by the due date or within a grace period, and if a payment is received after the scheduled due date, how many days past due;

(II) the amount of any payment deposited into an escrow account;

(III) amounts paid for other loan charges, with an identification of the amount and type of such other charge; and

(IV) the amount of any prepayments;

(ii) for loans on which any payment or partial payment is overdue, the number of days since the loan was current;

(iii) whether property taxes, hazard insurance premiums, and any flood insurance premiums required in connection with the loan are paid by the borrower or borrowers as required, and if any such item is not paid as required—

(I) the number of days since the payment was required, and the amount of the missed payment;

(II) whether the servicer or other party on behalf of the servicer paid property taxes on the property, and in what amount; and

(III) whether the servicer or other party on behalf of the servicer force-placed hazard or flood insurance, and if so, the amount of the premium and the identity of the insurer;

(iv) the amount of any interest paid to the borrower on any escrow;

(v) the type and date of any actions taken by or on behalf of the servicer due to default, including nonpayment default, and the amount charged to the borrower or borrowers as a result of the action or actions; and

(vi) if the servicer is aware of any damage to the property securing the loan, the type and extent of the damage and of any repairs, the amount of insurance proceeds paid, the amount of such proceeds disbursed or paid to the borrower, and the amount held by the servicer, and the date and results of any inspection done by or on behalf of the servicer.

(E) ADJUSTMENTS CONSISTENT WITH THE PURPOSES OF THIS TITLE.—The Director may adjust the items that are included in or excluded from the definition of mortgage data consistent with this title, as appropriate to protect the privacy of individual consumers.

(F) PRIVACY.—The regulations required by subparagraph (A) may require rounding off of the debt to income ratios required to be included as mortgage data to protect the privacy of the borrower, taking into consideration the information that is already available on the Internet or in other ways.

SEC. 203. GSE WINDDOWN.

(a) FANNIE MAE.—Section 304 of the National Housing Act (12 U.S.C. 1719) is amended by adding at the end the following:

''(h) WINDDOWN OF ENTERPRISES.—

''(1) ANNUAL GUARANTEE REDUCTIONS.—Not later than 180 days after the date of enactment of the Mortgage Market Privatization and Standardization Act of 2011, and annually thereafter, the Director shall begin reducing the percentage of the value of a trust certificate or other security that may be guaranteed by the corporation by not less than 10 percent per year.

''(2) STRUCTURE.—The percentage of the bond guaranteed by the corporation can be structured on either a pro-rata or senior-subordinated basis, as determined by the Director. The Director shall pursue a strategy that allows for market signals to assist Congress and the Director to monitor and assess the price that private market participants are assigning to mortgage credit risk.

''(3) MORTGAGE-BACKED SECURITIES.—The existing portfolio of mortgage-backed securities of the corporation shall be reduced by not less than 20 percent per year.''.

(b) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following:

''(d) WINDDOWN OF ENTERPRISES.—

''(1) ANNUAL GUARANTEE REDUCTIONS.—Not later than 180 days after the date of enactment of the Mortgage Market Privatization and Standardization Act of 2011, and annually thereafter, the Director shall begin reducing the percentage of the value of a trust certificate or other security that may be guaranteed by the corporation by not less than 10 percent per year.

''(2) STRUCTURE.—The percentage of the bond guaranteed by the corporation can be structured on either a pro-rata or senior-subordinated basis, as determined by the Director. The Director shall pursue a strategy that allows for market signals to assist Congress and the Director to monitor and assess the price that private market participants are assigning to mortgage credit risk.

''(3) MORTGAGE-BACKED SECURITIES.—The existing portfolio of mortgage-backed securities of the corporation shall be reduced by not less than 20 percent per year.''.

SEC. 204. RESIDENTIAL MORTGAGE MARKET TRANSPARENCY.

(a) IN GENERAL.—Mortgage data relating to all covered mortgage loans shall be put into the public domain in accordance with this section.

(b) AGENCY ACTION.—Each agency named in section 202(1)(B) shall, not later than 1 year after the date of enactment of this Act, require, by regulation, that all entities regulated by such agency shall put mortgage data relating to covered mortgage loans into the public domain, in accordance with this title and the regulations issued under this title. Such regulations shall require that the data be reasonably accurate and complete.

(c) MANNER AND FORM OF DATA.—Not later than 1 year after the date of enactment of this Act, the Director shall, by regulation—

(1) establish the manner and form by which all mortgage data required to be put into the

public domain by this section shall be put into the public domain; and

(2) require that such mortgage data be made available in a uniform manner, in a form designed for uniformity of data definitions and forms, ease and speed of access, ease and speed of downloading, and ease and speed of use.

(d) UPDATE.—All entities required to put mortgage data into the public domain under this title shall continuously update the mortgage data, not less frequently than monthly, as long as the entities exist, whether in conservatorship, receivership, or otherwise. All updates shall be reasonably accurate and complete.

(e) RESPONSIBILITY OF REGULATED ENTITIES.—The mortgage data required to be put into the public domain in accordance with this title shall include all mortgage data related to all covered mortgage loans, to the extent practicable.

(f) DUPLICATION OF EFFORT.—If 2 or more entities are required by this title to report the same mortgage data relating to the same mortgage loan, they may, by agreement, determine that only 1 of such entities will report the data. If 1 of such entities reports the required mortgage data, it shall not be a violation of this section for the other entities not to report the data.

(g) DATE OF ACCESS TO DATA.—The Director shall establish, and cause to be published in the Federal Register, the initial date on which—

(1) the public shall begin to have access to any data put into the public domain in accordance with this title; and

(2) all mortgage data is required to be put into the public domain, in accordance with this title.

(h) COSTS TO FHFA.—The FHFA shall pay the cost of establishing the database of mortgage data that is put into the public domain under this section, and of providing public access to that database. If the FHFA ever ceases to exist without being replaced, and unless otherwise provided by Act of Congress, the cost of maintaining the database shall be borne by the remaining agencies named in section 202(1)(B), by agreement.

SEC. 205. ENCOURAGING A MARKET FOR HIGH QUALITY RESIDENTIAL MORTGAGE FUTURES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by adding at the end the following:

''SEC. 1327. ENCOURAGING A MARKET FOR HIGH QUALITY RESIDENTIAL MORTGAGE FUTURES.

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

''(1) DELIVERABLE RESIDENTIAL MORTGAGE.—

''(A) IN GENERAL.—The terms 'deliverable residential mortgage' and 'DRM' have the meaning given those terms by rule of the Director, in consultation with participants in the TBA market, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

''(i) documentation and verification of the financial resources relied upon to qualify the mortgagor;

''(ii) standards with respect to—

''(I) the residual income of the mortgagor after all monthly obligations;

''(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor; and

''(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;

''(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;

''(iv) mortgage guarantee insurance or other types of insurance or credit enhancement obtained at the time of origination, to the extent such insurance or credit enhancement reduces the risk of default; and

''(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.

''(B) LIMITATION ON DEFINITION.—The Director, in defining the term 'deliverable residential mortgage', as required by subparagraph (B), shall define that term to be no broader than the definition of the term 'qualified mortgage', as provided under section 129C(c)(2) of the Truth in Lending Act and regulations adopted thereunder.

''(2) PARTICIPANT IN THE TBA MARKET.—The term 'participant in the TBA market' means a private investor in or dealer of mortgage-backed securities, particularly mortgage-backed securities issued by the enterprises, that routinely enters into forward contracts for the sale of mortgage-backed securities that do not specify the particular mortgage-backed securities that will be delivered to the buyer.

''(3) PROGRAM.—The term 'program' means the program established under subsection (b).

''(4) DRM FUTURES MARKET.—The term 'DRM futures market' means a market for forward contracts for the sale of mortgage-backed securities collateralized exclusively by deliverable residential mortgages.

''(5) TBA MARKET.—The term 'TBA market' means the market for forward contracts for the sale of mortgage-backed securities that do not specify the particular mortgage-backed securities that will be delivered to the buyer.

''(b) PROGRAM ESTABLISHED.—The Director, in consultation with participants in the TBA market, shall establish a program to encourage the development of a DRM futures market that—

''(1) compliments the TBA market;

''(2) creates incentives for trading by participants in the TBA market; and

''(3) has the potential to replace the TBA market.

''(c) TECHNOLOGY AND INFRASTRUCTURE.—The Director shall consult with participants in the TBA market to develop the technology and infrastructure necessary to carry out the program established under this section.

''(d) ANNUAL REPORT.—The Director shall submit to Congress an annual report on the program established under this section.''.

(b) SECURITIES LAWS EXEMPTIONS.—

(1) SECURITIES ACT OF 1933.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

''(14) Any mortgage-backed security collateralized exclusively by deliverable residential mortgages, as such term is defined under section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)) is amended—

(A) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively; and

(B) by inserting after clause (v) the following:

''(vi) any mortgage-backed security collateralized exclusively by deliverable residential mortgages, as such term is defined under section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;''.

SEC. 206. MONETIZATION OF BUSINESS VALUE.

Pursuant to the authority of the Director as conservator of the enterprises under section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617), the Director shall—

(1) identify any property of the enterprises that would be of value to nongovernmental entities, including—

(A) historical databases containing information on prepayment, delinquency, and default rates;

(B) proprietary home price indices;

(C) technology used in the securitization of mortgages; and

(D) patents relating to the securitization of mortgages, automated underwriting systems, and other processes; and

(2) sell any property identified under paragraph (1) to nongovernmental entities.

SEC. 207. UNIFORM UNDERWRITING STANDARDS.

(a) STANDARDS ESTABLISHED.—Notwithstanding any other provision of this title or any other provision of Federal, State, or local law, the Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), in consultation with the FHFA and the Secretary of Housing and Urban Development, shall jointly establish specific minimum standards for mortgage underwriting, including—

(1) a requirement that the mortgagee verify and document the income and assets relied upon to qualify the mortgagor on the residential mortgage, including the previous employment and credit history of the mortgagor; and

(2) a down payment requirement that—

(A) is equal to not less than 5 percent of the purchase price of the property securing the residential mortgage;

(B) in the case of a first lien residential mortgage loan with an initial loan to value ratio that is more than 80 percent and not more than 95 percent, includes a requirement for credit enhancements, as defined by the Federal banking agencies, until the loan to value ratio of the residential mortgage loan amortizes to a value that is less than 80 percent of the purchase price;

(C) uses a method for determining the ability of the mortgagor to repay the residential mortgage that is based on factors including—

(i) all terms of the residential mortgage, including principal payments that fully amortize the balance of the residential mortgage over the term of the residential mortgage; and

(ii) the debt to income ratio of the mortgagor; and

(D) any other specific standards that the Federal banking agencies jointly determine are appropriate to ensure prudent underwriting of residential mortgages.

(b) UPDATES TO STANDARDS.—The Federal banking agencies, in consultation with the FHFA and the Secretary of Housing and Urban Development—

(1) shall review the standards established under this section not less frequently than every 5 years; and

(2) based on the review under paragraph (1), may revise the standards established under this section, as the Federal banking agencies, in consultation with the FHFA and the Secretary of Housing and Urban Development, determine to be necessary.

(c) COMPLIANCE.—It shall be a violation of Federal law—

(1) for any mortgage loan originator to fail to comply with the minimum standards for mortgage underwriting established under subsection (a) in originating a residential mortgage loan;

(2) for any company to maintain an extension of credit on a revolving basis to any person to fund a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan funded by such credit was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a); or

(3) for any company to purchase, fund by assignment, or guarantee a residential mortgage loan, unless the company reasonably determines that the residential mortgage loan was subject to underwriting standards no less stringent than the minimum standards for mortgage underwriting established under subsection (a).

(d) IMPLEMENTATION.—

(1) REGULATIONS REQUIRED.—The Federal banking agencies, in consultation with the FHFA, shall issue regulations to implement subsections (a) and (c), which shall take effect not later than 270 days after the date of enactment of this Act.

(2) REPORT REQUIRED.—If the Federal banking agencies have not issued final regulations under subsections (a) and (c) before the date that is 270 days after the date of enactment of this Act, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) explains why final regulations have not been issued under subsections (a) and (c); and

(B) provides a timeline for the issuance of final regulations under subsections (a) and (c).

(e) ENFORCEMENT.—Compliance with the rules issued under this section shall be enforced by—

(1) the primary financial regulatory agency as that term is defined under section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301) of an entity, with respect to an entity subject to the jurisdiction of a primary financial regulatory agency, in accordance with the statutes governing the jurisdiction of the primary financial regulatory agency over the entity, and as if the action of the primary financial regulatory agency were taken under such statutes; and

(2) the Bureau of Consumer Financial Protection, with respect to a company that is not subject to the jurisdiction of a primary financial regulatory agency.

(f) EXEMPTIONS FOR CERTAIN NONPROFIT MORTGAGE LOAN ORIGINATORS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, may jointly issue rules to exempt from the requirements under subsection (a)(2), mortgage loan originators that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) DETERMINING FACTORS.—The Federal banking agencies shall ensure that—

(A) the lending activities of a mortgage loan originator that receives an exemption under this subsection do not threaten the safety and soundness of the banking system of the United States; and

(B) a mortgage loan originator that receives an exemption under this subsection—

(i) is not compensated based on the number or value of residential mortgage loan applications accepted, offered, or negotiated by the mortgage loan originator;

(ii) does not offer residential mortgage loans that have an interest rate greater than zero percent;

(iii) does not gain a monetary profit from any residential mortgage product or service provided;

(iv) has the primary purpose of serving low income housing needs;

(v) has not been specifically prohibited, by statute, from receiving Federal funding; and

(vi) meets any other requirements that the Federal banking agencies jointly determine are appropriate for ensuring that a mortgage loan originator that receives an exemption under this subsection does not threaten the safety and soundness of the banking system of the United States.

(3) REPORTS REQUIRED.—Before the issuance of final rules under subsection (a), and annually thereafter, the Federal banking agencies shall jointly submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that—

(A) identifies the mortgage loan originators that receive an exemption under this subsection; and

(B) for each mortgage loan originator identified under subparagraph (A), explains the rationale for providing an exemption.

(4) UPDATES TO EXEMPTIONS.—The Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury—

(A) shall review the exemptions established under this subsection, not less frequently than every 2 years; and

(B) based on the review under subparagraph (A), may revise the standards established under this subsection, as the Federal banking agencies, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, determine to be necessary.

(g) RULES OF CONSTRUCTION.—Nothing in this section may be construed to permit—

(1) the enterprises to make or guarantee a residential mortgage loan that does not meet the minimum underwriting standards established under this section; or

(2) the Federal banking agencies to issue an exemption under subsection (f) that is not on a case-by-case basis.

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

(1) COMPANY.—The term ''company''—

(A) has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)); and

(B) includes a sole proprietorship.

(2) MORTGAGE LOAN ORIGINATOR.—The term ''mortgage loan originator'' means any company that takes residential mortgage loan applications and offers or negotiates terms of residential mortgage loans.

(3) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan''—

(A) means any extension of credit primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent security interest in a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling; and

(B) does not include a mortgage loan for which mortgage insurance is provided by the Department of Veterans Affairs or the Rural Housing Administration.

(4) EXTENSION OF CREDIT; DWELLING.—The terms ''extension of credit'' and ''dwelling'' have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(i) REPEAL OF CREDIT RISK RETENTION AND QRM RULES.—Section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11) is repealed, and any rule or regulation promulgated under that section shall have no force or effect, effective on the date of enactment of this Act.

SEC. 208. RESIDENTIAL MORTGAGE SERVICING STANDARDS.

(a) UNIFORM PSA.—

(1) DEVELOPMENT.—

(A) IN GENERAL.—The Director, in consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System, shall, not later than 1 year after the date of enactment of this Act, develop a uniform pooling and servicing agreement (in this section referred to as a ''uniform PSA''). The Director shall work with industry groups, including servicers, originators, and mortgage investors to develop the uniform PSA.

(B) CRITERIA.—The uniform PSA shall—

(i) address all issues relating to the pool trustee, and shall be based on pooling and servicing agreements in use by the enterprises on the date of enactment of this Act; and

(ii) create uniform loss mitigation standards, including standards for a single point of contact for troubled borrowers, an industry wide net-present-value model for determining when to conduct a loan modification rather than foreclosure, and national standards for the foreclosure process.

(2) EFFECT OF UNIFORM PSA.—Beginning 1 year after the date of enactment of this Act, all mortgage backed securities issued by national or State chartered banks in the United States will be affected in accordance with the uniform PSA.

(b) MERS 2.—The Director shall establish, by rule, a Mortgage Electronic Registration System (in this section referred to as ''MERS2'') based on the Mortgage Electronic Registration System in use on the date of enactment of this Act. MERS2 shall incorporate a single national database for all mortgage title transfers, to be maintained and operated by FHFA. The rules of the Director shall ensure that property title is transferred in accordance with all applicable provisions of law. All mortgage transfers shall take place according to national standards and shall be recorded in the MERS2 system.

(c) UNIFORM REGULATORY PRACTICES.—The Comptroller of the Currency, Chairperson of the Federal Deposit Insurance Corporation, Director, Chairman of the Board of Governors of the Federal Reserve System, and Director of the Bureau of Consumer Financial Protection shall, jointly, under the direction of the Director, develop uniform regulatory practices for the mortgage market.

SEC. 209. PROHIBITION ON NEW BUSINESS.

The enterprises are prohibited from initiating or engage in new lines of business on and after the date of enactment of this Act.

SEC. 210. REPEAL OF CHARTER ACTS.

Effective on the date on which the enterprises have no outstanding obligations pursuant to the winddown required by section 304(h) of the National Housing Act (as added by this title) and in section 305(d) of the Federal Home Loan Mortgage Corporation Act (as added by this title), respectively—

(1) the Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is repealed, and the charter of the Federal National Mortgage Association is rescinded; and

(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is repealed, and the charter of the Federal Home Loan Mortgage Corporation is rescinded.

SA 1498. Mr. BLUMENTHAL (for himself and Mr. KIRK) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr.

FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. APPLICATION TO OTHER ELECTED OFFICIALS AND CRIMINAL OFFENSES.

(a) APPLICATION TO OTHER ELECTED OFFICIALS.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332(o)(2)(A) of title 5, United States Code, is amended—

(A) in clause (i), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in clause (ii), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(2) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8411(l)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''; and

(B) in subparagraph (B), by inserting '', the President, the Vice President, or an elected official of a State or local government'' after ''Member''.

(b) CRIMINAL OFFENSES.—Section 8332(o)(2) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking clause (iii) and inserting the following:

''(iii) The offense—

''(I) is committed after the date of enactment of this subsection and—

''(aa) is described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(i), (iv), (xvi), (xix), (xxiii), (xxiv), or (xxvi); or

''(II) is committed after the date of enactment of the STOCK Act and—

''(aa) is described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii); or

''(bb) is described under subparagraph (B)(xxix), (xxx), or (xxxi), but only with respect to an offense described under subparagraph (B)(ii), (iii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvii), (xviii), (xx), (xxi), (xxii), (xxv), (xxvii), or (xxviii).''; and

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

''(B) An offense described in this subparagraph is only the following, and only to the extent that the offense is a felony:

''(i) An offense under section 201 of title 18 (relating to bribery of public officials and witnesses).

''(ii) An offense under section 203 of title 18 (relating to compensation to Member of Congress, officers, and others in matters affecting the Government).

''(iii) An offense under section 204 of title 18 (relating to practice in the United States Court of Federal Claims or the Unites States Court of Appeals for the Federal Circuit by Member of Congress).

''(iv) An offense under section 219 of title 18 (relating to officers and employees acting as agents of foreign principals).

''(v) An offense under section 286 of title 18 (relating to conspiracy to defraud the Government with respect to claims).

''(vi) An offense under section 287 of title 18 (relating to false, fictitious or fraudulent claims).

''(vii) An offense under section 597 of title 18 (relating to expenditures to influence voting).

''(viii) An offense under section 599 of title 18 (relating to promise of appointment by candidate).

''(ix) An offense under section 602 of title 18 (relating to solicitation of political contributions).

''(x) An offense under section 606 of title 18 (relating to intimidation to secure political contributions).

''(xi) An offense under section 607 of title 18 (relating to place of solicitation).

''(xii) An offense under section 641 of title 18 (relating to public money, property or records).

''(xiii) An offense under section 666 of title 18 (relating to theft or bribery concerning programs receiving Federal funds).

''(xiv) An offense under section 1001 of title 18 (relating to statements or entries generally).

''(xv) An offense under section 1341 of title 18 (relating to frauds and swindles, including as part of a scheme to deprive citizens of honest services thereby).

''(xvi) An offense under section 1343 of title 18 (relating to fraud by wire, radio, or television, including as part of a scheme to deprive citizens of honest services thereby).

''(xvii) An offense under section 1503 of title 18 (relating to influencing or injuring officer or juror).

''(xviii) An offense under section 1505 of title 18 (relating to obstruction of proceedings before departments, agencies, and committees).

''(xix) An offense under section 1512 of title 18 (relating to tampering with a witness, victim, or an informant).

''(xx) An offense under section 1951 of title 18 (relating to interference with commerce by threats of violence).

''(xxi) An offense under section 1952 of title 18 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

''(xxii) An offense under section 1956 of title 18 (relating to laundering of monetary instruments).

''(xxiii) An offense under section 1957 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity).

''(xxiv) An offense under chapter 96 of title 18 (relating to racketeer influenced and corrupt organizations).

''(xxv) An offense under section 7201 of the Internal Revenue Code of 1986 (relating to attempt to evade or defeat tax).

''(xxvi) An offense under section 104(a) of the Foreign Corrupt Practices Act of 1977 (relating to prohibited foreign trade practices by domestic concerns).

''(xxvii) An offense under section 10(b) of the Securities Exchange Act of 1934 (relating to fraud, manipulation, or insider trading of securities).

''(xxviii) An offense under section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (relating to fraud, manipulation, or insider trading of commodities).

''(xxix) An offense under section 371 of title 18 (relating to conspiracy to commit offense or to defraud United States), to the extent of any conspiracy to commit an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under section 207 of title 18 (relating to restrictions on former officers, employees, and elected officials of the executive and legislative branches).

''(xxx) Perjury committed under section 1621 of title 18 in falsely denying the commission of an act which constitutes—

''(I) an offense under clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi), (xxii), (xxiii), (xxiv), (xxv), (xxvi), (xxvii), or (xxviii); or

''(II) an offense under clause (xxix), to the extent provided in such clause.

''(xxxi) Subornation of perjury committed under section 1622 of title 18 in connection with the false denial or false testimony of another individual as specified in clause (xxx).''.

SA 1499. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 13(d)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1851(d)(1)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (J) as subparagraphs (A) through (I), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 13 of the Bank Holding Company Act of 1956 (12 U.S.C. 1851) is amended—

(1) in subsection (c)(4), by striking ''subsection (d)(1)(G)'' and inserting ''subsection (d)(1)(F)''; and

(2) in subsection (f)—

(A) by striking ''paragraph (d)(1)(G)'' each place that term appears and inserting ''subsection (d)(1)(F)''; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''subsection (d)(1)(G)'' and inserting ''subsection (d)(1)(F)''; and

(ii) in clause (ii), by striking ''subsection (d)(1)(G)(v)'' and inserting ''subsection (d)(1)(F)(v)''.

SA 1500. Mr. INHOFE (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ___. PROHIBITION ON UNAUTHORIZED EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a bill, joint resolution, conference report, or amendment that provides an earmark.

(b) SUPERMAJORITY.—

(1) WAIVER.—The provisions of subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fourths of the Members, duly chosen and sworn.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any

provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of three-fourths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) EARMARK DEFINED.—In this resolution, the term ''earmark'' means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district unless the provision or language—

(1) is specifically authorized by an appropriate congressional authorizing committee of jurisdiction;

(2) meets funding eligibility criteria established by an appropriate congressional authorizing committee of jurisdiction by statute; or

(3) is awarded through a statutory or administrative formula-driven or competitive award process.

SA 1501. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 1472 proposed by Mr. TOOMEY (for himself, Mrs. MCCASKILL, Mr. DEMINT, Mr. UDALL of Colorado, Mr. RUBIO, Ms. AYOTTE, Mr. PORTMAN, Mr. THUNE, and Mr. JOHANNS) to the amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 23, strike ''two-thirds'' and insert ''a majority''.

SA 1502. Mr. BENNET (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ___—CLOSE THE REVOLVING DOOR ACT OF 2012

SEC. 1. SHORT TITLE.

This title may be cited as the ''Close the Revolving Door Act of 2012''.

SEC. 2. LIFETIME BAN ON MEMBERS OF CONGRESS FROM LOBBYING.

(a) IN GENERAL.—Section 207(e)(1) of title 18, United States Code, is amended to read as follows:

''(1) MEMBERS OF CONGRESS.—Any person who is a Senator, a Member of the House of Representatives or an elected officer of the Senate or the House of Representatives and who after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any Member, officer, or employee of either House of Congress or any employee of any other legislative office of the Congress, on behalf of any other person (except the United States) in connection with any matter on which such former Senator, Member, or elected official seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.''.

(b) CONFORMING AMENDMENT.—Section 207(e)(2) of title 18, United States Code, is amended—

(1) in the caption, by striking ''Officers and staff'' and inserting ''Staff''; and

(2) by striking ''an elected officer of the Senate, or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to Members of Congress serving in Congress on or after the date of enactment of this Act.

SEC. 3. CONGRESSIONAL STAFF.

(a) IN GENERAL.—section 207(e) of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting at the end the following: ''A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the personal office or member of Congress that had employed the person.'';

(2) in paragraph (3), by inserting at the end the following: ''A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the personal office or member of Congress that had employed the person.'';

(3) by striking paragraph (4) and inserting the following:

''(4) Any person who is an employee of a committee of the House of Representatives or the Senate, or an employee of a joint committee of the Congress whose pay is disbursed by the Clerk of the House of Representatives or the Senate, to whom paragraph (7)(A) applies and who, within 1 year after the termination of that person's employment on such committee or joint committee (as the case may be), knowingly makes, with the intent to influence, any communication to or appearance before any person who is a Member or an employee of that committee or joint committee (as the case may be) or who was a Member of the committee or joint committee (as the case may be) in the year immediately prior to the termination of such person's employment by the committee or joint committee (as the case may be), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title. A person described in this paragraph shall be prohibited for 6 years from making any such contact or appearance before the majority or minority staff of that committee, the chairman or ranking member of the committee during that person's employment, or any personal office or Member of Congress that had been a member of that committee during the person's employment with the committee.''; and

(4) in paragraph (6)(A), by striking ''1 year'' and inserting ''6 years''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals employed by Congress on or after the date of enactment of this Act.

SEC. 4. IMPROVED REPORTING OF LOBBYISTS ACTIVITIES.

Section 6 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by inserting at the end the following:

''(c) JOINT WEB SITE.—The Secretary of the Senate and the Clerk of the House of Representatives shall maintain a joint lobbyist disclosure Internet database for information required to be publicly disclosed under this Act which shall be an easily searchable Web site called lobbyists.gov with a stated goal of simplicity of usage.''.

SEC. 5. LOBBYIST REVOLVING DOOR TO CONGRESS.

(a) IN GENERAL.—Any person who is a registered lobbyist or an agent of a foreign principal may not within 6 years after that person leaves such position be hired by a Member or committee of either House of Congress with whom the registered lobbyist or an agent of a foreign principal has had substantial lobbying contact.

(b) WAIVER.—This section may be waived in the Senate or the House of Representatives by the Committee on Ethics or the Committee on Standards of Official Conduct based on a compelling national need.

(c) SUBSTANTIAL LOBBYING CONTACT.—For purposes of this section, in determining whether a registered lobbyist or agent of a foreign principal has had substantial lobbying contact within the applicable period of time, the Member or committee of either House of Congress shall take into consideration whether the individual's lobbying contacts have pertained to pending legislative business, or related to solicitation of Federal funding, particularly if such contacts included the coordination of meetings with the Member or staff, involved presentations to staff, or participation in fundraising exceeding the mere giving of a personal contribution. Simple social contacts with the Member or committee of either House of Congress and staff, shall not by themselves constitute substantial lobbying contacts.

SEC. 6. PAYMENT FOR CHARTER FLIGHTS BY CAMPAIGN FUNDS AND DISCLOSURE OF CERTAIN AIR TRAVEL WITH A LOBBYIST BY A SENATOR.

(a) CLARIFICATION OF RULES ON USE OF CAMPAIGN FUNDS FOR FLIGHTS ON COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Paragraph (1) of section 313(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a(c)) is amended—

(A) by striking ''a candidate for election for Federal office (other than a candidate who is subject to paragraph (2)), or any authorized committee of such a candidate, may not make any expenditure for a flight on an aircraft'' in the matter preceding subparagraph (A) and inserting ''in the case of a candidate for election to Federal office (other than a candidate who is subject to paragraph (2)), no political committee may make any expenditure for travel by such a candidate, or for travel on behalf of such a candidate, by means of a flight on an aircraft (regardless of whether such travel is in connection with an election for Federal office)'', and

(B) by striking ''candidate, the authorized committee, or other'' in subparagraph (B).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to flights taken on or after the date of the enactment of this Act.

(b) DISCLOSURE.—Paragraph 2(e)(1) of rule XXXV of the Standing Rules of the Senate is amended—

(1) in subclause (C), by striking ''and'' after the semicolon;

(2) by inserting after subclause (D) the following:

''(E) the source will submit a list of the names of any registered lobbyist or an agent of a foreign principal on the trip not later than 30 days after the trip; and''.

SEC. 7. BAN ON LOBBYISTS MAKING CASH CAMPAIGN CONTRIBUTIONS.

Section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441g) is amended by—

(1) by striking ''No person'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), no person''; and

(2) inserting at the end the following:

''(b) LOBBYIST.—

''(1) TOTAL BAN.—If the person described in subsection (a) is a lobbyist, the amount referred to in subsection (a) shall be zero.

''(2) LOBBYIST.—In this subsection, the term 'lobbyist' shall have the same meaning given such term in section 3(10) of the Lobbying Disclosure Act of 1995.''.

SEC. 8. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

The Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) is amended by inserting after section 6 the following:

''SEC. 6A. REPORTING BY SUBSTANTIAL LOBBYING ENTITIES.

''(a) IN GENERAL.—A substantial lobbying entity shall file on an annual basis with the Clerk of the House of Representatives and the Secretary of the United States Senate a list of any employee, individual under contract, or individual who provides paid consulting services who is—

''(1) a former United States Senator or a former Member of the United States House of Representatives; or

''(2) a former congressional staff person who—

''(A) made at least $100,000 in any 1 year as a congressional staff person;

''(B) worked for a total of 4 years or more as a congressional staff person; or

''(C) had a job title at any time while employed as a congressional staff person that contained any of the following terms: 'Chief of Staff', 'Legislative Director', 'Staff Director', 'Counsel', 'Professional Staff Member', 'Communications Director', or 'Press Secretary'.

''(b) CONTENTS OF FILING.—The filing required by this section shall contain a brief job description of each such employee, individual under contract, or individual who provides paid consulting services, and an explanation of their work experience under subsection (a) that requires this filing.

''(c) IMPROVED REPORTING OF SUBSTANTIAL LOBBYING ENTITIES.—The Joint Web site being maintained by the Secretary of the Senate and the Clerk of the House of Representatives, known as lobbyists.gov, shall include an easily searchable database entitled 'Substantial Lobbying Entities' that includes qualifying employees, individuals under contract, or individuals who provide paid consulting services, under subsection (a).

''(d) LAW ENFORCEMENT OVERSIGHT.—The Clerk of the House of Representatives and the Secretary of the Senate may provide a copy of the filings of substantial lobbying entities to the District of Columbia United States Attorney, to allow the District of Columbia United States Attorney to determine whether any such entities are underreporting the Federal lobbying activities of its employees, individuals under contract, or individuals who provide paid consulting services.

''(e) SUBSTANTIAL LOBBYING ENTITY.—In this section, the term 'substantial lobbying entity' means an incorporated entity that employs more than 3 federally registered lobbyists during a filing period.''.

SEC. 9. ENHANCED PENALTIES.

Section 7(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606(a)) is amended by striking ''$200,000'' and inserting ''$500,000''.

SA 1503. Mr. TESTER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 1470 proposed by Mr. REID (for himself, Mr. BROWN of Massachusetts, Mr. LIEBERMAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. LEVIN, and Mr. FRANKEN) to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; as follows:

At the end, add the following:

SEC. ___. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

''(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.''.

SA 1504. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENSION OF TEMPORARY OFFICE OF BANKRUPTCY JUDGES IN CERTAIN JUDICIAL DISTRICTS.

(a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES AUTHORIZED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized for the following districts by section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs:

(A) The central district of California.
(B) The eastern district of California.
(C) The district of Delaware.
(D) The southern district of Florida.
(E) The southern district of Georgia.
(F) The district of Maryland.
(G) The eastern district of Michigan.
(H) The district of New Jersey.
(I) The northern district of New York.
(J) The southern district of New York.
(K) The eastern district of North Carolina.
(L) The eastern district of Pennsylvania.
(M) The middle district of Pennsylvania.
(N) The district of Puerto Rico.
(O) The district of South Carolina.
(P) The western district of Tennessee.
(Q) The eastern district of Virginia.
(R) The district of Nevada.

(2) VACANCIES.—

(A) SINGLE VACANCIES.—Except as provided in subparagraphs (B), (C), (D), and (E), the 1st vacancy in the office of a bankruptcy judge for each district specified in paragraph (1)—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) CENTRAL DISTRICT OF CALIFORNIA.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge for the central district of California—

(i) occurring 5 years or more after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) DISTRICT OF DELAWARE.—The 1st, 2d, 3d, and 4th vacancies in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(D) SOUTHERN DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of a bankruptcy judge for the southern district of Florida—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(E) DISTRICT OF MARYLAND.—The 1st, 2d, and 3d vacancies in the office of a bankruptcy judge for the district of Maryland—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 1223(b) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES EXTENDED BY PUBLIC LAW 109–8.—

(1) EXTENSIONS.—The temporary office of bankruptcy judges authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and extended by section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) for the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee are extended until the applicable vacancy specified in paragraph (2) in the office of a bankruptcy judge for the respective district occurs.

(2) VACANCIES.—

(A) DISTRICT OF DELAWARE.—The 5th vacancy in the office of a bankruptcy judge for the district of Delaware—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(B) DISTRICT OF PUERTO RICO.—The 2d vacancy in the office of a bankruptcy judge for the district of Puerto Rico—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(C) EASTERN DISTRICT OF TENNESSEE.—The 1st vacancy in the office of a bankruptcy judge for the eastern district of Tennessee—

(i) occurring more than 5 years after the date of the enactment of this Act, and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) and section 1223(c) of Public Law 109–8 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in paragraph (1).

(c) TEMPORARY OFFICE OF THE BANKRUPTCY JUDGE AUTHORIZED BY PUBLIC LAW 102–361 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.—

(1) EXTENSION.—The temporary office of the bankruptcy judge authorized by section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) for the middle district of North Carolina is extended until the vacancy specified in paragraph (2) occurs.

(2) VACANCY.—The 1st vacancy in the office of a bankruptcy judge for the middle district of North Carolina—

(A) occurring more than 5 years after the date of the enactment of this Act, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(3) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraphs (1) and (2), all other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of the bankruptcy judge referred to in paragraph (1).

(d) TEMPORARY JUDGESHIP PAYGO OFFSET.—

(1) BANKRUPTCY FILING FEES.—Section 1930(a)(3) of title 28, United States Code, is amended by striking $1,000 and inserting $1,042.

(2) EXPENDITURE LIMITATION.—Incremental amounts collected by reason of the enactment of subsection (a) shall be deposited in a special fund in the United States Treasury, to be established after the date of enactment of this Act. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the date of enactment of this Act.

(3) EFFECTIVE DATE.—This subsection shall take effect 180 days after the date of enactment of this Act.

SA 1505. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, lines 23 and 24, strike ''executive branch and legislative branch officials'' and insert ''an executive branch employee, a Member of Congress, or an employee of Congress''.

SA 1506. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SHAREHOLDER REGISTRATION THRESHOLD.

(a) AMENDMENTS TO SECTION 12 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 781(g)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) in the case of an issuer that is a bank, as such term is defined in section 3(a)(6) of this title, or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 2000 persons or more; and

''(B) in the case of an issuer that is not a bank or bank holding company, 500 persons or more,''; and

(B) by striking ''commerce shall'' and inserting ''commerce shall, not later than 120 days after the last day of its first fiscal year ended after the effective date of this subsection, on which the issuer has total assets exceeding $10,000,000 and a class of equity security (other than an exempted security) held of record by''; and

(2) in paragraph (4), by striking ''three hundred'' and inserting ''300 persons, or, in the case of a bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(b) AMENDMENTS TO SECTION 15 OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended, in the third sentence, by striking ''three hundred'' and inserting ''300 persons, or, in the case of bank, as such term is defined in section 3(a)(6), or a bank holding company, as such term is defined in section (2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841), 1200''.

(c) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue final regulations to implement this section and the amendments made by this section.

SA 1507. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 11. ACCESS TO INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.

(a) AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (r), by striking ''or'' at the end;

(2) by redesignating paragraph (s) as paragraph (t); and

(3) by inserting after paragraph (r) the following:

''(s) any violation of section 1348 of this title (relating to securities fraud); or''.

(b) AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS RELATING TO SECURITIES FRAUD.—Section 2517 of title 18, United States Code, is amended—

(1) in subsection (1), by inserting '', or to an officer of the Securities and Exchange Commission,'' after ''to another investigative or law enforcement officer''; and

(2) in subsection (2), by inserting '', or officer of the Securities and Exchange Commission,'' after ''investigative or law enforcement officer''.

SEC. 12. INSIDER TRADING STATUTE OF LIMITATIONS.

Section 21A(d)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(d)(5)) is amended to read as follows:

''(5) STATUTE OF LIMITATIONS.—No action may be brought under this section after the later of—

''(A) 5 years after the date of the subject purchase or sale; or

''(B) 2 years after the date on which the Commission discovers the violative conduct.''.

SEC. 13. INSIDER TRADING PENALTIES.

(a) INSIDER TRADING PENALTIES UNDER SECTION 21A(a)(1) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(1)) 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) adding at the end the following:

''(C) may, in any action instituted pursuant to section 8A of the Securities Act of 1933, or section 21C of this title, impose a civil penalty to be paid by the person who committed such violation, or who, subject to subsection (b)(1) of this section, directly or indirectly controlled the person who committed such violation.''.

(b) INSIDER TRADING PENALTIES WHERE NO PROFITS GAINED OR LOSSES AVOIDED.—

(1) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(A) in section 21(d)(3)(A) (15 U.S.C. 78u(d)(3)(A)), by inserting ''that resulted in profits gained or losses avoided'' after ''penalty pursuant to section 21A''; and

(B) in section 21B(a)(2)(A) (15 U.S.C. 78u–2(a)(2)(A)), by inserting '', other than by committing a violation subject to a penalty pursuant to section 21A that resulted in profits gained or losses avoided'' after ''rule or regulation issued under this title''.

(2) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(A) in section 8A(g)(1)(A)(i) (15 U.S.C. 77h–1(g)(1)(A)(i)), by inserting '', other than by committing a violation subject to a penalty pursuant to section 21A of the Securities Exchange Act of 1934 that resulted in profits gained or losses avoided'' after ''rule or regulation issued under this title''; and

(B) in section 20(d)(1) of the (15 U.S.C. 77t(d)(1)), by inserting ''that resulted in profits gained or losses avoided'' after ''penalty pursuant to section 21A of the Securities Exchange Act of 1934''.

SEC. 14. EX PARTE FREEZE AUTHORITY FOR OFFSHORE INSIDER TRADING PROFITS.

Section 21C(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–3(c)(3)) is amended—

(1) in subparagraph (A), by striking ''(A) IN GENERAL'' and inserting ''(A) TEMPORARY FREEZE OF EXTRAORDINARY PAYMENTS BY AN ISSUER'';

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

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

''(B) TEMPORARY FREEZE IN INSIDER TRADING INVESTIGATIONS.—

''(i) ISSUANCE OF TEMPORARY ORDER.—If the Commission finds that there is reason to believe that a violation described in section 21A has occurred, and that the person engaging in the purchase or sale constituting the potential violation is located outside of the United States, the Commission may impose a temporary order requiring any registered broker or dealer to freeze the brokerage accounts of such person at such broker or dealer for a period not to exceed 30 days after the date of entry of the order.

''(ii) STANDARD.—A temporary order may be entered under clause (i) without notice, unless the Commission determines that notice and hearing prior to entry of the order would be in the public interest.

''(iii) EFFECTIVE PERIOD.—A temporary order issued under clause (i) shall—

''(I) become effective immediately;

''(II) be served upon each registered broker or dealer maintaining accounts subject to the order; and

''(III) unless set aside, limited, or suspended by the Commission or by a court of competent jurisdiction, remain effective and enforceable for the period specified in the order, but for not longer than 30 days after the date of entry of the order.

''(iv) VIOLATION OF TEMPORARY ORDER.—A violation of a temporary order issued under

clause (i) shall be deemed a violation of this title.''.

SA 1508. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 9. UPDATED CIVIL MONEY PENALTIES FOR SECURITIES LAW VIOLATIONS.

(a) SECURITIES ACT OF 1933.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''$75,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$75,000'' and inserting ''$100,000''; and

(ii) by striking ''$375,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in—

''(aa) substantial losses or created a significant risk of substantial losses to other persons; or

''(bb) substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) MONEY PENALTIES IN CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(A) in clause (i)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in clause (ii)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in clause (iii), by striking ''greater of (I) $100,000 for a natural person or $500,000 for any other person, or (II) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(I) $1,000,000 for a natural person or $10,000,000 for any other person;

''(II) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(III) the amount of losses incurred by victims as a result of the violation''.

(2) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in paragraph (2)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending paragraph (3) to read as follows:

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), the amount of penalty for each such act or omission shall not exceed the greater of—

''(A) $1,000,000 for a natural person or $10,000,000 for any other person;

''(B) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(C) the amount of losses incurred by victims as a result of the act or omission, if—

''(i) the act or omission described in subsection (a) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

(d) INVESTMENT ADVISERS ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 203(i)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 209(e)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

SEC. 10. PENALTIES FOR RECIDIVISTS.

(a) SECURITIES ACT OF 1933.—

(1) CEASE-AND-DESIST PROCEEDINGS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(2) INJUNCTIONS AND PROSECUTION OF OFFENSES.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended by adding at the end the following:

''(iv) FOURTH TIER.—Notwithstanding clauses (i), (ii), and (iii), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such clauses if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(2) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended by adding at the end the following:

''(4) FOURTH TIER.—Notwithstanding paragraphs (1), (2), and (3), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such paragraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) INELIGIBILITY OF CERTAIN UNDERWRITERS AND AFFILIATES.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(2) ENFORCEMENT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in section 203(i)(2) (15 U.S.C. 80b–3(i)(2)), by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''; and

(2) in section 209(e)(2) (15 U.S.C. 80b–9(e)(2)) by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

SEC. 11. VIOLATIONS OF INJUNCTIONS AND BARS.

(a) SECURITIES ACT OF 1933.—Section 20(d) of the Securities Act of 1933 (15 U.S.C. 77t(d)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 8A.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 21(d)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)) is amended—

(1) in subparagraph (A), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending subparagraph (D) to read as follows:

''(D) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(i) IN GENERAL.—Each separate violation of an injunction or order described in clause (ii) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(ii) INJUNCTIONS AND ORDERS.—Clause (i) shall apply with respect to an action to enforce—

''(I) a Federal court injunction obtained pursuant to this title;

''(II) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(III) a cease-and-desist order entered by the Commission pursuant to section 21C.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 42(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 9(f).''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to

comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 203(k).''.

SA 1509. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BILL MAY NOT TAKE EFFECT BEFORE A BUDGET RESOLUTION IS IN EFFECT.

Notwithstanding any other provision of this Act, this Act shall not take effect before the date a concurrent resolution on the budget has been agreed to and is in effect for the fiscal year during which this Act was enacted.

SA 1510. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2038, to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. TRANSACTION REPORTING REQUIREMENTS.

The transaction reporting requirements established by section 101(j) of the Ethics in Government Act of 1978, as added by section 6 of this Act, shall not be construed to apply to a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

(1)(A) the fund is publicly traded; or

(B) the assets of the fund are widely diversified; and

(2) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 1, 2012, at 2:30 p.m., to hold a European Affairs subcommittee hearing entitled, ''Ukraine at a Crossroads: What's at Stake for the U.S. and Europe?''

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 1, 2012, at 10 a.m. in room 432 Russell Senate Office building, to conduct a roundtable entitled ''Developing and Strengthening High-Growth Entrepreneurship.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. 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 February 1, 2012, at 2:30 p.m., to conduct a hearing entitled, ''Federal Retirement Processing: Ensuring Proper and Timely Payments.''

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

SAM D. HAMILTON NOX UBEE NATIONAL WILDLIFE REFUGE

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 588, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 588) to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

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

Mrs. GILLIBRAND. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 588) was ordered to a third reading, was read the third time, and passed.

TO REVISE THE BOUNDARIES OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 304, S. 1296.

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

The assistant legislative clerk read as follows:

A bill (S. 1296) to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island.

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

Mrs. GILLIBRAND. I further ask unanimous consent that the bill be read a 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 (S. 1296) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1296

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

SECTION 1. REPLACEMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) DEFINITION OF MAP.—In this section, the term ''Map'' means the map that—

(1) is subtitled ''Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, Hazards Beach Unit RI–07'';

(2) is included in the set of maps entitled ''John H. Chafee Coastal Barrier Resources System'' (referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) as the set of maps entitled ''Coastal Barrier Resources System''); and

(3) relates to certain John H. Chafee Coastal Barrier Resources System units in the State of Rhode Island.

(b) REPLACEMENT.—The Map is replaced by the map entitled ''John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07'' and dated September 30, 2009.

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map referred to in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

HONORING THE LIFE OF KEVIN HAGAN WHITE

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 365, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 365) honoring the life of Kevin Hagan White, the Mayor of Boston, Massachusetts from 1968 to 1984.

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

Mrs. GILLIBRAND. 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 any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 365) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 365

Whereas Kevin White was born in Boston on September 25, 1929;

Whereas his father, Joseph C. White, a legislator of the Commonwealth of Massachusetts; his maternal grandfather, Henry E. Hagan; and his father-in-law, William Galvin; each served as presidents of the Boston City Council;

Whereas Kevin White earned a bachelor's degree from Williams College in 1952, a law degree from Boston College in 1955, and also studied at the Harvard Graduate School of Public Administration, now the John F. Kennedy School of Government;

Whereas in 1956, Kevin White married Kathryn Galvin;

Whereas in 1960, at the age of 31, Kevin White was elected Secretary of the Commonwealth of Massachusetts and was reelected 3 times, serving until 1967;

Whereas in January 1968, Kevin White became the 51st Mayor of the City of Boston, Massachusetts;

Whereas within months after taking office as Mayor of Boston, Kevin White was instrumental in helping guide the City of Boston after the assassination of Dr. Martin Luther King, Jr.;

Whereas on April 5, 1968, Mayor White asked that the James Brown concert at the Boston Garden be televised rather than be cancelled, as many suggested;

Whereas during the concert, Mayor White addressed the citizens to plead for calm and said, ''Twenty four hours ago Dr. King died for all of us, black and white, that we may live together in harmony without violence, and in peace. I'm here to ask for your help and to ask you to stay with me as your mayor, and to make Dr. King's dream a reality in Boston. No matter what any other community might do, we in Boston will honor Dr. King in peace.'';

Whereas during his time as Mayor of Boston, Kevin White undertook a program of urban revitalization of the downtown areas of Boston that forever transformed Faneuil Hall and Quincy Market;

Whereas during his time as Mayor, Kevin White brought the residents of each neighborhood of Boston, from Mattapan to Charlestown, from South Boston to Brighton, from East Boston to West Roxbury, together through programs like Summerthing, Little City Halls, and jobs for at-risk youth;

Whereas in 1974, Judge W. Arthur Garrity Jr. of the United States District Court for the District of Massachusetts ordered Boston to begin busing children to integrate its schools;

Whereas during a difficult period of racial tension for the City of Boston, Mayor White urged the people of Boston to remember their common identity;

Whereas from 1984 to 2002, Kevin White was the director of the Institute for Political Communication at Boston University;

Whereas Mayor White valiantly fought against Alzheimer's disease after his diagnosis in 2003 and despite this debilitating challenge, he never stopped being an example of strength for the City of Boston and his family;

Whereas Kevin White is survived by his wife, Kathryn; a brother, Terrence, who managed his early campaigns; his sons, Mark and Chris; his daughters, Caitlin, Beth, and Patricia; his 7 grandchildren; and his sister, Maureen Mercier;

Whereas the most famous campaign slogan coined Kevin White, ''A loner in love with the city''; and

Whereas the irony of the slogan is that Kevin White was never lonely and that the people of Boston who he loved so much, loved him back: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes that Kevin White forever enriched the Boston political landscape and forged a new path for the City of Boston;

(B) pays tribute to the work by Kevin White to improve the lives of the residents of the City of Boston; and

(C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Kevin White; and

(2) when the Senate adjourns today, it stand adjourned as a mark of respect to the memory of former Boston Mayor Kevin Hagan White.

HONORING THE LIFE OF WILMAN VILLAR MENDOZA AND CONDEMNING THE CASTRO REGIME

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 366, submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 366) honoring the life of dissident and democracy activist Wilman Villar Mendoza and condemning the Castro regime for the death of Wilman Villar Mendoza.

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

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Whereas, on Thursday, January 19, 2012, 31-year-old Cuban dissident Wilman Villar Mendoza died, following a 56-day hunger strike to highlight his arbitrary arrest and the repression of basic human and civil rights in Cuba by the Castro regime;

Whereas, on November 2, 2011, Wilman Villar Mendoza was detained by security forces of the Government of Cuba for participating in a peaceful demonstration in Cuba calling for greater political freedom and respect for human rights;

Whereas Wilman Villar Mendoza was sentenced to 4 years in prison after a hearing that lasted less than 1 hour and during which Wilman Villar Mendoza was neither represented by counsel nor given the opportunity to speak in his defense;

Whereas, on November 25, 2011, Wilman Villar Mendoza was placed in solitary confinement after initiating a hunger strike to protest his unjust trial and imprisonment;

Whereas Wilman Villar Mendoza was a member of the Unión Patriótica de Cuba, a dissident group the Cuban regime considers illegitimate because members express views critical of the regime;

Whereas security forces of the Government of Cuba have harassed Maritza Pelegrino Cabrales, the wife of Villar Mendoza and a member of the Ladies in White (Damas de Blanco), and have threatened to take away her children if she continues to work with the Ladies in White;

Whereas Human Rights Watch, which documented the case of Wilman Villar Mendoza, stated, ''Arbitrary arrests, sham trials, inhumane imprisonment, and harassment of dissidents' families—these are the tactics used to silence critics.'';

Whereas Amnesty International stated, ''The responsibility for Wilman Villar Mendoza's death in custody lies squarely with the Cuban authorities, who summarily judged and jailed him for exercising his right to freedom of expression.'';

Whereas Orlando Zapata Tamayo, another prisoner of conscience jailed after the ''Black Spring'' crackdown on opposition groups in March 2003, died in prison on February 23, 2010, after a 90-day hunger strike;

Whereas, according to the Cuban Commission on Human Rights, the unrelenting tyranny of the Castro regime has led to more than 4,000 political detentions and arrests in 2011; and

Whereas Cuba is a member of the United Nations Human Rights Council despite numerous documented violations of human rights every year in Cuba: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Cuban regime for the death of Wilman Villar Mendoza on January 19, 2011, following a hunger strike to protest his incarceration for participating in a peaceful protest and to highlight the plight of the Cuban people;

(2) condemns the repression of basic human and civil rights by the Castro regime in Cuba that resulted in more than 4,000 detentions and arrests of activists in 2011;

(3) honors the life of Wilman Villar Mendoza and his sacrifice on behalf of the cause of freedom in Cuba;

(4) extends condolences to Maritza Pelegrino Cabrales, the wife of Wilman Villar Mendoza, and their children;

(5) urges the United Nations Human Rights Council to suspend Cuba from its position on the Council;

(6) urges the General Assembly of the United Nations to vote to suspend the rights of membership of Cuba to the Human Rights Council;

(7) urges the international community to condemn the harassment and repression of peaceful activists by the Cuban regime; and

(8) calls on the governments of all democratic countries to insist on the release of all political prisoners and the cessation of violence, arbitrary arrests, and threats against peaceful demonstrators in Cuba, including threats against Maritza Pelegrino Cabrales and members of the Ladies in White (Damas de Blanco).

ORDERS FOR THURSDAY, FEBRUARY 2, 2012

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m. on Thursday, February 2, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the

day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of S. 2038, the Stop Trading on Congressional Knowledge Act.

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

PROGRAM

Mrs. GILLIBRAND. The managers of the bill will continue to negotiate an agreement to complete action on the bill tomorrow. Senators will be notified when any agreement is reached.

Mr. President, I commend Leader REID and Chairman LIEBERMAN for their strong work, along with Senator COLLINS for her work in reaching bipartisan resolutions on this issue. We will continue to work through the night hoping to reach a resolution early in the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. GILLIBRAND. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:56 p.m. adjourned until Thursday, February 2, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

MICHAEL A. BOTTICELLI, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE A. THOMAS MCLELLAN.

DEPARTMENT OF THE TREASURY

CHRISTY L. ROMERO, OF VIRGINIA, TO BE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM, VICE NEIL M. BAROFSKY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S. C., SECTION 12203(A):

To be captain

PATRICK K. ABOAGYE
DAVID R. ALLEN
WILLIAM F. CSISAR

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. WILLIAM E. GORTNEY

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

OSCAR FONSECA

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

THOMAS G. DUFFETT
THOMAS S. GARRIDO

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531(A) AND 716:

To be major

MICHAEL W. PAULUS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BENJAMIN G. HUGHES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHELLE S. FLORES

To be major

MARK B. DUDLEY
DENA L. ENGEL
MOLLY F. GEORGE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

AMORY S. BALUCATING
KENNETH S. BODE
JUSTIN J. CLARK
CRISTALLE A. COX
JARRAOD E. DUMPE
MATTHEW C. GILL
JEFFREY MEADE
TYLER S. REYNOLDS
CHRISTOPHER W. SNYDER
CHUONG N. THAI
HANS R. WATSON
RAMOTHEA L. WEBSTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

DARRIN L. BARRITT
BLAINE H. BATEMEN
JOSEPH P. BECKER
WILLIAM W. BORDON
PATRICK T. BRODERICK
MICHAEL E. BROWN
MICHAEL E. EVERTON
JAMES T. GOODWIN
BLAKE B. JESSEN
LANCE M. JOHNSTON
DANIEL R. HAYNES
MARK A. KOENIG
JEFFREY J. KRIENKE
SCOTT J. LUBIN
BRENT E. MOORE
DAVID P. NARDOZZI
DAVID A. OMSTEAD
KENT E. PETERSON
PAUL D. PETERSON
RICHARD L. RICHARD
AMIN Y. SAID
RODNEY L. STAGGS
JACK F. II STUART
SEAN P. TIERNAN
MARK A. TWITCHELL
SCOTT A. WOOLWINE

To be major

PAMELA A. ALLEY
MATTHEW R. BASLER
WESLEY T. CHOATE
BENJAMIN B. CHRISTEN
TROY D. CHINEVERE
WILLIAM S. FINLEY
WILLIAM D. GENTILE
LEWIS A. JACKSON
DANIEL F. LEICHSSENRING
CHRISTIAN F. LICHTER
ALAN L. MILLER
JOHN E. MOTLEY
JUSTIN A. RIDDLE
TODD J. ROSENQUIST
DANIEL G. SCHILLING
RALPH R. SHOUKRY
STEVEN J. SLATER
JOSHUA J. SMITH
ROBERT L. SOUTHERLAND
DANIEL W. STUPINSKI
KLIS T. ZANNIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SCOTT W. MARLIN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RICHARD T. MULL

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KELLY E. CARLEN

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID C. HATCH

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PETER V. HUYNH

To be major

MAJWA AHMAD
RICHARD A. DANIELS
GARRETT T. HINES
MICHAEL J. RAKOW

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MICHAEL A. ABELL
ZACHARY F. DOSER
BRIAN F. WERTZLER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CHARLES H. BUXTON
GREGORY T. DAY
KARL KONZELMAN
THOMAS M. VICKERS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS AUBLE
ARMAND G. BEGUN
JOHN M. BERGEN
MICHELLE E. CRAWFORD
MICHAEL J. DEEGAN
WILLIAM B. DYER III
ANDREW C. EFAW
RANDALL FLUKE
STUART C. GAUFFREAU
MICHAEL P. MORAN
RICHARD M. MURPHY
NATHANIEL J. REITZ
CHRISTOPHER W. RYAN
PAMELA STEPHENS
RONDA SUTTON
BRIAN E. TOLAND
ALBERT R. VELDHUYZEN
ALVIN P. WADSWORTH, JR.
DAVID B. WALLACE
CHRISTOPHER J. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

PAUL B. ALLEN, SR.
JOHN J. ALVITRE
SCOTT E. ANDERSON
CINDY T. ATKINS
TERRY D. BLACKWELL
WILLIE D. BOOKER
RAMON S. BRADSHAW
RONALD A. BROCK
DAVID E. BROOKS
PETER J. CARROLL
LORI A. CLARK
CHAD A. COLE
JOHN P. DAVINSON
SHAREN D. DENSON
COLIN M. DUNDERDALE
JOSE D. DURBIN
MARK W. EPPS
SCOTT T. FESTA
SUSAN G. FISHER
ROSALYN V. FITZPATRICK
RAMON E. FRY II
EDWARD A. GAGE
FELIPE GALVAN
JEFFREY D. GARBERICH
JOHN B. GILLUM, JR.
EDWIN X. GUTIERREZ
MATTHEW B. HANNA
TODD A. HEINS
GREGORY A. HERSHEY
SCOTT R. HITTER
JOHN D. HUSE
CHARLES R. JENNINGS

DAVID A. JOHNSTON
JOHN E. KING
RANDOLPH W. KNOX
CHONG U. KO
BENJAMIN K. KOCHER
CHRISTINE L. LANDRY
RONALD A. LEACH
JONATHAN D. LESHER
JUSTIN F. LETOURNEAU
KNIGHT S. I. MANSARAY
ROBERT R. MCKIBBEN
ALDO M. MENDOZA
KRYSTAL MORRIS
ARNRAE U. MOULTRIE
CECILIA NAJERA
ANDREW R. OBANDO
MELISSA D. OGLE
STEVEN D. OWENS
DEREK J. PARKER
JOHN J. PENA
MARQUES T. RAPOSO
RETAUNDA M. RILEY
CORTES M. RIVERA
KENNETH P. RIVERA
PHILIP J. ROYER
CHRISTOPHER M. SACHELI
RORY J. SALIGER
ROBERT A. SCAVELLI
SHERRILL F. SCHAAF
DENNISON S. SEGUI
ANGELA E. SLITZER
TAMMY M. SMOAK
MICHAEL C. STACKHOUSE II
THOMAS S. STRAIN
ANGELA K. TAGUE
SEAN P. THERIEN
BRADLEY C. TIBBETTS
BRADLEY S. TRAGORD
MOHAMAD A. UMAR
JOSEPH C. WHELCHEL
ARNALDO F. ZELAYACASTRO
D011029

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

KATIE BARRY
JAMIE C. BROWN
SARAH A. COOPER
SHARON DAYE
CAROLYN B. DESHAIES
LEONORA J. DICKSON
SHAWN M. DUNN
JOSEPH EGGERS
CYNTHIA A. FACCIOLLA
AMY FIELD
STEPHANIE HALL
CORINN D. HARDY
DEAN N. LAVALLEE
SEAN MAJOY
JOLENE M. NORTH
LAUREN L. PECHER
KARI I. PROPER
JENNIFER L. SCRUGGS
JONATHAN SHEARER
SUZANNE C. SKERRETT
THOMAS R. TUCKER III
TSELANE P. WARE
KIMBERLY S. YORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CAROL H. ADAMS
JAMILIA M. ADAMSHENDERSON
EKERETTE U. AKPAN
NORMA R. ALANIZ
CLAUDIA A. ALLIS
JOSHUA S. ANDERSON
JORGE L. APONTE
PETER J. ATTILIO
NIKKI R. BAILEY
WILLETTE C. BALSAMO
BENJAMIN D. BANCHEK
SUSAN A. BARTRAM
KARA T. BEATTIE
ROSALIE C. BENNETT
ROSEMARY E. BEYSIEGEL
GEORGE V. BIGALBAL
FRANCES E. BRADLEY
FRIEDA R. BRADSHAW
AMY B. BRAY
CHRISTOPHER D. BRETT
JOHN S. BRINKMAN
JOHN E. BUEN
BRIAN P. CAHILL
DEANN M. CALLANAN
ANNE C. CHIQUITUCTO
ANGELIKA W. CHIRI
DWIGHT M. CHRISTENSEN
JOYCELYN S. CONSTANTINO
ANTHONY W. COOPER
MELISSA F. CURRY
JANICE N. DANIEL
REGINA G. DANIELS
JACOB L. DEEDS
RENE DELAROSA
RICHELLE R. DEMOTICA
KELLY L. DOHERTY
ERNEST M. DOREMA
LINDSAY A. DRYSDALE
CHRISTINE A. DUNGY
JENNIFER L. EASLEY
SIMONE M. EDWARDS
DOUGLAS J. ERDLEY
ROBERT L. FLORES
CHANDRA A. FORD
ARLISA J. FORDBIBER
ALISON R. FRANSIOLI
TAMMY L. FUGERE
LISA L. GASKIN
ANN E. GENN
JENNIFER M. GOMES
JERRY W. GOSTNELL
MARI E. GROEBNER
PARKER M. HAHN
JAMES A. HALEY
GEORGE E. HANSEN
KONNI L. HANSEN
LEONARD C. HATCHER
SONIA R. HEARN
PAUL C. HECK
PACQUITA M. HILL
WILLIAM G. INMAN
VALERIE J. INSOGNA
PREATA L. JACKSON
DESIREE M. JONES
KADIJATU KAKAY
SUSAN M. KEEGAN
JAMES A. KILBOURN
PATRICIA L. KINDRED
BLAIN A. KING
ROBERT M. KOPCZYK
LAURIE A. KWOLEK
WENDY S. LAI
EMILY R. LEITER
FERNANDO LOPEZ, JR.
SHARON A. LYLES
SABRINA M. MANWILLER
RONALD T. MARPLE
MICHAEL S. MARQUEZ
MATTHEW K. MARSH
PATRICIA A. MARTINEZ
SAUNDRA D. MARTINEZ
KELLY A. MCKAY
NICOLE K. MCKENNA
CHRISTOPHER G. MCKENZIE
CHRISTOPHER M. MCPHINK
COREY A. MERRITT
JACQUELINE D. MONROE
GUSTAVO E. MORENO
ALISON C. MURRAY
JOHN P. MURRAY
NHAN L. NGOANDERSON
SHANE T. OBANION
PEDRO N. OBLEA
SCOTT M. OBRIEN
SARAH N. OHM
TINA N. ORTIZ
DAVID S. OUANO
DAHLIA L. PACHECO
JOLEEN G. PANGELINAN
ANTHONY N. PANSOY
MARCELLE J. PASION
JOHN R. PERKO
MARIA T. PESCATORE
ALFREDA D. PETERSON
BRENDA C. PLOOF
JAVIER A. RAMIREZSMITH
CARLOS M. RAMOS
KENNETH T. RAY
MELISSA D. REECE
CHARLES E. REEDER
MELISA S. REEVES
MARY B. RENKIEWICZ
REGINA D. RIEGER
SEAN P. RILEY
ALFREDA B. RITTER
THOMAS ROBINSON
DANIELLE K. RODONDI
GRISELLE RODRIGUEZ
TRACEEE J. ROSE
DIONICIA M. RUSSELL
JAMES E. RYALS
PEGGY S. SALINAS
MICHAEL R. SCHELL
BENNY C. SCHULTEIS
ANGEL F. SEDASEDA
DEANNA R. SETTELMEYER
PRISCILLA N. SHAW
DEANNA M. SHEETS
DWAYNE C. SHEPHERD
RITA M. SIMS
CARMEN D. SMITH
MICHAEL D. STEPP
RICHARD R. STEVENS
ROBERT C. STRICKLAND
CHRISTOPHER H. STUCKY
JASON A. SZAKEL
HEIDI M. TABAREZ
VALERIE TAYLOR
JOSE E. TIRADO
ASHONDA T. K. TRICE
JONPAUL T. TROSSI
KRISTINE M. TUTTLE
RANDY T. VIRAY
IRA L. WAITE
KENORA L. WALKER
EDWARD T. WALSH II
GABRIEL D. WANDER
CHARLES W. WATSON III
MICHELLE D. WELLS
MARVA WILCOX
ALECIA S. WILLIAMS
GEORGE N. WILLIAMS
CHARLENE A. WILSON
DAISY A. WILSON
MONICA F. WYATT
DUANE J. ZARICOR
TOMASZ ZIELINSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

COREBRIANS A. ABRAHAM
SEAN ALLEN
VERONICA N. ALMEIDA
LAURA J. ANDRICK
DONALD P. APPLEMAN
CASEY ARRIAGA
THUYA AUNG
KAREN J. BAIMBRIDGE
JASON B. BAUMGARTNER
TERRI N. BAYNE
CYNTHIA BILLIE
JOSEPH P. BLAKENEY
ANTONIO D. BLUE
CRYSTAL L. BRIGANTTI
LEXIE B. BUENAVENTURA
TIMOTHY S. BURCH
JOSEPH L. BURKS
MARIE P. CABEL
CHRISTOPHER H. CALDWELL
DAVID A. CARUSO
ROBERT CASE
MARISOL S. CASTANETO
JONATHAN R. CATALANO
LISA M. CHABOT
DAVID E. CHAPPELL
CHRISTOPHER E. CHEAGLE
LEANNE M. CLEVELAND
PARNELL COLEMAN
WALTER J. COUCH
ANDREA L. CREARY
MECREDI M. CRUDER
SILAS A. DAVIDSON
JONATHAN P. DEETER II
JOSHUA DEFREITAS
SHAWN J. DEFRIES
CICELY M. DENT
SEMONE M. DILWORTH
ERICA L. DORTCH
MICHAEL DRULIS
TYLER D. DUMARS
TRACY L. DURHAM
KENNON J. ETHERIDGE
JOHNATHAN J. EVANS
RICHARD FOUCAULT
BRICE D. FRANKLIN
APRIL FRITCH
RODEMIL R. FUENTES
LOLITO GANAL
ALBERT GARCIA
PEDRO GARCIA, JR.
RANDY J. GARCIA
MATTHEW S. GARRIDO
JAMES C. GEDDIE
KATRINA A. GILL
ANGELA M. GILLIE
DAVID A. GLEN
WILLIAM J. GOTTLICK
SAMMY J. GRAHAM
MICHAEL R. GREIFENSTEIN
LAMISA S. GUY
JIN B. HA
RODNEY R. HANKINS, JR.
THOMAS M. HARDY
APRIL L. HARRIS
JAMES T. HARRIS, JR.
NANCY O. HEATH
DOUGLAS P. HERRMANN
REBECCA A. HICKS
THOMAS E. HICKS
DANIELLE HINES
ROGER O. HOSIER
JASON W. HUGHES
MICHAEL J. INMAN
JUNJIE J. INOCENCIO
ANDREA M. JACKSON
JAMES A. JENKINS, JR.
MARIA F. JOHNSON
LATONYA R. JONES
EDGAR S. KANAPATHY
ANTHONY D. KANG
SAINT C. KANIAUPIO
EDWARD F. KEEN III
JOHN E. KENDZIE
ROBYN A. KENNEDY
KENDAL M. KETTLE
MICHELLE L. KLINE
ARTHUR A. KNIGHT
MARK C. KNIGHT
LYLE J. KOLNIK
ANNE M. KONSHAK
KARL F. KORPAL
JARED J. LAMPE
LOUIE L. LE
IN A. LEE
PAUL B. LESTER
STEPHEN A. LEWANDOWSKI
BRADY M. LICARI
JERED D. LITTLE
JOHN M. LOPEZ
JORGE O. LOPEZ
CLAYTON T. MANNING
FRANCISCO MARCHESEGONZALEZ
JOHN P. MARSHALL
WILLIAM F. MCCALMONT
MORGAN D. MCDANIEL
HAROLD MCDONALD
JARROD A. MCGEE
LAURA L. MCGHEE

DWAYNE G. MCJUNKINS
VANESSA R. MELANSON
MARIANO T. MESNGON, JR.
JON MESSENGER
CRAIG W. MESTER
SHERON C. MIDDLETON
JACOB T. MILLER
CHADWICK A. MILLIGAN
ANETRA S. MIRANDA
ANTHONY G. MIRANDA
TRACY M. MORNING
ELAINE Q. MORRISON
EDUARDO T. MOTEN
SERENA T. MUKAI
KENNETH S. MURRAY
TERESA D. MURRAY
MARGARET MYERS
ERIC A. NAVA
CHRISTOPHER J. NORDIN
JESSICA R. PARKER
MATTHEW T. PERRY
BRIAN J. PETERSON
SARAH L. PIERSON
CHRIS L. PITTS
ULU E. PORTER
SCOTT M. PREUSKER
APARNA RAIZADA
GAIL E. RAYMOND
HEINS V. RECHEUNGEL
LISA M. REED
TODD A. REEDER
ADAM RESNICK
SHANNA M. REYES
MIGUEL A. ROQUE
THOMAS J. SCHELL
WAYNE A. SCHINTGEN
STEPHEN K. SCHLEGEL
HENRY W. SCHNEDLER
JESSICA R. SCHULTZFISCHER
STEPHEN D. SCHWAB
JAMES E. SILVERSTRIM
DARCI R. SMITH
VICTORIA K. SOMNUK
RYAN M. SPILLANE
ROBERT E. STILLWELL
KENNETH W. STURTZ IV
DEMETRIA V. SUTTON
BRETT E. SWIERCZEWSKI
SUSAN M. TALLMAN
DARREN R. TETERS
JOSHUA C. THOMPSON
ROCKY F. TORRES
JAVIER TREVINO
YUEN H. TSANG
JIMMY D. WADE
STEVEN H. WAKEFIELD
MICHAEL A. WASHINGTON
PHILIP L. WEAVER
VANESSA WHITE
WILLIE C. WILLIAMS
CONRAD R. WILMOSKI
CHRISTOPHER R. WILSON
THEODORE A. WILSON
MICHAEL D. WOOD
RICHARD E. WOOD
SCOTT E. WOODARD
SEO YANG
CHARLES D. ZAMORA
RENEE E. ZMIJSKI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL H. ATTERBURY
JAMES G. BARTOLOTTO
CHRISTOPHER M. BEVILACQUA
CHERYL M. BLACKSTONE
CHRISTOPHER J. BUSCH
NELSON S. CARDELLA
MARK L. CAVALIERO
FRANCIS W. CHARLONIS
DOUGLAS K. CLARK
MARK R. COAST
KEVIN J. CONWAY
JOE E. DAVIS, JR.
CHRISTIAN F. DEFRIES III
TREVOR D. DEVINE
JEFFREY B. DIXON
DAVID J. DOOLAN
CHRISTOPHER J. DOUGLAS
OLIVER H. DUNHAM, JR.
EDWARD C. DURANT
ROBERT W. EGENOLF
CHARLES E. ELLIS
PETER J. FINAN
DONALD J. FRONING, JR.
MELY F. GABA, JR.
DOUGLAS W. GARDNER
MICHAEL T. GARRETT
JOHN M. GRELLA
CHRISTOPHER R. GUILFORD
GREGORY M. HALLINAN
RICHARD J. HARRIES III
JOHN R. HARRIS, JR.
MARK A. HASHIMOTO
SABRINA J. HECHT
STUART B. HELGESON
WILLIAM H. HOLMES
EDUARDO JANY
KRISTI A. JOHNSON
LAWRENCE J. KAIFESH
JEFFERSON L. KASTER
JAMES A. KING
JONATHAN E. KIRKPATRICK
MICHAEL H. LEDBETTER
SCOTT M. MARCONDA
MICHAEL S. MARTIN
TIMOTHY S. MCCONNELL
MARK S. MINER, JR.
DAVID M. MONROE
KEVIN D. MOON
DAVID L. MORGAN II
CHRISTINA A. MURPHY
KENNETH B. NYHOLM
STEPHEN L. PETERS
ROBERT W. PRITCHARD
GREGORY C. REEDER
CHARLES R. RISIO
REESE S. ROGERS
MARIO O. ROMAN
CHARLES S. ROYER
THOMAS L. SARKO
BRADLEY A. SEAY
WILLIAM E. SMITH, JR.
JON E. SPAAR
PLAUCHE J. STROMAIN III
SEAN M. SULLIVAN
VINCENT J. SUMANG
GREGORY W. TAYLOR
KEVIN J. WATKINSON
DOUGLAS S. WEINMANN
THOMAS C. WEST
GERARD A. WYNN, JR.
TERRI R. ZIMMERMANN
RUSSELL T. ZINK
DONALD A. ZIOLKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARTIN L. ABREU
CEASAR M. ACHICO
DAVID M. ADAMIEC
ERIC J. ADAMS
MICHELLE E. AKERS
LOUIS M. ALBIERO, JR.
PATRICK E. ALLEN
TIMOTHY E. ANDERSON
AARON A. ANGELL
JUSTIN J. ANSEL, JR.
JAMES F. ARMAGOST
ADRIAN D. ARMOLD
PHILLIP N. ASH
ENRIQUE A. AZENON
ROZANNE BANICKI
CASEY M. BARNES
ERIK J. BARTELT
FRANCIS A. BARTH III
JOHN M. BASEEL
THEODORE W. BATZEL, JR.
JOSEPH T. BEALS
CHRISTOPHER D. BEASLEY
THOMAS M. BEDELL
BRIAN M. BELL
ERIN S. BENJAMIN
GARRETT L. BENSON
CHARLES H. BERCIER III
THEODORE C. BETHEA II
JOHN E. BILAS
EDUARDO C. BITANGA II
ROBERT J. BODISCH, JR.
CHARLES E. BODWELL
CHRISTOPHER L. BOPP
ELIKA S. BOWMER
KEVIN J. BOYCE
JONATHAN L. BRADLEY
DEREK M. BRANNON
FRANK J. BROGNA III
ERIC C. BROWN
MEREDITH E. BROWN
SHANNON M. BROWN
AARON J. BRUNK
ALVIN L. BRYANT, JR.
GREGORY S. BURGESS
DOUGLAS W. BURKMAN
ROBERT S. BURRELL
JEFFREY D. CABANA
DANIEL R. CAMPBELL
RAFAEL A. CANDELARIO II
MARK E. CARLTON
MICHAEL R. CHALLGREN
CHAD A. CHORZELEWSKI
WILLIAM H. CHRONISTER
JESUS M. CLAUDIO
JOSHUA D. CLAYTON
C R. CLIFT
LLONIE A. COBB
DANIEL E. COLVIN, JR.
ADAM S. CONWAY
ROBERT L. CORL
STEPHEN L. COSBY
HEATHER J. COTOIA
BRADLEY S. COWLEY
RYAN E. CRAIS
BRENT A. CREWS
CHRISTOPHER C. CURRAN
JON A. CUSTIS
CHRISTOPHER E. DEANTONI
MICHAEL J. DEDDENS
MANUEL J. DELAROSA
GERALD DELIRA, JR.
JOSEPH T. DELLOS
CHARLES W. DELPIZZO III
GREGORY P. DEMARCO
ERIC C. DILL
FRANK DIORIO, JR.
ANDREW P. DIVINEY
ERIC L. DIXON
WILLIAM DOCTOR, JR.
DAVID A. DOUCETTE
STEVEN R. DOUGLAS
TROY M. DOWNING
MATTHEW J. DREIER
STEPHEN D. DRISKILL
CHRISTOPHER M. DUKE
JOSEPH R. DUMONT
PHILIP E. EILERTSON
JOHN M. ENNIS
MARK D. ERAMO
BRUCE J. ERHARDT, JR.
MICHAEL N. ESTES
MATTHEW S. FAHRINGER
JOSEPH A. FARLEY
MICHAEL M. FARRELL
KRISTOPHER L. FAUGHT
THOMAS P. FAVOR
WILLIAM A. FEEKS
SCOTT E. FERENCE
STEPHEN V. FISCUS
MICHAEL L. FITTS
CHARLES N. FITZPATRICK III
MICHAEL C. FLEMMING
CHARLES B. FLOURNOY
BRYAN J. FORNEY
MARK E. FRANKO
AARON T. FRAZIER
IAN C. GALBRAITH
JOSEPH E. GALVIN
JER J. GARCIA
SCOTT A. GEHRIS
LESTER R. GERBER
KATE I. GERMANO
PAUL M. GHIOZZI
PETER M. GIBBONS
TARRELL D. GIERSCH
THOMAS H. GILLEY IV
JAMES R. GLADDEN III
JEFFREY D. GOODELL
CRAIG A. GRANT
BRANDON C. GREGOIRE
COLLEEN R. GRIMM
WILLIAM H. GRUBE
ROBERT J. GUICE
REGINA M. GUSTAVSSON
JOHN T. GUTIERREZ
MATTHEW B. HAKOLA
MARK E. HALVERSON
JEFFREY L. HAMMOND
ROBERT M. HANCOCK
DAVID W. HANDY
RICHARD D. HANSEN
ETHAN H. HARDING
ELIZABETH A. HARVEY
GEORGE D. HASSELTINE
HOWARD H. HATCH
BRENDAN G. HEATHERMAN
WILLIAM C. HENDRICKS IV
SEAN D. HENRICKSON
MICHAEL E. HERNANDEZ
ARTURO HERNANDEZLOPEZ
LARRY J. HERRING
RALPH HERSHFELT III
BERNARD HESS
DREW R. HESS
MICHAEL D. HICKS
DALE A. HIGHBERGER
AARON P. HILL
CRAIG P. HIMEL
CHAD E. HOARE
ROBERT E. HOFFLER, JR.
LUKE T. HOLIAN
WILSON M. HOPKINS III
BRYAN T. HORVATH
DANE L. HOWELL
RYAN M. HOYLE
MICHAEL R. HUDSON
PER D. HURST
BENJAMIN K. HUTCHINS
BRET M. HYLA
CARLOS T. JACKSON
ROB L. JAMES
ROBERT E. JAMES
JESSE A. JANAY
JASON M. JANCZAK
SAMUEL L. JOHNSON
DERRICK L. JONES
RONALD W. KEARSE
DOUGLAS K. KELLER
TIMOTHY L. KELLY
STEPHANIE D. KING
THOMAS F. KISCH
JOSHUA KISSOON
MICHAEL C. KLINE
CURT R. KNOWLES
JOHN D. KNUTSON
LIA B. KOLOSKI
VINCE W. KOOPMANN
CONSTANTINE KOUTSOUKOS
CHARLES B. KROLL
JOSEPH B. LAGOSKI
PHILIP C. LAING
JUSTIN D. LAMORIE
DEREK E. LANE
SCOTT A. LAUZON
ANDREAS D. LAVATO
JOSEPH S. LEE
WILSON S. LEECH III
JOEL T. LEGGETT
JOHN G. LEHANE
JONATHAN B. LINDSEY
MARK R. LISTON
JOHN W. LITTON
JAMES W. LIVELY
SHANE M. LONG

BRENT A. LOOBY
CARL M. LOWE
JAMES T. LOWERY
CHARLES B. LYNN III
WILLIAM M. MAPLES
MICHAEL C. MARGOLIS
CORY J. MARTIN
JAMES T. MARTIN
JUSTIN E. MARVEL
MICHAEL C. MCCARTHY
GARY A. MCCULLAR
BRIAN P. MCDERMOTT
MICHAEL S. MCFADDEN
RODRICK H. MCHATY
JEFFREY L. MEEKER
SAMUEL L. MEYER
CHRISTOPHER V. MEYERS
BRETT M. MILLER
KOLTER R. MILLER
DAVID H. MILLS
BRIAN M. MOLL
DAVID B. MOORE
BRUCE L. MORALES
DAVID M. MOREAU
STEPHEN H. MOUNT
SETH MUNSON
TANYA M. MURNOCK
STEVEN R. MURPHY
SEAN M. MURRAY
MICHAEL R. NAKONIECZNY
JOHN B. NAYLOR
ANTHONOL L. NEELY
NICHOLAS O. NEIMER
DAVID E. NEVERS
EDWARD T. NEVGLOSKI
ALEXANDRA K. NIELSEN
SIEBRAND H. NIEWENHOUS IV
WADE H. NORDBERG
WILLIAM E. OBRIEN
DANIEL M. OCONNOR
KEITH S. OKI
JEFFREY W. OLESKO
DONALD W. OLIVER, JR.
BERNARD J. OLOUGHLIN
MARK A. PAOLICELLI
RANDALL A. PAPE
LARRY D. PARKER, JR.
THOMAS W. PARKER
HENRY J. PARRISH
ROSS A. PARRISH
EDWARD J. PAVELKA
ERIC J. PENROD
NATHAN T. PERKKIO
MATHEW J. PFEFFER
TUANANH T. PHAM
BRADLEY W. PHILLIPS
DAVID W. PINION
BENJAMIN T. PIPES
RICHARD H. PITCHFORD
CLAY A. PLUMMER
DENNIS R. POWERS
JAMES PRUDHOMME III
SEAN T. QUINLAN
CHRISTINE K. RABAJA
GEORGE P. RAMSEY
GUY W. RAVEY
HUNTER R. RAWLINGS IV
WILLIAM G. RAYNE
ANDREW P. REED
MATTHEW L. REGNER
ROBERT B. REHDER, JR.
ERIC A. REID
MARK R. REID
PETER O. REITMEYER
SHELTON RICHARDS
RICHARD J. RIGHTER
BENJAMIN S. RINGVELSKI
RANDALL C. RISHER
RAUL RIZZO
RICHARD C. ROBERTS
SEAN M. ROCHE
MARK W. RODGERS
CLAIBORNE H. ROGERS
AARON M. ROSE
RICHARD A. ROSENSTEIN, JR.
THOMAS M. ROSS
SAM L. ROY
MICHEAL D. RUSS
CHARLES W. RYAN
JOHN T. RYAN
RUSSELL C. RYBKA
CHRISTI L. SADDLER
DENNIS W. SAMPSON, JR.
MAURICE A. SANDERS
JOHN E. SARNO
JOHN S. SATTELY
JOEL F. SCHMIDT
ZACHARY T. SCHMIDT
WILLIAM M. SCHRADER
SEAN D. SCHROCK
CHARLES F. SCHWARM
DANIEL R. SCOTT
ROBERT C. SELLERS
MICHAEL P. SHAND
BRIAN O. SHELLMAN
WILLIAM T. SIMMONS
LOUIS P. SIMON
MICHAEL D. SKAGGS
DANIEL J. SKUCE
SAMUEL L. SLAYDON
DAVID P. SMAY IV
ELIESER R. SMITH
MICHAEL R. SMITH
ROGER A. SMITH
SEAN P. SMITH
MARK C. SMYDRA
KIRK M. SPANGENBERG
JARED A. SPURLOCK
JAMES F. STAFFORD
JAMES T. STEIDLE
KENRIC D. STEVENSON
MARK A. STIFFLER
JEFFREY D. STONE
RONALD D. STORER
GRAYSON T. STORY
DEAN T. STOUFFER
KEVIN M. STOUT
BRYAN G. SWENSON
MICHAEL N. SWIFT
TROY S. SYBESMA
ERIK C. TAUREN
BARRON S. TAYLOR
BRIAN J. TAYLOR
BRADLEY J. TEEMLEY
THOMAS M. TENNANT
HAMARTRYA V. THARPE
GREGORY A. THIELE
WINSTON S. TIERNEY
VIRGIL E. TINKLE
EDMUND B. TOMLINSON
MATTHEW W. TRACY
SCOTT T. TRENT
JOSEPH M. TURGEON
JOSEPH B. TURKAL
HANORAH E. TYERWITEK
JOSEPH S. UCHYTIL
JAMES D. UTSLER
CHAD A. VAUGHN
ANDREW E. VELLENGA
BENJAMIN M. VENNING
PAT P. VONGSAVANH
PHILIP E. WAGGONER
WALTER J. WALLACE
WAYNE J. WALTRIP
GREGORY J. WARDMAN, JR.
ANTONIO H. WATERS
KEITH S. WEINSAFT
WILLIAM S. WEIS
VINCENT J. WELCH
SCOTT A. WESTERFIELD
JASON L. WHALEN
DANIEL M. WHITLEY
BRYAN D. WILSON
JEFFREY W. WITHEE
BRIAN E. WOBENSMITH
TOMMY R. WRIGHT
DANIEL R. ZAPPA
ROBERT C. ZYLA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

KENNETH B. HOCKYCKO
ADEJOSE R. MCKOY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JOHN A. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID A. CZACHOROWSKI

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

KELLY P. COFFEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PETER J. OLDMIXON

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JASON A. ALTHOUSE
COREY D. BARKSDALE
NICOLAS T. BOGAARD
JONATHAN J. BRENNAN
RONALD W. BROOKS
PHILIP J. CAREY
STEVEN M. CARTER
JAMES L. CLARK III
TREVOR J. CONGER
RYAN P. CONOLE
BRIAN J. CUMMINGS
BRIAN W. DANIEL
MICHAEL DAURO
JUSTIN P. DAVIS
STEVEN A. DAWLEY
TERREANCE L. ELLIS
JONATHAN R. GARNER
CULLEN M. GREENFIELD
JARED E. HENDERSON
DANIEL K. HOLLINGSHEAD
MICHAEL G. KEATING
CHRISTOPHER KELLEY
GEORGE G. KULCZYCKI
ADAM C. LAREAU
MARCUS J. MACHART
WILLIAM G. MANGAN
ELIZABETH A. NELSON
PAUL G. PAVELIN
ANDREW W. PITTMAN
JOHNNY M. QUILENDERINO
THOMAS G. RALSTON
NOAH S. RICH
JEFFREY R. ROBERTS, JR.
TODD C. RONEK
BRYAN D. SCULLIN
BENJAMIN M. SMITH
WILLIAM D. SMITH
RANDY M. STACK
NATHAN STUHLMACHER
ERIK M. SWEET
PAUL M. UNVERZAGT
ANDREW VINCENT
JOSHUA L. WRIGHT

WITHDRAWALS

Executive Message transmitted by the President to the Senate on February 1, 2012 withdrawing from further Senate consideration the following nominations:

ALAN D. BERSIN, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY, VICE W. RALPH BASHAM, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMONT, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 26, 2011.