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Senate

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Eternal Spirit, the fountain of every blessing, hallowed be Your Name. In these tempestuous times, give our lawmakers strong minds, great hearts, and true faith. Make them people whom the lust of office does not kill or the spoils of office cannot buy. May they be people of honor, who live above the fog in public duty and in private thinking. Lord, empower them to use their gifts to magnify Your Name. May Your Kingdom come and Your will be done on Earth as it is in heaven. Our souls silently wait for You, O God, for from You alone comes salvation. You alone are this Nation's rock and sure defense.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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, July 22, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume the motion to proceed to the bill H.R. 2560. The time until 10 a.m. will be equally divided and controlled between the two leaders or their designees. At 10 a.m., I will be recognized to make a motion to table the motion to proceed; therefore, Senators should expect a rollcall vote at approximately 10 a.m. To accommodate Senators on both sides, this vote will take a little longer than usual.

I say to you, Mr. President, and to everyone within the sound of my voice, this is an effort to move this piece of legislation off the floor. It is interfering with the negotiations between the White House and the House of Representatives, and it is without merit. This is a motion to table. It is a vote on this bill. And we on this side of the aisle are going to look at every vote cast. We feel comfortable where we are on this issue, and I would suggest to my Republican friends that they should look at where they are on this issue. This is a very, very bad piece of legislation. Anyone voting for it will have to respond in many different ways to the people of their State.

MEASURE PLACED ON THE CALENDAR—H.R. 2553

Mr. REID. Mr. President, H.R. 2553 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 2553) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time on this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

CUT, CAP, AND BALANCE

Mr. REID. Mr. President, in about an hour we will vote on the Republicans' so-called cap, cut, and balance legislation. As I have said before—in fact, just a few minutes ago—this is one of the worst pieces of legislation to ever be placed on the floor of the U.S. Senate. It violates the spirit of our Constitution and certainly what we are trying to accomplish here in Washington, and we as a Senate refuse to waste even one more day on this piece of legislation.

We have 11 days left until the United States simply stops paying its bills, and, frankly, we have wasted too much time already. The U.S. House of Representatives needs to know this legislation has expired. It is gone.

Republicans wanted a vote on their radical plan to kill Medicare and Social Security before they would consider helping Democrats avert this crisis. In an hour, they will get that chance. At least one of the Republican Senators went over to a large gathering in the House of Representatives,

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

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I am told, and said: We are going to get at least 60 votes.

Please, Mr. President.

Their extreme plan would, within 25 years, cut in half every Federal benefit on the books, including Social Security, Medicare, Medicaid, military pay, veterans' benefits, and much more. Meanwhile, it would erect constitutional protections for hundreds of billions of dollars in special interest tax breaks to oil companies, corporations that ship jobs overseas, and millionaires and billionaires who are able to buy those yachts and corporate jets for which they get tax benefits.

Republicans have demanded we pass this radical proposal before they will even consider cooperating with Democrats to avert a default crisis that would rock the global financial markets. They are, in effect, holding this Nation's economy hostage and demanding the death of Medicare and Social Security as its ransom. But we all know their failed prescription will fail in the U.S. Senate. They do not have the votes to pass a plan that would balance the budget on the backs of seniors and middle-class families while protecting unfair tax breaks for millionaires and billionaires.

So we must move on, Mr. President. And I want to be very, very clear: There is simply no more time to waste debating and voting on measures that have no hopes of becoming law. We have no more time to waste playing partisan games. As the saying goes, indecision becomes decision with time. Our time is running out before this gridlock—this refusal by the other side to move even an inch toward compromise—becomes a decision to default on our debt. The markets are already reacting to our inaction. Every responsible voice, including those of my Republican colleagues—many of them, at least—has warned that much worse is to come if we do not take action and take it soon. That is a risk we cannot afford to take.

So I ask my Republican colleagues again to join Democrats in seeking common ground. The American people have demanded it of us. Overwhelmingly, they have said a national default is a serious problem—and that is an understatement—and that both parties in Congress must meet in the middle.

We all know there are talks going on between President Obama and Speaker BOEHNER. I wish them well. We await their efforts. What I am told, there will be revenue measures in that. If that is the case, we know constitutionally the matter must start in the House of Representatives.

I say to both the President and to the Speaker here on the Senate floor, representing my Democrats—and I am confident many Republicans—be very careful. Show a lot of caution as this negotiation goes forward because any arrangement must be fair to all of America, not just the wealthy.

Would the Chair announce the proceedings for this morning.

RESERVATION OF LEADER TIME

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

CUT, CAP, AND BALANCE ACT OF 2011—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2560, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to the bill (H.R. 2560) to cut, cap, and balance the Federal budget.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided and controlled between the two leaders or their designees.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, in about an hour, we are going to vote on a package that was sent to this body by the House of Representatives.

Let me first comment on the context within which we consider this legislation. I think it is very important to remind our colleagues and remind citizens across the country who are perhaps watching and listening that our country is borrowing more than 40 cents of every $1 we spend. That is unsustainable. It cannot be continued for long.

I think all of us know that the circumstance we are in is extraordinarily serious. Here is what the Chairman of the Joint Chiefs of Staff told us just a year ago:

> Our national debt is our biggest national security threat.

I believe that is the case. Our gross debt now is approaching 100 percent of the gross domestic product of the United States. We have not seen a debt that high since after World War II. It is extraordinarily important that we take on this debt threat. It is extraordinarily important for our country's future economic well-being that we change course.

The legislation that has been sent to us by the House is one of the most ill-considered, ill-conceived, internally inconsistent pieces of legislation I have seen in my 25 years in the U.S. Senate. It has all the earmarks of something that was hastily thrown together, really pasted together.

This legislation includes an amendment to the Constitution of the United States. We are better than this. The Congress is better than this. Certainly, the country is better than this. Let me just be brief.

The fundamental problems with this balanced budget amendment are as follows: One, it restricts the ability to respond to economic downturns, having all the potential to make an economic downturn even more serious. It uses Social Security funds to calculate balance and subjects that important program to the same cuts as other Federal spending, even though it is funded separately. It shifts the ultimate decisions on budgeting in this country to unelected and unaccountable judges. Finally, it requires a State ratification process that could take years to complete. We need a long-term debt resolution now, not in the sweet by-and-by.

The proposal before us has all of the potential to turn a recession into a depression. Why do I say that? Because it would prevent Congress from taking urgent action to provide lift to the economy in the midst of a severe economic downturn.

Here is what Norman Ornstein, a distinguished scholar at the American Enterprise Institute, said about this:

> Few ideas are more seductive on the surface and more destructive in reality than a balanced budget amendment [to the constitution]. Here is why: Nearly all our states have balanced budget requirements. That means when the economy slows, states are forced to raise taxes or slash spending at just the wrong time, providing a fiscal drag when what is needed is countercyclical policy to stimulate the economy. In fact, the fiscal drag from the states in 2009–2010 was barely countered by the federal stimulus plan. That meant the federal stimulus provided was nowhere near what was needed but far better than doing nothing. Now imagine that scenario with a federal drag instead.

The Washington Post editorialized:

> Worse yet, the latest version [of the balanced budget amendment] would impose an absolute cap on spending as a share of the economy. It would prevent federal expenditures from exceeding 18 percent of the gross domestic product in any year. Most unfortunately, the amendment lacks a clause letting the government exceed that limit to strengthen a struggling economy.

That has all of the potential to turn a recession into a depression.

Two of this country's most distinguished economists, Alan Blinder, former Vice Chairman of the Federal Reserve, and Mark Zandi, former consultant, adviser to Senator MCCAIN in his Presidential campaign, evaluated the government response to the last downturn. Their conclusion: Absent that Federal response, we would have had ''Great Depression 2.0.'' The legislation before us would have prevented that Federal response.

They call this legislation cut, cap, and balance. They misnamed it. They should have called it ''cut, cap, and kill Medicare'' because that is precisely what it would do. Why do I say that? Because when I referred earlier to the inconsistency of this legislation, this is what I was referring to. They have two different spending caps in the legislation before us. In one part of the legislation, they say the spending cap would take spending from 24.1 percent of GDP to 19.9 percent. That is in one part of the bill before us. In another part of the bill—the constitutional amendment—they say the spending cap would be 18 percent of GDP. So I do not know who cooked this up, but you would think they would have at least gotten on the same page as to what is the limitation on spending.

What does it mean if you have a balanced budget amendment with a cap of

18 percent of GDP? Here is what it means—by the way, the constitutional provision would certainly trump the conflicting provision that is in this legislation. So the cap would not be 19 percent of GDP, the cap would not be 19.9, it would be 18 percent of GDP. What would that mean? Well, this dotted black line is 18 percent of GDP. If you fund just Social Security, defense and other nonhealth spending, and interest on the debt, you are at 18 percent of GDP. There is not a dime left for Medicare. There is not a dime left for Medicaid. Is that really what they intend? It must be because that is what it says. So Medicare is finished. Medicaid is finished. Anybody who votes for this ought to understand what they are voting to do.

Here is a former top economic adviser to President Reagan. Here is what he said about the amendment that is before us:

> In short, this is quite possibly the stupidest constitutional amendment I think I have ever seen. It looks like it was drafted by a couple of interns on the back of a napkin. Every Senator cosponsoring this legislation should be ashamed of themselves.

That is a former top economic adviser to Ronald Reagan.

I have been here 25 years. I don't think I have ever seen a piece of legislation more unprofessionally constructed than the legislation before us.

But those are not the only problems. When they titled this ''cut, cap, and balance,'' they could have also called it ''preserve, protect, and defend tax havens and tax shelters'' because that is the other consequence of this legislation. Why do I say that? Because it would take a two-thirds vote to increase revenue—a two-thirds vote. That means attempts to shut down these offshore tax havens, these abusive tax shelters—because they would raise revenue—would take a two-thirds vote.

What does that mean? Well, here is a little building down in the Cayman Islands. I have talked about this many times. It is a little 5-story building that claims to be home to 18,857 companies. They claim they are doing business out of this little building. I have said this is the most efficient building in the world. Quite remarkable that 18,857 companies are doing business out of this little 5-story building. I am told there are not many people coming and going from this building during the day.

Are 18 companies really doing their business—they call this ''headquarters.'' Is that really their headquarters? We all know that is not their headquarters. We all know what is going on. It is not business; it is monkey business. What they are doing down there is avoiding the taxes all the rest of us pay.

This amendment would protect this scheme. You want to protect this scheme, vote for this amendment. How big is this scheme? Well, here is what our own Permanent Subcommittee on Investigations has told us:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion a year, including $40 billion to $70 billion from individuals and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

You want to lock in these abuses? You prefer to pay more in taxes yourself so that people can engage in these scams? Vote for this amendment. Vote for the legislation that is before us. Vote for what is on the floor because you will protect them forever more.

I end as I began. This is perhaps the most ill-conceived, ill-considered, internally inconsistent legislation I have ever seen in my 25 years in the Senate. I hope my colleagues have the wisdom to vote no.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

HONORING THE 88TH BIRTHDAY OF ROBERT DOLE

Mr. COATS. Mr. President, I would like this Chamber to know that today marks the 88th birthday of one of the great Members of this Senate body, a true American hero, former majority leader Bob Dole.

As I reflected on the extraordinary life he has led—I had the privilege of serving under him as a Senator and working with him in the private sector, getting to know him and his wife—I could not help but note that the leadership he provided in comparison to the lack of leadership that is being provided in this body now stands in great contrast. There is an absence of leadership and seriousness of purpose that Bob Dole would never have allowed had he been majority leader.

I say that because I come to the floor today greatly troubled by the remarks that were made here in this Senate yesterday and again this morning by the majority leader regarding the bill that is before us.

The issue here takes two tracks, one of which is the content of the amendment and the bill that is before us that was voted on by the House of Representatives, passed by the House of Representatives, and sent over for us to debate and pass. We can disagree—and I think there has been some misrepresentation of what this bill actually does—we can disagree about the contents of it, but we have an obligation and a responsibility to debate those contents and to put every Member of this body in a position of saying ''yea'' or ''nay'' on amendments that might be offered to improve it or to change it or to modify it and, finally, whether to support it or not support it. The vote here this morning denies us that opportunity. This is a vote on a motion to table.

You know, there are a couple of definitions of ''table''—more than a couple. One of those is getting to the table to negotiate something, just as the NFL players and owners are doing and, much more seriously and with many more consequences to the future of this country, what we ought to be doing—putting it on the table, debating it, addressing it, expressing your support or nonsupport, defending it, characterizing, mischaracterizing. That is what this body is about. It is the world's greatest deliberative body, and we are deciding not to deliberate this bill at all.

The second definition of ''table'' is taking it off the table. So the majority leader has said: I am not going to allow you to debate it. I am not going to allow amendments. I am not going to allow up-or-down votes so the American people know where we are.

This is a motion to table, so we don't even have the opportunity to debate it.

It was the majority leader himself who said: We are going to be in session every day until we get this settled. Now he comes down here and says: I am not going to waste 1 more day on this. Yet there is nothing on the agenda. Senators who were told to be here every day, that there will be a vote on Saturday, are now told: We are having a vote this morning—on Friday at 10 o'clock—and then you can go home for the weekend. He hasn't even told us when we need to come back. What kind of a contradiction is that? What kind of leadership is that? We don't know whether we are supposed to be here or are not supposed to be here. Are we supposed to be debating what is happening with one of the most serious crisis we are facing, that the country has ever seen? Particularly in the financial area, it is the most serious, perhaps except for the Great Depression. And we are told we do not even have time to debate this, that this is a waste of time.

I quote the unbelievable statement that has been made by the majority leader:

> This piece of legislation is about as weak and senseless as anything that has ever come on this Senate floor.

Really? I can spend half an hour talking about senseless legislation, egregious legislation, discriminatory legislation that has come to this floor and been debated and not just tabled. To characterize the serious efforts of the Members of the House of Representatives and the Members of the Senate, including some Democratic Members, to try to fix this problem—to characterize that as ''senseless and wasteful''—''I am not going to spend one more day of time,'' he said, ''on this senseless legislation.''

I thought on reflection the majority leader would come here this morning and say: Perhaps I overstated the problem. Let me better explain where I think we are, where we need to go.

But, no, he comes down and he doubles down this morning—doubles down—and says: ''It is a very, very bad piece of legislation.'' ''Without merit.'' ''It gets in the way.'' It gets in the way? We are talking about dealing with cutting spending that we know we cannot afford. We talk about putting some caps on it so we don't keep doing this in the future, so we have a path to

fiscal responsibility. We are talking about a balanced budget so we live within our means. That is getting in the way?

This body has failed its responsibility to be faithful to the Constitution and faithful to the people of America. As a consequence of that, we are sitting here saying we are not even going to debate something that was brought forward with hundreds, if not thousands of hours of effort. Maybe you don't like it, and maybe you don't agree with it. Well, stand up and say so and tell us what you want to do about it.

The majority leader and his party have not brought one piece of legislation to this floor. The President of the United States has not offered one proposal in writing that we can work with. We have not had the opportunity to debate for 1 minute anything the other side has offered. So we bring something forward, and it is called a ''worthless piece of junk.'' Is that what the American people sent us here to do?

I came here to find a result to the dire fiscal situation our people are in, and the majority leader comes down here and says we are not responding to the will of the people. Where has he been? What planet is he on? Responding to the will of the people? They are sick and tired of government spending more than it has. They are sick and tired of being told they are handing over debts to their children that are never going to be repaid. And we are told that we want to take this off the table so we can't even debate it.

I woke up in the middle of the night so frustrated and so angry after spending last evening saying I am hopeful that we can come together and work something out, and the well gets poisoned last evening by the majority leader and gets poisoned again this morning. Those of us who have worked our tails off to try to get something done are told this is a piece of junk. That is not what I came here to do. That is not what we came here to do.

I didn't come here to get mad this morning. But I am just tired of this stuff that goes on around here. When Democrats and Republicans—and the majority leader knows it—are meeting in back rooms together, signing letters together to the President to ask him to step up—32 Democrats and 32 Republicans—the President ignores that and does nothing until the very end, and he comes here and says: Look at me. I took care of everything.

America is worried to death about the future. To say we haven't done anything except put forward a worthless piece of legislation—it is so worthless we are not even going to allow you to talk about it or debate it, we are not allowing amendments to take place, we are not going to give it the respect it is due. So if you do not like it, come down here and tell us you do not like it, and let's have a vote on why you do not like it instead of just simply saying: Take it off the table.

I guess we are all getting frustrated. There is a 100-and-some degree heat index outside. I can understand people getting worked up about all of this sort of thing. But the future of America is at stake. This majority leader is not allowing us to deal with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I stand here today as a cosponsor of the cut, cap, and balance legislation and as a supporter of that legislation. Here is the insanity that has gripped not only this body but all of Washington. We are literally in here where we will have the third year in a row of deficits over $1 trillion.

In fact, current projections are that this annual deficit will set a record—a very dubious record, I might add—of $1.6 trillion-plus. We were promised 3 years ago if this enormous, gargantuan effort to force more spending into the economy with the stimulus plan were passed, that trillion-dollar effort would put this country on a path to recovery. It has done nothing except raise our debt and pass the problem on to our children and grandchildren.

After weeks and months of work on an idea to rein in the spending and to come to grips with where we are in this country, we are literally at a point where, within minutes, we will vote on a motion to table that effort. We will be right back to where we are today. We will be right back to a situation where we will face trillion-dollar deficits. We will be right back to a situation where every economist in the world is telling the United States of America—the largest economy—that its spending is not sustainable. We will be right back to rating agencies looking at our government debt and saying: You have not come up with a plan to rein this in, so you are being targeted to be downgraded.

What we are really right back to is this: We have a government that is too big. We have too many promises that have been made, where no one had any idea how they would be paid for. By the end of the year, we will have a deficit of $15 trillion, which is significantly understated. In 4 more years, we will have a debt of $20 trillion, which will still be significantly understated. Somehow there are Members of this body who are arguing that this is a better way—to table cut, cap, and balance so we can return to where we are today.

Is it any wonder that those of us who are concerned about this and concerned about the future of our children and grandchildren are coming to the floor and saying: Wait a minute. This is destroying our Nation.

Mr. President, I have risen today, as I have many times over the last days, to say: Support this effort. Support cut, cap, and balance. I am pleased to be a cosponsor of this very important legislation which has the potential to change the direction of what we are doing. I am going to be one of the people who support this legislation.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I echo the comments of my colleagues from Nebraska and Indiana who have expressed their support for the cut, cap, and balance approach to dealing with our debt crisis. It had 234 votes in the House, and it is the only plan out there.

As my colleague from Indiana said, the Democratic leadership in the Senate has yet to produce a plan that will meaningfully deal with the greatest crisis our country has faced in my service in the Congress; that is, this massive, out-of-control debt the Senator from Nebraska pointed out which could lead to much higher interest rates along the lines of what we are seeing in some of the European countries, which would absolutely crush this economy.

If we are serious about growing the economy and creating jobs, we have to get Federal spending under control. We need a smaller Federal economy and a larger private economy. What has been happening since this President took office is that we continue to grow government. We have added 35 percent to the debt. Spending has increased by 24 percent—non-national security discretionary spending—at a time when inflation was 2 percent. Federal spending has been growing at 10 times the rate of inflation. The number of people receiving food stamps has gone up by 40 percent. The unemployment rate is up by 18 percent, and 2.1 million more people are unemployed today than when this President took office.

The policies of this administration are not working when it comes to getting people back to work and getting spending and debt under control.

I was listening to my colleague from North Dakota with great interest when he was here earlier denouncing the whole idea of a balanced budget amendment—like it was coming from some foreign planet. He talked about how ill-conceived and ill-considered and stupid this approach is—cut, cap, and balance.

Well, my observation about that is, the failure of the Democrats to produce a budget in over 800 days is exhibit No. 1 for why we need a balanced budget amendment. We ought to be embarrassed in Washington, DC; we are not doing the people's work; we have not passed a budget in over 800 days. Yet the other side comes down here and denounces the idea of a balanced budget amendment, which all 49 States have some form of, that requires them to balance their budgets every single year.

My colleague from North Dakota knows that. His State has it and my State of South Dakota has it. It is a very straightforward concept that the people of this country clearly understand.

Now, he takes issue with the way this particular balanced budget amendment is written. Fine. Come up with your

own proposal. But don't suggest that having a constitutional amendment that requires this place to do something that it hasn't been doing for the last 25 or 30 years is literally a bad idea. What we have today is dysfunctional. It is broken. It doesn't work for the American people. It is an embarrassment. That is why we need to put something on the books that will impose a discipline on this Congress to get spending and debt back under control and help us do something about the runaway debt that is putting a crushing burden on future generations of Americans.

If you don't like this balanced budget amendment and think the cut, cap, and balance proposal is not prescriptive about this particular balanced budget amendment that many of us are cosponsors of, then come up with another one. But let's put something in place that enshrines a responsibility and obligation and a requirement for us to live within our means every single year.

We cannot continue to spend money we don't have. We have demonstrated year after year around here that we continue to add more and more and more to this debt. Under the President's budget proposal, that debt would have doubled in the next decade. That is why I think when his budget proposal was put on the floor of the Senate it got zero votes. Not a single Democrat or Republican voted in favor of what this President put forward in his budget submission earlier this year.

Since that time there has been an absolute lack of leadership out of the White House. The President has been completely missing in action. The Democratic leadership has put forward no plan of their own. We have in front of us something that achieved majority support in the House a few nights ago when 234 Members of the House voted for this proposal. It is a serious, meaningful effort to cut spending now, cap it in future years, and put in place a balanced budget amendment which is long overdue and, frankly, if it had passed 15 years ago in the Senate, we would not be in the position we are today. It failed by a single vote—one vote—in the Senate in 1997.

I cannot help but think how much better off we would be today in terms of the spending situation had we gotten the necessary two-thirds vote in 1997. But it is never too late to do the right thing. We have an opportunity to do that today.

To hear our colleagues on the other side get up and belittle the effort that has been made by a lot of people who are trying to do something about a problem that will wreck this country if we don't fix it is not befitting of this institution.

This is going to be a tabling motion instead of a debate on cut, cap, and balance because my colleagues have decided this isn't worthy of consideration on the floor of the Senate. I think it is a terrible reflection on this institution, when something is brought forward in good faith—a serious, meaningful effort to address spending and debt and to put this country back on a sustainable fiscal course—and we are not even going to debate it. We are going to have a tabling motion in a few minutes.

I hope my colleagues will defeat that motion and allow us to continue to debate this proposal and get an up-or-down vote on what will meaningfully address the problems this country faces.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, unlike any Republican in the House or the Senate, I have voted for a balanced budget. We balanced the budget under President Clinton. Not only balanced the budget, started paying down the national debt. He was able to leave hundreds of billions of dollars in surplus to his successor, who determined with Republican votes to go to war in Iraq and pay for the war with a tax cut. That is why we had to borrow the money from China and Saudi Arabia. Not a single Republican voted for a real balanced budget when they had a chance to. In fact, it passed the Senate only because Vice President Gore came and broke the tie.

I was proud to have voted for that balanced budget. Not a gimmick, but a real balanced budget. We had to actually make tough choices. We did it. We balanced it. We had a surplus.

When we talk about amending our Nation's fundamental charter, the Constitution of the United States, it is not something Congress and the American people should feel forced to do in the face of a financial crisis. I take seriously my senatorial oath to support and defend the Constitution.

I know there are a lot of pressure groups demanding that elected representatives sign pledges about what they will and will not do. The pledge I follow, which is the one I was honored to make again at the beginning of this Congress, is to uphold the Constitution. That is what I intend to do as I represent the people of Vermont.

The House-passed bill, H.R. 2560, which the Senate is now considering, claims to impose a balanced budget on future Congresses, but it doesn't even contain the proposed constitutional amendment that supporters are seeking to adopt. Nor did the bill pass with two-thirds of the Republican-controlled House voting in favor.

That threshold is what is required for us to pass a constitutional amendment. The House vote was more than 50 votes short of that necessary number.

The process by which this bill has been brought to the floor of the Senate is an affront to the Constitution that we are sworn to protect and defend. Instead, the House still denies authority needed to meet the Nation's obligations until Congress passes a type of constitutional amendment that will actually make it more difficult for us to reduce our national debt. That kind of constitutional blackmail has no place in our democracy, no place in our laws.

I wonder whether anyone who respects the Constitution can support such an approach. Here is the convoluted language the House bill includes about an amendment to our Constitution:

> H.J. Res. 1 in the form reported on June 23, 2011, S.J. Res 10 in the form introduced on March 31, 2011, or H.J. Res. 56 in the form introduced on April 7, 2011, a balanced budget amendment to the Constitution, or a similar amendment if it requires that total outlays not exceed total receipts, that contains a spending limitation as a percentage of GDP, and requires that tax increases be approved by a two-thirds vote in both Houses of Congress.

The Founders didn't include a constitutional requirement for a balanced budget or a prohibition against incurring debt in our Constitution. They knew full well that would have been foolish, dangerous, and self-defeating for the Nation they were seeking to establish.

I respect the wisdom of the Founders and will uphold the Constitution, which has served this Nation so well for the last 223 years. Let's not be so vain as to think we know better than the Founders what the Constitution should prescribe.

I reject the notion that for political reasons we need to rush consideration of an ill-conceived and evolving proposal for a constitutional amendment. I will stand with the Founders. I will defend their work and our Constitution, and I will oppose the proposed series of constitutional amendments, which, incidentally, haven't even had a hearing.

Have we forgotten how the Revolutionary War was financed? Have we forgotten how the national government took on the debt of the states after the Revolutionary War? Have we forgotten that in 1792, just four years after the ratification of the Constitution, the budget deficit was 38 percent of revenues? Have we forgotten how President Jefferson financed the Louisiana Purchase expanding the country westward? Do we not remember what happened during the Civil War, how we emerged from the Great Depression, and won World War II? Do we not even recall that during the administration of the last Democratic President, we had balanced the budget after defeating a proposed constitutional amendment and were reducing the deficit with billions of surpluses?

Amendments to the Constitution of the United States are permanent. They are not bills or resolutions that can be abandoned or fixed. They are not just a bumper sticker or a sound bite. Each word matters to hundreds of millions of Americans and future generations.

I have never seen—and I have been here 37 years—the solemn duty of protecting the Constitution treated in such a cavalier manner. I wish those who so often say they revere the Constitution would show it the respect it deserves rather than treating it like a blog entry.

We have already seen scores of proposed constitutional amendments on budgetary matters. None has been adopted and for good reason. The Senate amendment referenced in the House bill is one of approximately 60 proposed so far this Congress. It remains a moving target, not a finished product worthy of consideration as an addition to our fundamental charter. The House bill itself proposed three different constitutional amendments and a catchall to include some proposal not yet introduced. Last night some members claimed that this catchall somehow allows flexibility. If we are going to limit the authority on the debt ceiling by requiring a constitutional amendment, there should not be ambiguity in what the amendment would actually do to hardworking Americans. This shows the lack of seriousness with which Republicans have approached this entire matter.

These partisan constitutional amendment proposals are inconsistent with the views of our Founding Fathers. George Washington did not want our Constitution to constrain the national government from being able to respond to events as warranted. He led this Nation into being and knew that financial constraints had no place in the Constitution. The Constitution expressly provides for the power ''to borrow money on the credit of the United States'' and for Congress ''to lay and collect taxes'' and duties and ''to pay the debts and provide for the general welfare of the United States.'' That is what Congress has been required to do since the outset and that is our responsibility today. We should be acting without further delay to preserve the credit of the United States and to provide for our people.

The proposed amendments are also inconsistent with the views of Alexander Hamilton, a key author of the Federalist Papers and the creator of the American financial system that allowed us to become the greatest economic engine in the history of the world. The United States was born in debt, of course, and debt has been needed to fund some of America's greatest chapters. Hamilton even termed national debt at times ''a national blessing.'' The Constitution allows for the Federal Government to borrow money at certain times, for wars, infrastructure building, and economic bad times. That fiscal policy can help drive development and unite the Nation. It should not be turned into a divisive wedge against the least powerful among us.

I am concerned this is another example of how some in recent years have sought to impose their view by unilateral objection to compromise with minority obstruction. That has, at times, seemed to be the rule in the last few years. Some have tried to undermine the legitimacy of President Obama. Filibusters and requirements for supermajorities have become routine. They have stymied congressional action on behalf of the American people.

This year should be a cautionary tale that convinces all Americans that the risks of default and ideological impasses to them, to interest rates, to financial markets, and to our household budgets are too great. We need only recall the game of chicken some played with the government shutdown earlier this year. The threat to push the United States into default on its obligations for the first time in our history is wrong. It is made possible by rules that empower a partisan minority.

I cannot help but think if we don't take the steps we should, we will see our interest rates go up. We will spend hundreds of billions of dollars in extra interest to China, which they can spend on infrastructure, medical research and education, but we won't have it here in the United States. That is what the other side seems to want.

We saw this before, in 1996, when a Government shutdown and a debt limit crisis went on for months as part of a partisan ''train wreck'' intended to extort President Clinton. It is happening, again, this year as some seek to gain political advantage over President Obama. The creditworthiness of the United States is too important to be sacrificed for partisan political advantage but that is what is being threatened. Indeed, this House-passed bill, with its proposed constitutional amendments, makes that more likely, not less.

Charles Fried, President Reagan's Solicitor General, said a few years ago that supermajority requirements ''are against the spirit and genius of our Constitution, which is a charter for democracy; that is, for majority rule.'' He was right then, when the Senate rejected an earlier constitutional amendment on budgetary matters, and that truth remains the same today.

We have seen the danger that irresponsible brinksmanship promotes. We should guard against building into the Constitution a supermajority requirement for fiscal policy. That invites political blackmail and gridlock. We have seen enough of that already.

I suggest that Congress should not subject our ability to govern to any greater hurdles that would empower the tyranny of the minority on economic policy. Instead of hamstringing Congress with more supermajority requirements, we should be looking for ways to increase our ability to take necessary action to deal with a fast changing and increasingly interdependent global economy.

The source of our budgetary problems does not lie with the Constitution. The Constitution remains sound. What is lacking is the political judgment and the courage to do what is right.

Having again sought to use the debt ceiling to create a political crisis, congressional Republicans refuse to enact a program of shared sacrifice to put us on a better financial path. In fact, Senate Republicans filibustered the debate of a resolution calling for such a plan.

It is telling that the Republican posture is now to require the Constitution to be amended.

The last time we balanced the budget, not a single Republican voted for that balanced budget, and yet it created enormous surpluses. These proposed constitutional amendments will not cut a single dime of debt from the Federal budget. Rather than deal with our problems, some want to require that we deface the Constitution with a measure that will, by its own terms, not be effective for 5 years, if it were to be adopted by two-thirds of both Houses of Congress and then ratified by three-fourths of the States. Put another way, that is at least three election cycles from now. They get their bumper stickers today, but kick the can down the road for three election cycles.

Economists have noted that all of the last five Democratic Presidents have reduced public debt as a share of GDP. The last four Republican Presidents did the opposite with the country's indebtedness increasing during their administrations. During President Reagan and Bush's administrations the Federal debt more than tripled. During the Clinton administration, budgets were balanced and we were paying down the debt from the budget surplus being generated. Then, during the administration of George W. Bush the debt nearly doubled again to more than $10 trillion dollars.

We should not amend our Nation's fundamental charter of liberty to include arbitrary and inflexible requirements in order to look tough on spending, but without regard to the consequences.

A respected Republican Senator from Oregon, Mark Hatfield, had it right 15 years ago when he said that a ''balanced budget comes only through leadership and compromise.''

In 1992, the Senate and House took the hard votes to enact a budgetary plan that led us to a balanced budget and budget surpluses during President Clinton's time in office. Not a single congressional Republican supported the plan. They favored talking about constitutional amendments then, as well. The balance we achieved was later squandered by the next President, as his policies also wreaked havoc with the financial sector and threatened the entire economy. The near meltdown of the financial markets during the last year of the Bush administration and the resulting recession threatened to drive our economy and that of the world into depression just 3 years ago. President Obama and the Congress responded to pull it back from the brink.

In a recent editorial, USA Today put it this way:

> [A] funny thing happened after that amendment failed in 1997. Thanks to prior deficit-reduction deals and a strong economy, the federal government ran a surplus in 1998 and for the next three years. Then an economic downturn, huge tax cuts, two unfunded wars and unfunded expansion of Medicare plunged the budget back into the red, where it has been ever since.

The moral is, Congress doesn't need a constitutional amendment to balance the budget. It just needs the will to do it and the willingness to compromise over how. But rather than make the tough decisions about spending cuts and revenue increases, it's always easier to vote for a balanced budget amendment.

I will ask that copies of this and other editorials and opinion pieces from leading newspapers be printed in the RECORD.

The House-passed bill is an end-run around the Constitution's requirements for amendment. It does not have the required support of two-thirds of even the House Chamber. Equally important, it is not necessary. Congress has the power now to take steps to avoid a government default and get us on the path to balancing the budget, just as we did at the end of the Clinton administration. This debate is a distraction from the hard work and hard choices that need to be made.

The good news is that we do not need to amend the Constitution to balance the budget. Never have. Never will.

The proposed constitutional amendments would also perpetuate bad policy. They are intended to enshrine tax breaks for millionaires and wealthy corporations. It is no wonder that Alexander Hamilton described supermajority vote requirements as ''poison.'' We need a balanced approach to fix the deficit problem. We cannot merely cut our way to balance any more than eliminating congressional earmarks will balance the budget. We will need to close the most egregious tax loopholes and everyone will have to sacrifice and contribute their fair share.

There should be no mistake: The proposed amendments to the Constitution are not just unnecessary, they are unwise, unsound, and dangerous. In my view, the House-passed bill and the proposed amendments it requires demeans our Constitution. Never in our history have we amended the Constitution—the work of our Founders—to impose budgetary restrictions or to require supermajorities for passing legislation. Yet now we are saying: Let's do it on a whim. Let's do it without any hearings. Let's do it because we can do it.

It would for the first time enshrine minority rule and undermine our constitutional democracy. It will destabilize the separation of powers among our three branches of Government and put into the hands of bureaucrats and judges the fiscal policy of the United States.

Who is to decide what the ''GDP'' was for a particular time period, what is to be included and what is not? How often do those estimates and artificial constructs get revised? Since when do economic surveys and extrapolations become embedded in the Constitution? What justifies the constitutional permanence of the number 18, as opposed to 17 or 18.5 or 20? Do we really want judges deciding whether an economics line written into the Constitution has been breached? What remedies could judges order if they find a breach? Who has standing to bring those challenges? None of these questions has been adequately debated or considered.

Alternatively, we could end up with future Congresses having to slash Social Security or Medicare or Medicaid, unable to respond to natural disasters or national security emergencies. I note that the budget proposed this year by Representative RYAN and the House Republicans with all its draconian cuts and the end of Medicare as we know it would not satisfy this arbitrary limit. Nor would the budgets of President Reagan. Consider whether we could witness future Congresses unable to meet the arbitrary limit and going into violation of that unsound constitutional prescription and the Constitution itself?

At the beginning of our Republic, the national Government took on the debts of the States. These proposed constitutional amendments are a recipe for pushing costs and responsibilities onto the states. And doing so at a time when State governments need our help, not more unmet needs.

The Senate Judiciary Committee has considered several balanced budget amendments over the years. The Senate proposal this year is even more extreme than the version the Senate rejected in 1995 and again in 1997. It is reckless and foolish to rush Senate consideration of such a radical proposal to change our Constitution, without process or consideration.

All Senators swear an oath to ''support and defend the Constitution of the United States.'' That is our duty and responsibility. The pending amendments to the Constitution threaten the constitutional principles that have sustained our democratic form of government for more than 200 years. The Constitution allows America to flourish and adapt to new challenges. We have amended it only 17 times since the Bill of Rights was added.

Our Constitution deserves protection. I stand with the Constitution today and I will support the motion to table this ill-conceived legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the materials to which I referred.

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

[From USA Today]

OUR VIEW: BUDGET AMENDMENT WRONG VEHICLE FOR RIGHT PRINCIPLE

In 1997, the Senate came within a single vote of passing a constitutional amendment mandating a balanced federal budget. Backers made all the same arguments you'll hear today when the House takes up a new version of the old elixir: An amendment will finally force Congress to balance the budget, we'll never have a balanced budget without one, and so on.

But a funny thing happened after that amendment failed in 1997. Thanks to prior deficit-reduction deals and a strong economy, the federal government ran a surplus in 1998 and for the next three years. Then an economic downturn, huge tax cuts, two unfunded wars and an unfunded expansion of Medicare plunged the budget back into the red, where it has been ever since.

The moral is, Congress doesn't need a constitutional amendment to balance the budget. It just needs the will to do it and the willingness to compromise over how. But rather than make the tough decisions about spending cuts and revenue increases, it's always easier to vote for a balanced budget amendment.

And not just any balanced budget amendment. Rather than embrace the same legislation that almost passed in 1997 and would surely attract Democratic votes this time around, backers have made the latest version so extreme that it's virtually certain not to pass both chambers of Congress, much less the three-fourths of states required for ratification.

This new version—part of the Republicans' ''Cut, Cap and Balance'' plan— sets a permanent limit on spending equal to 18% of the economy, a level it hasn't achieved since 1966. (The plan of conservative House Budget Committee Chairman Paul Ryan, R–Wis., would leave spending at around 20% of GDP for the next two decades as Baby Boomers retire.) Raising taxes would require two-thirds of votes by the House and Senate.

Reading between the lines, it's clear that many supporters care less about cutting the deficit than about rewriting the Constitution to embrace an economic theory that shrinks government and makes it almost impossible to raise taxes.

Certainly, balancing the budget is a sound goal. We've been supporting it in this space for more than 20 years. Congress and successive presidents have demonstrated an inability to match revenue and spending. Something has to be done to change the incentives.

But the fatal flaw in virtually any balanced budget amendment is that it ties the government's hands in times of economic distress. When those sorts of crises hit, the government needs to be able to move quickly to rescue major financial institutions and deploy ''automatic stabilizers,'' such as unemployment benefits and food stamps that steady the economy until private-sector forces can create a recovery. Failure to intervene caused the Great Depression of the 1930s, and had a balanced budget amendment been in place when the financial crisis struck in 2008, there's no doubt at all that we'd be living through another one now.

Backers also argue that because states have to balance their budgets, the federal government should, too. But the federal government has responsibilities the states don't, most notably to protect national security. And when state revenues collapse, the federal government serves as a critical lifeline.

Preferable alternatives to a constitutional amendment include pay-as-you-go requirements and firm spending caps that require lawmakers to make choices, rather than run up debt. But why make tough choices now when you can vote for a gimmick that someday, maybe, would address the problem?

[From the New York Times, July 4, 2011]

MORE FOLLY IN THE DEBT LIMIT TALKS

Congressional Republicans have opened a new front in the deficit wars. In addition to demanding trillions of dollars in spending cuts in exchange for raising the nation's debt limit, they are now vowing not to act without first holding votes in each chamber on a balanced budget amendment to the Constitution.

The ploy is more posturing on an issue that has already seen too much grandstanding. But it is posturing with a dangerous purpose: to further distort the

terms of the budget fight, and in the process, to entrench the Republicans' no-new-taxes-ever stance.

It won't be enough for Democrats to merely defeat the amendment when it comes up for a vote. If there is to be any sensible deal to raise the debt limit, they also need to rebut the amendment's false and dangerous premises—not an easy task given the idea's populist appeal.

What could be more prudent than balancing the books every year? In fact, forcibly balancing the federal budget each year would be like telling families they cannot take out a mortgage or a car loan, or do any other borrowing, no matter how sensible the purchase or how creditworthy they may be.

Worse, the balanced budget amendment that Republicans put on the table is far more extreme than just requiring the government to spend no more than it takes in each year in taxes.

The government would be forbidden from borrowing to finance any spending, unless a supermajority agreed to the borrowing. In addition to mandating a yearly balance, both the House and Senate versions would cap the level of federal spending at 18 percent of gross domestic product.

That would amount to a permanent limit on the size of government—at a level last seen in the 1960s, before Medicare and Medicaid, before major environmental legislation like the Clean Water Act, and long before the baby-boom generation was facing retirement. The spending cuts implied by such a cap are so draconian that even the budget recently passed by House Republicans—and condemned by the public for its gutting of Medicare—would not be tough enough.

Under the proposed amendments, the spending cap would apply even if the government collected enough in taxes to spend above the limit, unless two-thirds of lawmakers voted to raise the cap. More likely, antitax lawmakers would vote to disburse the money via tax cuts. Once enacted, tax cuts would be virtually irreversible, since a two-thirds vote in both houses would be required to raise any new tax revenue. It isn't easy to change the Constitution. First, two-thirds of both the Senate and House must approve an amendment, and then at least 38 states must ratify the change.

But expect to hear a lot about the idea in the days ahead and in the 2012 political campaign, with Republicans eagerly attacking Democrats who sensibly voted no.

Democrats, undeniably, have a tougher argument to make. A fair and sustainable budget deal will require politically unpopular choices on programs to cut and taxes to raise. Americans deserve to hear the truth: There is no shortcut, no matter what the Republicans claim. Nor is their urgency to impose deep spending cuts now, while the economy is weak, as Republicans are insisting.

What is needed is enactment of a thoughtful deficit-reduction package, to be implemented as the economy recovers. If politicians respect the voters enough to tell them the truth, the voters may reward them at the polls.

[From the Washington Post, July 14, 2011]

A BALANCED BUDGET AMENDMENT ISN'T THE ANSWER

(Editorial)

Amending the Constitution to require a balanced budget is a bad idea that never dies. It's not surprising that the current avalanche of debt has inspired renewed calls. Given that the political system appears unable to discipline itself not to spend more—trillions more—than it takes in, why not tie lawmakers' hands to prevent them from piling ever more debt on the national credit card?

The answer: The constitutional cure, while superficially tempting, would be worse than the underlying disease. A balanced-budget amendment would deprive policymakers of the flexibility they need to address national security and economic emergencies. It would revise the Constitution in a way that would give dangerous power to a congressional minority.

The latest push from lawmakers advocating the amendment is to couple a vote on the proposal with an agreement to raise the debt ceiling. On the surface, this argument seems benign enough: Why not give states the chance to decide whether the Constitution should mandate a balanced budget? But policymakers have an independent responsibility to assess whether an amendment is wise. This one, especially in its latest incarnation, is not. It would require a two-thirds vote in both houses of Congress to run a deficit in any year. The same supermajority would be needed to enact any tax increase. Compare those hurdles to the version of the amendment that passed the House in 1995, which called for a slightly lower three-fifths vote in each house to pass an unbalanced budget or increase the debt ceiling and a mere majority vote to increase taxes.

Worse yet, the latest version would impose an absolute cap on spending as a share of the economy. It would prevent federal expenditures from exceeding 18 percent of the gross domestic product in any year. Most unfortunately, the amendment lacks a clause letting the government exceed that limit to strengthen a struggling economy. No matter how shaky the state of the union, policymakers would be prevented from adopting emergency spending, such as the extension of unemployment insurance and other countercyclical expenses that have helped cushion the blow of the current economic downturn. The 18 percent cap on spending is so severe that House Budget Committee Chairman Paul Ryan's economic plan would violate its strictures. So would any budget passed under President Ronald Reagan. With health-care costs rising and the number of retiring baby boomers increasing, it would be next to impossible to keep spending to that low share of the economy.

Both houses of Congress are expected to vote on the amendment next week, but a responsible lawmaker's obligation does not end at voting against this version. Even a less draconian rendition—without the spending cap or with lower thresholds for approving tax increases or running deficits—would be the wrong approach. If a balanced-budget amendment had been in place when the economy crashed in 2008, Congress would have been unable to respond with a stimulus package or efforts to stabilize banks and auto manufacturers. Even if you believe that was the wrong policy response, it is important that Congress retain the flexibility to craft the correct one.

The fiscal situation is perilous. It's commendable that members of Congress are trying to right it. The balanced-budget amendment remains a deeply flawed approach to achieving a noble goal.

[From the New York Times, July 17, 1990]

NO TO A BALANCED BUDGET AMENDMENT

The balanced budget amendment that the House will vote on today is impractical, unenforceable and wouldn't end Federal deficits. But it would litter the Constitution with a vacuous promise, and invite greater cynicism in budget-making.

Deficits are arbitrarily defined and easily manipulated. Achieving a specific level, like zero, has no special economic significance. And trying to hit that target could play havoc with valuable Federal programs and a declining economy that might need deficit spending.

Yes, Congress should keep deficits from spiraling upward. But there is no immediate crisis, and the deficit—compared with the size of the economy—has already been cut in half under the Gramm-Rudman-Hollings budget law. More needs to be done. The prudent way is to amend Gramm-Rudman to make it work better, not spoil the precious Constitution in a quixotic search for a quick fix.

The proposed amendment would require a three-fifths vote in both houses to run a deficit. That, say the sponsors, would provide the flexibility to run deficits when they are needed but stymie unnecessary borrowing. But nowhere does the amendment come to grips with political reality. Evasion would be simple. Congress could move programs ''off budget,'' like funds for the savings and loan crisis.

The amendment also would require Congress and the President to agree on revenue and expenditure estimates. But politicians have a common interest in fudging such projections and pretending to pass a balanced budget. The amendment's only safeguard against self-serving projections is the proposed three-fifths vote to raise the debt ceiling. That way legislators eventually would be forced to confront the issue. Yet garnering enough votes would be easy since to vote otherwise would bring the Government to a screeching halt.

As for states that have balanced budget amendments, they also have separate capital accounts. That allows them to borrow money for long-term investments in infrastructure. There is no separate capital account in the Federal budget. So a requirement to balance the budget would create a horrific incentive for Congress to avoid costly investments in railroads, education and research.

Congress has been unable to make the Gramm-Rudman budget law work fully as intended. But amending it to plug loopholes would be far easier, and better, than drafting a skimpily worded constitutional amendment.

[From the Washington Post, July 18, 2011]

WHY A BALANCED-BUDGET AMENDMENT IS TOO RISKY

(By Norman J. Ornstein)

It is no surprise that a constitutional amendment to balance the budget would reemerge now—there's the symbolism of standing for fiscal rectitude and wrapping that position in the cloak of the Constitution. And nearly all states have constitutional provisions to balance their budgets, so why should the federal government be different?

But the answer to that question is a key reason a constitutional amendment to balance the federal budget would be disastrous.

A sagging economy requires what we call countercyclical policy, stimulus to counter a downturn and provide a boost. The need for countercyclical policy became apparent in the 1930s, after the opposite response to economic trouble caused a dizzying collapse; its application early in Franklin Roosevelt's presidency succeeded in pulling the United States out of the Depression (until a premature tightening in 1937–38 pulled us back down into it).

Countercyclical policy is what every industrialized country in the world employed when the credit shock hit in late 2008, to avoid a global disaster far more serious than the one we faced. Under a balanced-budget amendment, however, no countercyclical policy could emanate from Washington. Spending could not grow to combat the slump. And while the Obama stimulus did not jump-start a robust economic recovery,

any objective analysis would find that absent the $800 billion stimulus, the economy would have spiraled down much further.

State balanced-budget requirements make the option of a federal balanced-budget amendment dangerous. When state revenue declines during economic downturns, state spending on unemployment and Medicaid increases. To balance their budgets, states have to raise taxes and/or cut spending, the opposite of what is needed to emerge from a fiscal funk. This is the economic equivalent of the medieval practice of bleeding to cure any ailment, including anemia. In 2009, the fiscal drag from the states amounted to roughly $800 billion; in effect, the stimulus from Washington merely replaced the blood lost by the state-level bleeding.

Even balanced-budget amendments that have a waiver for recessions are a risk because there is often a lag between a recession itself and when it is recognized. That lag could produce more inopportune bleeding.

The amendment under consideration has its own deep flaws. The Republican proposal would cap spending each year at 18 percent of gross domestic product. Because the formula is based on a previous year's economy, it would mean, according to Republican economist Don Marron, a cap of more like 16.7 percent of GDP. This in turn means that the House-passed budget proposed by Rep. Paul Ryan, which calls for draconian cuts in Social Security, Medicare, Medicaid and discretionary domestic programs, would not be nearly draconian enough. Accounting for population changes, the 16.7 percent limit would mean slashing Social Security and Medicare well below the levels contemplated by the bipartisan Simpson-Bowles fiscal commission, and cutting discretionary spending by half or more. It is hard to make the case that decapitating food inspection, air traffic control, scientific research, Head Start, childhood nutrition programs and more, as the amendment would almost certainly require, would lead to a healthier economy, itself a necessity to solve the debt problem.

To be fair, the amendment has a safety valve—a two-thirds vote of both chambers can authorize a deficit. But imagine the chances of securing a two-thirds vote in this Congress. Similarly, its requirement that 60 percent of both houses vote to increase taxes or the debt limit would result in political gridlock and opportunities for legislative blackmail.

That this amendment has been endorsed by all 47 Republicans in the Senate, and that a dozen Republicans have pledged not to increase the debt limit without the amendment, are sad commentaries on our politics. But the effects should this amendment be adopted would be frightening.

Norman Ornstein is a resident scholar at the American Enterprise Institute and coauthor of ''The Broken Branch: How Congress Is Failing America and How to Get It Back on Track.''

[From the News Leader, July 17, 2011]

BALANCED BUDGET AMENDMENT UNWISE

Instead of making a good faith effort to work toward a compromise and actually do something good for the country, Republicans in Congress once again are bandying about a feel-good piece of legislation that could only further hogtie the government.

The balanced budget amendment is a flag conservatives love to run up the pole when they think they can get the American public to hate free-spending Democrats a little bit more. It's disingenuous at best. Congress should not require a special rule that says its members use common sense when making vast and expensive decisions. When it comes to international conflicts, domestic terror threats and economic recessions, the added steps of arguing to get around a balanced budget amendment is not what is needed.

But when it comes to running the government, members of Congress need to use forethought and that not-so-common common sense to avoid unproductive tax cuts, conflicts without reasonable exit strategies and the ability to find solutions when deficits grow too large.

The timing of our own Rep. Bob Goodlatte's amendment might sound quite reasonable to a lot of people right now. But it isn't reasonable. It's another ploy by those who don't want a solution to the real problem, but just a way to make gullible followers believe they've found a solution to our budgetary woes.

A balanced budget amendment does not equal smaller government with less spending. Like any household, the only way to balance a budget is by trimming expenses and adding revenue. Pressed to balance a budget would force Congress to raise taxes, especially if we are to hang on to high-cost government entities like Social Security and Medicare.

It's not a solution. Demanding that a balanced-budget amendment go along with any agreement toward raising the debt ceiling simply will drag the whole thorny mess down even more.

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

The PRESIDING OFFICER (Mr. COONS). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 5½ minutes.

Mr. GRAHAM. I would appreciate the Chair letting me know when 4 minutes has expired.

Let us put this debate in context. In 2010, we had a major election in the country. The people who were elected in the House made promises to their constituents: If you send me to Congress, I will try to change the system and deal with the fact our Nation is being run into the ground.

We have more debt than any future generation can ever pay off, with 40 cents of every dollar we spend being borrowed money. If you are born today, you inherit about $48,000 of debt. We are spending more on Social Security payments than we collect in taxes. Medicare is underfunded by $30-something trillion over the next 75 years. When you add up all entitlement programs, we are about $50 trillion short of the promises we have made.

Simply put, the House Republicans who were elected, during their campaigns said: I believe Congress is out of control. We are going to become Greece, and I want to do something about it.

What did you expect when they got here? They would say: Okay, I have been taught the real way the Congress works, and it is all okay. They did something about it. Congratulations. Anytime a person running for office fulfills the promises they made to their constituents, they have done a great service to democracy.

Cut, cap, and balance is the House effort to reduce spending not 10 years from now but this coming year. The problem with all these plans and the very sincere efforts in the past to solve our debt problems—Gramm-Rudman-Hollings, the Balanced Budget Agreement of 1997 between President Clinton and the Republicans—and I was here then when we achieved balance, because we restricted the growth of entitlements such as Medicare, we restricted doctor and hospital payments, and we actually balanced the budget for a year or two, but then we found out how much it was hurting doctors and hospitals. We didn't institute real reform. We began to nickel and dime doctors and hospitals, and guess what. We stopped the program and we spent all the surpluses.

How do you get $14-trillion-plus in debt? Both parties are working together. This has been a bipartisan effort for about 30 years to run the country into the ground. I want a break. I want to have a bipartisan effort to save the country from becoming Greece, and the only way you can do that is to put ideas on the table.

Please, I say to my Democratic colleagues, let this debate go forward. If this is not worth debating, what would be? How do you save the country from becoming a debtor nation to the point the next generation can't inherit the American dream? If you have a better plan than cut, cap, and balance, please show it to us. We are willing to raise the debt limit, but we are not going to do it without changing the reason we got in debt.

The cut part reduces spending in 2012 by $100 billion. That will cause some pain, but it is eminently doable. It is about 3 or 4 percent of the Federal budget. I think most people at home believe they can cut their budget 3 or 4 percent. If they had to do it to save their family, they would. We are talking about saving the country.

The cap is an effort to control spending over 10 years to wipe out the $1.4 trillion deficit. We are going to become Greece because we are going to have 100 percent of debt to GDP in about the next 20 years, and a trillion-plus deficit has to be changed. You can't do it overnight, but you should be able to do it over 10 years.

The centerpiece of the House legislation is the balanced budget amendment to the Constitution. What rational person believes that Republicans on this side and Democrats on that side are ever going to find a way to fix our Nation's problems without something new happening?

The PRESIDING OFFICER. The Senator has consumed 4 minutes.

Mr. GRAHAM. I thank the Chair.

After 40 years, the evidence is in. The Congress is broken, and unless you change the system fundamentally, we are going to run our Nation into the ground. So I support a balanced budget amendment.

Here is the way it works: You have to get two-thirds in the Senate and the House and three-fourths of the States

have to ratify the balanced budget amendment. Give the people of America a chance to have their say. Let's pass a balanced budget amendment to the Constitution before we take the country and put it in a situation beyond redemption. The only thing that is ever going to change this body, I am sad to say, is some discipline imposed by the Constitution itself.

I promise my colleagues to work with you where I can. But for the rest of my time in the Senate—and I don't know how long it is going to be—I am going to push a balanced budget amendment to the Constitution, because I don't trust the Congress to do the hard work on its own. And when I say that, I mean Republicans too.

Ms. SNOWE. Mr. President, I rise in opposition to the motion to table the motion to proceed to H.R. 2560, the Cut, Cap, and Balance Act of 2011. At this critical juncture in our Nation's history, the Federal Government's record of fiscal recklessness proves we must work to guarantee fiscal responsibility not just for our time, but for all time. In that light, I believe it deserves debate and an open process that would allow for changes and improvements so we can ultimately pass a measure ensuring we are never again confronted with a vote to raise our Nation's debt ceiling. And I am therefore deeply disappointed and troubled that the majority in the Senate is not permitting us to proceed to any further discussion or votes on this bill.

To achieve that goal, an indispensible element of the cut, cap, and balance bill is the balanced budget amendment—and I have been a champion of balanced budget amendments throughout my tenure. And in fact, this legislation before us represents the one and only opportunity we will likely have as we lead up to the debt ceiling deadline to consider and pass just such an amendment. Given our historic $14.3 trillion national debt, the record $1.6 trillion deficit for the current fiscal year, and the unrestrained and skyrocketing growth of government programs and services, we have little choice but to seriously and thoroughly debate measures to bring certainty and solutions to our broken budget process. We must commence a process that will force our government to reevaluate priorities and live within its means.

Indeed, this is a threshold moment in our Nation's history to determine precisely what kind of nation we want to be. Will our fiscal future be held hostage to interests overseas, threatening both our national and economic security? Will we cede our destiny to countries like China, which already holds approximately one-fifth of our gross debt? Or will we seize the financial reins, pass a constitutional balanced budget amendment, and reclaim our future?

Given what is at stake and Congress's perpetual disregard for fiscal responsibility, frankly, the burden is squarely upon the opponents of this resolution to justify how business as usual is sustainable for our Nation. Indeed, last week the President asserted that, ''we don't need a constitutional amendment to do our jobs.'' Well, if that were true, if such an amendment isn't required for us to do our jobs, why then do we find ourselves wallowing in this economic morass? If Congress actually possessed the capacity to forestall skyrocketing debt of its own volition, why are we mired in a major debt crisis?

So let us not be confused as we hear all of the usual diversionary excuses why this amendment shouldn't pass. And having cosponsored a balanced budget amendment 18 times since my very first days in Congress, and having made statements in favor of it 35 times on the Senate and House floor, believe me, I could recite them all by rote—how a balanced budget amendment will be overly restrictive, spending reductions too substantial, and that other measures would be equally effective without changing our Constitution. I recall during a House floor debate in 1992, colleagues asked: What if appropriations exceed estimated revenues? What if the President and Congress underestimate the amount of federal revenues in a fiscal year? What if it requires budgetary adjustments as a result of a contracting economy, or inaccurate estimates?

And my response then was the same as it is now—welcome to the real world! That is what families, businesses and frankly, 49 States that have adopted balanced budget requirements confront day in and day out. State governors and legislators cannot leave their Capitols if their budgets aren't balanced and the U.S. Congress should be no different.

Instead, we have not only a fiscal gap in Washington but a shameful imbalance between the trust the American people have placed in us, and the responsibilities we must carry out if we are to demonstrate worthiness of that trust. The demonstrable reality is that, absent a permanent mechanism that forces the Federal Government to set and fulfill its fiscal priorities, Congress will blithely continue its wayward practices. Indeed, the reason many lawmakers don't want a balanced budget amendment is the exact reason why it's essential—and that is to permanently end the types of legislative trickery that have brought our country to the edge of a fiscal chasm.

The facts speak for themselves. On March 4, 1997, when the balanced budget amendment failed to pass in the Senate by one vote, our gross debt was $5.36 trillion, a number we rightly all found staggering! But apparently it wasn't staggering enough, as the abysmal track record following 1997 dramatically demonstrates.

In 1999, just 2 years after that fateful vote in which the balanced budget amendment failed to pass, the debt rose to $5.6 trillion. By 2002—it was $6 trillion. In 2004—$7 trillion. In 2006—$8 trillion. By 2009—it rose to $11 trillion, and last year to $13.5 trillion. The bottom line is that from 1997 to 2011, the national debt has almost tripled. Tripled—to an unprecedented $14.3 trillion. And now we are asked to raise the ceiling again to $16.5 trillion.

Our government has balanced its budget only five times in half a century. Five times. Our 1997 deficit was $22 billion; this year's is projected to be 73 times as high, at $1.6 trillion. Does anyone know any families out there in America who are voluntarily spending 73 times what they spent in 1997? Families across the country have been paying down their credit cards. They are facing reality, while Congress continues to binge-spend, unabated.

In 1992, I said on the House floor that, ''we have no way of knowing how bad things might get if we continue without the balanced budget amendment.'' Well, regrettably, now we do know, and the situation is dire as our outstanding debt now projected to reach 100 percent of GDP this year—which some economists have labeled an ''economic danger zone.'' In fact, economists report that gross debt levels above 90 percent of GDP slow economic growth by 1 percent per year, resulting in approximately 1 million jobs lost. So I defy anyone to explain how we could have amassed these mind-numbing levels of debt relative to our GDP, and yet a balanced budget amendment is not a necessity.

We have tried every statutory structure possible yet nothing we have implemented has withstood the test of time, circumvention, or clever gimmickry to successfully and consistently bind both the House and the Senate to provide continuity from Congress to Congress, to act in a fiscally responsible manner. Nothing. And no one can disavow the consequences of this lack of self-imposed accountability, which has engendered shockingly deficient oversight and review of our spending and Federal programs, both those already existing, and those proposed. As a result, we continue to pile on program after program with impunity.

We have witnessed the positive effects of statutory limits with past budget enforcement mechanisms such as the Gramm-Rudman-Hollings Act, the 1990 Budget Enforcement Act, and the 1997 Balanced Budget Act that saved upward of $700 billion, and those measures led to 4 years of surpluses. But we allowed them to lapse, to wither on the legislative vine, and that has led us directly to the ''wild west'' mentality of today in which our entire budget and appropriations processes have virtually disintegrated.

Congress is required by law to adopt a budget resolution by April 15, yet in the past 36 years Congress has met that deadline just six times. Throughout the last 10 years, Congress has approved a budget resolution on only six occasions. Congress failed to complete action on a budget resolution for 5 fiscal years—1999, 2003, 2005, 2007, and 2011—

that all ended with large, spendthrift, omnibus appropriations measures or continuing resolutions.

Last year, no budget and no appropriations bills passed for the first time since the current budget rules were put into place in 1974, almost resulting in a shutdown of the Federal Government in April 2011. We have had 87 continuing resolutions in the past 14 fiscal years and passed not even a single one of the 12 individual appropriations bills for the current fiscal year. This tacit acceptance of dysfunction in our budget and appropriations processes has only exacerbated the trend-line of unbridled federal spending, and it is symptomatic of the miniscule value Congress has assigned to averting economically corrosive deficits and debt.

It is certainly not as though we lack the time to fulfill our legal requirement to complete budgets by April 15—and just ask the American people if they aren't required to meet their tax filing deadline on April 15! In fact, the nonpartisan Congressional Research Service reports that from January 5, 2011, through July 1, 2011, the Senate has been in session for 541 Hours, 243 hours of which have been spent in Morning Business—that is 45 percent of our time spent in nonlegislative activity. We couldn't have voted on a budget resolution? No wonder only 18 percent of the country believes Congress is doing its job, which only makes me wonder—who exactly are those 18 percent?

Even when we had the historic opportunity of 4 consecutive years of Federal surpluses beginning in 1998, we squandered it with a deplorable lack of foresight. In 2001, the last year of surpluses when our debt was $5.8 trillion, I introduced a legislative trigger mechanism to link long-term Federal budget surplus reductions with actual budgetary outcomes and later led a bipartisan, bicameral group with Senator Bayh to offer a subsequent amendment, recognizing that federal surplus projections were merely that—projections. Yet both measures were dismissed and derided.

And what has been the result? Since 2002, the Nation has run a deficit each and every year and our gross debt has increased from $6.2 trillion to almost $15 trillion. Over the past 5 years alone, government has managed to increase spending by a remarkable 40 percent, contributing to the largest budget deficits in our history over the last three consecutive years. We are now borrowing roughly 40 cents of every dollar we spend.

The reality could not be more stark—the balanced budget amendment is the only vehicle before us that will guarantee that a balanced budget will be the rule, rather than the exception—because it will compel Congress, through the ultimate authority of the Constitution—to return to the regimentation and discipline of the budget and appropriations processes, and thereby force the government to establish priorities and abide by those priorities.

To paraphrase a statement I made during one particular balanced budget debate in the House, the Constitution is not for window dressing. It is not to score political points for any particular party. It is not for more games and gimmicks—and in fact, as I have stated many times, if it were a gimmick Congress would have passed it long ago! Rather, the purpose is to protect current and future generations from the crushing weight of ever-escalating debt that threatens America's security and our very way of life.

There should be no mistake—debt and deficits are always a dangerous combination, and especially at a time when we are experiencing an unprecedented period of long-term unemployment with more than 22 million Americans unemployed or underemployed, and another 2.2 million who want a job, but are so discouraged they stopped looking for work altogether. Consider that, in the 29 months since President Obama took office, unemployment has dipped below 9 percent for only 5 months, and actually increased to 9.2 percent in June. And yet at a moment when every dollar government spends should be wisely dedicated to job creation to return us on the path to prosperity, we are forced to commit an astounding $200 billion per year just to service our debt.

The cost of net interest alone will more than triple in the next 10 years to reach nearly $1 trillion per year in 2021. In fact, the CBO's most recent long-term outlook states that by 2035 interest costs on our Nation's debt would reach 9 percent of GDP, more than the U.S. currently spends on Social Security or Medicare! And if interest rates were just one percentage point higher per year, over ten years the deficit would balloon by $1.3 trillion from increased costs.

Ironically, the conversations in Washington are about how the markets will react if we do not raise the debt ceiling, but the markets are already reacting. Standard & Poor's recently downgraded the Nation's outlook from "stable" to "negative," Moody's warned that our "AAA" rating could be lost if we do not reduce deficit spending, and large funds like PIMCO are divesting holdings of U.S. bonds.

And let's be perfectly clear—it is not only our economy that may suffer should we dive into the fiscal abyss. When ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, identifies the national debt as the single biggest threat to our national security—that ought to compel us to stand up and take notice. Yet in the absence of a balanced budget amendment, any fiscal foothold we may gain with measures implemented in this Congress could be summarily reversed by subsequent Congresses—whereas, a balanced budget amendment would establish an indissoluble contract with future generations that would cement fiscal responsibility in perpetuity.

So let us be unambiguous what this debate is about. It is a fundamental disagreement between those who are concerned about our future economic standards, and those who are willing to erode the economic opportunities that have become the very hallmark of the American dream. You see, the dirty little secret is that those who oppose a balanced budget amendment don't want their hands tied . . . they don't want the fiscal restraints. Well, to them I say, this is America—can't we do better?

Well, we can do better, and we must—and therefore, I will vote to proceed with this legislation. Critically, it contains a provision that exempts Medicare, Social Security, and veterans benefits from the spending caps. At the same time, I recognize it is not a perfect bill. In fact, again I believe there should be a full and open debate during which members can offer amendments to improve this legislation and I regret that the majority here in the Senate will preclude that possibility.

I can foresee a number of improvements I would propose, including the addition of a "pay-for" title in the legislation that would provide for additional, mandatory savings including eliminating ethanol subsidies and direct agricultural payments to high-income farmers, and rescinding unspent stimulus and TARP funds, that could be better utilized within Medicare and Medicaid. And we must also enact straightforward budget policy reforms so that Congress no longer relies on accounting gimmicks. These are but a number of the improvements that would save billions of dollars and put our nation on a path toward fiscal responsibility.

Again, the central question before us is as old as the founding of our great republic—and that is, what kind of nation do we want to be? That was the same question that historian David McCullough addressed years ago before group of legislators when he discussed the milestones achieved by Congress when leaders worked together.

"Think what your institution has achieved," he observed. "It was Congress that created the Homestead Act. It was Congress that ended slavery. It was Congress that ended child labor. It was Congress that built the Panama Canal, the railroads and the Interstate System. It was Congress that created Social Security. It was Congress that passed the Voting Rights Act. It was Congress that sent Lewis and Clark to the West, and sent us on voyages to the moon." And some acts of Congress, he pointed out, like the Marshall plan and lend lease, were achieved under crisis conditions.

I honestly believe that this spirit of accomplishment can be re-captured—and what could be a more fundamental place to start than with the future fiscal health of our Nation? We can either bring disrepute upon ourselves by continuing to mortgage our future to

cover the fiscal offenses of today or we can rise to the occasion, meet our moral responsibility, and bequeath the generations to come a nation unencumbered by the shackles of perpetual debt. The choice is ours, and history awaits our answer.

Mr. LEVIN. Mr. President, the path to deficit reduction is difficult, but some of the essentials are clear for all to see. We must cut spending, which will require real sacrifice on the part of American families. We must also add revenue, which has plunged so dramatically thanks to Bush-era tax cuts that flow primarily to the wealthiest among us. And we must avoid proposals that would see the most vulnerable among us pay the highest price for deficit reduction.

That is the path a broad array of budget experts, Democratic and Republican, tell us is the only way to relieve our debt problem. And it is the path the American people tell us they understand that we need to take. In survey after survey, poll after poll, Americans voice their support for a balanced approach to deficit reduction, one in which we cut spending, yes, but also address revenues by closing tax loopholes and asking the wealthiest among us to share in the sacrifices that are required to bring down the deficit. And they tell us, unequivocally, that they do not want us to fall short of our commitment to the most vulnerable, especially those who depend on Social Security and Medicare for a secure retirement.

So this is the true path to deficit reduction: targeted and sometimes painful spending cuts; closing tax loopholes, asking wealthy taxpayers to join in the sacrifices we must make; and protecting the social safety net on which our most vulnerable citizens depend.

We can choose that path, difficult though it may be. Or we could take a path like the one laid out in this legislation—a path leading straight off a cliff. The American public has made it clear to the Republicans in the House of Representatives that its budget objectives, as laid out in the draconian budget plan they sent to us earlier this year, are unacceptable. Rather than heeding that message, Republicans have sent us a plan that's even worse than the first.

The budget championed by House Republicans this year would have added more than $6,000 a year to the typical senior's medical bills. The plan before us today tacks another $2,500 or more onto that bill.

The budget plan from House Republicans this year cut billions from Medicare to clear the way for billions in tax cuts for the wealthy. The plan before us today would enshrine protection for those tax cuts in the Constitution by requiring two-thirds majorities in both Houses to enact any revenue increase, making it virtually impossible for future Congresses to reverse such disastrous policies, or to remove tax loopholes for oil companies or tax incentives for companies that ship jobs overseas.

The budget plan from House Republicans this year would cost an estimated 700,000 jobs by removing support from an already weakened economy. The economy has, if anything, become more worrisome since that budget came to us, but the legislation before us today follows the same destructive path.

Let us be clear: What Republicans have proposed is to abandon our commitments to the safety, security and prosperity of the American people. They would slash Medicare and Social Security, and leave the rest of the budget so threadbare that it could not cover our important priorities. The American people want us to reduce waste and redundancy in Federal spending. But they do not want us to stop protecting the air we breathe and the water we drink, stop inspecting our food supply, stop patrolling our streets or borders or educating our young people or ensuring safe air travel or any of the things that help keep them safe and healthy and secure. And yet there is no doubt that under this plan, we would stop doing some or all of those things. We would have no choice.

It is especially disturbing that many of the same people arguing for these destructive policies are responsible for the policies that brought on our deficit to begin with. Republicans are quick to blame President Obama's policies for the deficit, but the vast majority of our current woes stem from policies adopted during the previous administration by Republican majorities in Congress. Republicans pushed for massive tax cuts, tax cuts that weren't paid for and that flowed overwhelmingly to the wealthy. Republicans pushed for a war of choice in Iraq that was not paid for.

Our Republican colleagues like to compare the Federal Government to a family. Families have to balance their budgets, they say; why can't the government? Well, the Federal ''family'' had a balanced budget under Democrats. Republicans wrecked our fiscal discipline with the Bush tax cuts and wars that were not paid for, and now they want middle-class and vulnerable Americans to pay the price. If the government is a family, then Republicans are the guy who gets a big raise, blows the whole raise plus the family savings on a hot rod, gets fired from his job, loses his income, and decides to stop paying the kids' tuition so he can keep the hot rod.

That is the path they propose, in this legislation. We can't follow that path. The better path is difficult, but it is clear. I hope our Republican colleagues will abandon the path of ruin, reject this destructive bill and join us in making the hard choices that the people we serve need us to make, and soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise today to speak of one of my gravest concerns, which is our Nation's fiscal future.

All of us—Democrats, Republicans, liberals, moderates, conservatives—face a choice about whether we will seize the moment before us and confront our great fiscal nightmare or whether we will let this moment pass us by. Clearly, we face tough and difficult decisions. The decision we make as Members of Congress must be the right and responsible ones or our beloved Nation and our hard-working families will needlessly suffer.

In my State, when I became Governor, we faced challenging times—growing debts and tough budget choices. When I was first elected in November of 2004, the first thing I did afterwards was go to New York and talk to the rating agencies—the people who knew our State best—to find out what our gravest challenges were. I went back home and we started making changes.

I did not blame anyone—any past administration, Republican or Democrat or any other body. I was elected to fix things, not to put blame on people. As West Virginians, not as Democrats or Republicans, we set about fixing the problems of our State. We didn't raise tax rates. People came to me and said we needed to do that, but I couldn't look people in the eye and do that without trying to run our State more efficiently.

The difference between what we did back home and what is happening here in Washington is that we faced these choices together. We worked across party lines in a responsible way to address our fiscal challenges. In doing so, we set our State on the right fiscal path and—let me stress again without sacrificing our moral responsibility or obligations to our seniors, our veterans, and the people most challenged in our society. We did that without raising their tax rates.

Right now, because we made the right choices, our State is doing well. Even in these most difficult, challenging financial times, we have had record surpluses every year—6 years in a row. For the last 3 years, we have been one of the few States in the Nation that has an increase in our rating from Standard & Poor's, Moody's and Fitch, the rating agencies. We did this by living within our means. It is the reason why I am such a strong supporter of a balanced budget amendment. It makes you put in place your priorities based on what your values are. I truly believe most Americans support a balanced budget. Every family I know in my State and in this Nation works off of some sort of a budget. Nearly all our State governments operate on a balanced budget. I have never seen another place, except here in our Nation's Capitol—our government in Washington—that puts a budget together based on what they want to spend, not on how much they have to spend.

But how we balance our budget is critically important. We have a moral responsibility and an obligation to our seniors, our families, and those who are the most fragile in our challenged society. That is why I cannot support the cut, cap, and balance plan passed in the House, which we will be voting on shortly. As a moderate Democrat who is also a proud fiscal conservative, I agree with the bill's goal of a balanced budget. However, I cannot support the path it takes.

The cut, cap, and balance plan does not reflect who we are or what we want to be as Americans. I believe we need to cut but not so deeply and without regard for our seniors and the most vulnerable. I believe we need a cap on our spending but not at a level that could destroy the most important and vital programs we have in our society. I strongly believe we need a balanced budget amendment but only one that takes a responsible and reasonable approach.

Clearly, we can all agree it is time for us to make the difficult choice that will get our financial house in order, but we must do so with the right plan in a responsible manner—one that keeps our promises to our seniors, our veterans and, most importantly, our children. And like it or not, neither Democrats nor Republicans can tackle this enormous challenge on their own. This is not a political problem, this is an American problem, one we all face. We should put politics aside and truly put our country first.

Earlier this week, I saw that spirit at its finest. On Tuesday of this past week, the Presiding Officer, along with 49 of our other colleagues, came together to listen to the Gang of 6, who worked so hard on ideas based on the President's fiscal debt commission. Democrats and Republicans rolled out the first bipartisan proposal to address the Nation's fiscal nightmare. At that meeting, 50 Senators from both parties—evenly split—came together to listen to the hard work of the Senators who spanned the ideological spectrum. At that moment, the Gang of 6 turned into what we affectionately called the ''Mob of 50.''

And for the first time in these negotiations about our fiscal future, we had a bipartisan plan with momentum that was putting our country first.

We should not waste this moment. We must work together to cut spending and attack waste, fraud, and abuse in every sector of our country, every department, every program that needlessly costs our Nation hundreds of billions of dollars every year.

We must work together to reform our Tax Code, not to raise tax rates but to make fairness a priority. It is simply unfair that hard-working middle-class families in West Virginia and all around this great country would pay more in taxes than a Fortune 500 company such as GE, which didn't pay a cent, or billionaires such as Warren Buffett who pays a lower effective tax rate than his secretary. Democrats and Republicans must work together to remove unnecessary loopholes, subsidies, and tax credits we simply cannot afford in light of our ballooning debt.

It is time to end the three wars we have that we are spending so much on and the resources we can't afford and the lives we can't spare.

I say to all this is a time for us to come together as Americans, to put our politics aside, and do what is right for all of the future of this generation and for this country.

I yield the floor.

Mr. REID. Mr. President, I want to say to my friend from West Virginia, he has been a great addition to the Senate. We of course know he replaced the great, the legendary Robert Byrd. The people of West Virginia should be very happy with the performance of JOE MANCHIN and his executive experience as the Governor of the State of West Virginia, which had an impeccable record with surpluses every year he was there. He has brought this talent to Washington, and it has been very helpful to us all.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, 5 months ago, President Obama unveiled the only concrete statement he has made to date on our Nation's budget crisis, a 10-year budget plan so preposterous, so unequal to the moment that it was rejected in the Senate by a vote of 97–0. The President's response to this crisis was to pretend it didn't exist.

Two months later, the President doubled down on his vision for a future of debt by demanding that Congress raise the debt limit, without any cuts to spending or a plan to rein it in. It was a total abdication of leadership and it wasn't sustainable.

So over the past several weeks, the President has been doing his best impersonation of a fiscal moderate. He has talked about balance and left it to others to fill in the blanks.

Here is what Democrats in Congress have proposed as a solution: more spending and higher taxes to a debt crisis.

Yesterday, with the clock ticking, we heard reports of a volcanic eruption among Democrats at the suggestion that we should solve this crisis by focusing on reducing Washington spending.

The solution to this crisis is not complicated. If you are spending more money than you are taking in, you need to spend less money. This isn't rocket science. We could solve this problem this morning if Democrats would let us vote on cut, cap, and balance and join us in backing this legislation that Republicans support.

But the first step in solving a problem is to admit you have one, and too many Democrats refuse to admit that Washington has a spending problem. That is why Republicans have insisted that we focus on spending in this debate.

The reason we have a $14 trillion debt is because no matter how much money Washington has, it always spends more; and the only way to cure the problem is to stop enabling it. Americans get it, and I want to thank every American who has spoken out in favor of cut, cap, and balance. Today, the American people will know where we stand.

A vote to table this bill is a vote to ignore this crisis even longer. A vote to get on this bill is a vote for getting our house in order.

I urge my Democratic colleagues one more time to reconsider their position. Join us in support of a future we can afford.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I say to all my friends, and new Senators, welcome to the United States.

This is a vote on the piece of legislation that was described by my friend, the chairman of the Judiciary, as well as anyone else: It is violative of our Constitution.

This is a vote on this matter, and we are going to dispose of this legislation as it needs to be so President Obama and the Speaker can move forward on a matter that will have some revenue in it and send it over here, and we can move forward to complete our work to make sure we don't default on our debt.

As a result of our conversation here, I move to table the motion to proceed to H.R. 2560 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—51

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Begich	Hagan	Mikulski
Bennet	Harkin	Murray
Bingaman	Inouye	Nelson (NE)
Blumenthal	Johnson (SD)	Nelson (FL)
Boxer	Klobuchar	Pryor
Brown (OH)	Kohl	Reed
Cantwell	Landrieu	Reid
Cardin	Lautenberg	Rockefeller
Carper	Leahy	Sanders
Casey	Levin	Schumer
Conrad	Lieberman	Shaheen
Coons	Manchin	Stabenow
Durbin	McCaskill	Tester

Udall (CO)	Warner	Whitehouse
Udall (NM)	Webb	Wyden

NAYS—46

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

NOT VOTING—3

Gillibrand	Kerry	McCain

The motion was agreed to.

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on the motion to table the motion to proceed to the Cut, Cap, and Balance Act, H.R. 2560. If I were able to attend today's session, I would have supported the motion to table the motion to proceed to the Cut, Cap, and Balance Act, H.R. 2560.•

• Mr. MCCAIN. Mr. President, I regret that due to my attendance at a dear friend's funeral this morning, I was not in the Senate to cast my vote for the cut, cap and balance legislation. I fully support cut, cap and balance and I am proud that Republicans put forward a concrete proposal to cut spending, balance the budget, reign in the spiraling debt that imperils our children's future and ensures that our Nation continues to meet its obligations.

The Democratic leadership has failed to put forward any meaningful proposal to break this impasse, but instead continues to set up procedural road blocks to keep Republican plans from passing and force votes on nonbinding legislation that will do nothing to solve our problems. The Democrats, led by President Obama, continue to insist that our fiscal difficulties can be fixed by raising taxes on individuals and small businesses—the exact policies that will deepen our economic woes, not fix them.

Both parties must now find a reasonable, responsible path forward to address head-on our debt crisis, end the mortgaging of our children's future and make certain that our Nation meets its debt obligations, as we Americans always have. If Speaker Tip O'Neill and President Ronald Regan could find agreement on such matters, we can too. We must put politics aside and do what is right for our Nation.•

• Mrs. GILLIBRAND. Mr. President, no one disputes that we must act now to reduce our growing debt. The interest we pay on our debt costs us dearly in lost opportunity to invest in America. We spend millions of dollars a year paying interest to countries, like China, that we should be investing here in America to create jobs and get our economy moving again. At the same time, it is essential that we do not, for the first time in history, fail to pay our obligations and default on our debt. Doing so will only make our economic and debt challenges more difficult, and could make it almost impossible to turn our economy around.

Unfortunately, I think this legislation is shortsighted and mistaken. It neither guarantees that the United States will not default on its obligations, nor does it provide a balanced blueprint to addressing our long-term budget obligations. Instead, it would constitutionally protect tax breaks for millionaires and special interest while forcing benefit cuts to Social Security and Medicare beyond those proposed in the House Republican budget.

This legislation also distracts from making the hard choices we need to make to reduce the deficit and at the same time create jobs and grow our economy. The legislation makes it almost impossible to increase revenues, even on the millionaires and billionaires who are doing just fine in this economy. It also fails to reduce Pentagon spending, which accounts for more than half of our discretionary spending budget, forcing more pain on families, seniors and other hard-working Americans.

We must address our budget challenges, but we cannot do so on the backs of our seniors and working families. For these reasons, I am opposed to this legislation, and while I was ill and could not vote, I would like the record to show that I would have voted to table the motion to proceed on HR 2560, the Cut, Cap and Balance Act. I am strongly opposed to this legislation.•

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 2 p.m. today, with Senators permitted to speak during that time for up to 10 minutes each.

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

SCHEDULE

Mr. REID. Mr. President, there will be no further rollcall votes this week. The next vote will be on Monday at approximately 5:30 p.m. I will give a scheduling update later after I confer with the Republican leader.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MOVING FORWARD

Mr. REID. Mr. President, the Senate just conducted a very important vote. We have now demonstrated that the House Republicans' cut, cap, and balance bill is over, done, and dead. This was a necessary step, and this step now allows the process to move forward.

Let me take a moment to discuss where we go from here.

Earlier this week, the Republican leader and I were working together on a path to avert insolvency. It was a fallback plan. It was the second choice for everyone, including me, and the Republican leader I am sure. But earlier this week, it looked as though we needed to go to that fallback plan as soon as possible. Thus, earlier this week, it looked as though the Senate would have to originate that legislation, perhaps as soon as today, to avoid default.

During the course of the week, however, circumstances have changed. The Speaker and the President have been working diligently together to reach an agreement on a major deficit-reduction measure. As I said earlier this morning, I wish them both very well. That is very important to our country.

The product on which they are working would address, I understand, both taxes and spending. Under the Constitution, the House of Representatives must originate all revenue measures. Therefore, the path to avert default now runs first through the House of Representatives—that is what the Constitution demands—and we in the Senate must wait for them. Therefore, the Senate does not need to originate legislation today.

Earlier this week, I had announced the Senate would need to be in session this weekend. But based on these changed circumstances—and they change fairly rapidly—that is no longer the case.

So at the close of business today, the Senate will be out until Monday. Over the weekend, of course, there will be all kinds of meetings going on, and I will do my best to monitor closely the talks between the President and the Speaker, and I will await word of their hoped-for success.

We will be back on Monday. The Senate will have at least one vote Monday evening, and the Senate will wait anxiously for the House of Representatives to send us their work product so we can later next week pass legislation to prevent a default in our great country.

I am going to consider moving other legislation in case that does not work in the House of Representatives. I received a letter from Senators today as to some suggestions they have. There is a meeting that is going to take place at 11 o'clock today with the Gang of 6. The Republican leader and I will be in on that meeting. We are doing our very best to keep all Senators, Democrats and Republicans, on top of what is going on. But, frankly, in fairness to the Republican leader and to me, a lot of what is going on we don't know. So we are, because of the negotiations—at least I am speaking for myself; I can't speak for the Republican leader, but I have not been in the day-to-day negotiations as to what is going on between the President and the Speaker.

For the third time today, I say as sincerely as I can, I wish them well. It is extremely important we address the debt, and it is extremely important we understand we are no longer talking about credit ratings. We are talking about the default of our debt. I hope this weekend brings good sense and common sense and vitality to the work being done between the President and the House of Representatives.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SECURE FISCAL PATH

Mr. PRYOR. Mr. President, Abraham Lincoln once said:

> I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts.

I think that is where we are today. I think we need to bring the people the facts about our Nation's debt. People in my State see through the games being played in Washington. They want solutions, courage, and leadership—the kind that puts us on a more secure fiscal path for the future.

Mr. Bryant of Hot Springs Village, AR, writes:

> We know we have to increase the debt ceiling, so let's get serious about finding a solution. . . . Why is this a problem for our politicians? The public expects responsible leadership not the demagoguery we are getting from both sides of the aisle.

That is the sentiment I hear around my State, and I am certain many of my colleagues are hearing this around the Nation.

So here are the facts: For over 230 years, the U.S. Government has honored its obligations. Even in the face of the Civil War, two World Wars, and the Depression, America has paid its bills. Yet now we stand on the brink of tarnishing the full faith and credit of the United States. We stand here because Congress has failed to bring the American people the real facts.

The easiest thing for politicians to do is say they are for lower taxes and for increased spending. This mindset has rung up a $14.2 trillion national debt. We now borrow 41 cents of every dollar we spend.

Under this debt, combined with the theatrics playing out in the House and the Senate, the unthinkable could happen. The 80 million bills the Federal Government pays could come to a screeching halt. That means millions of seniors may not receive their Social Security checks in the mail, troops may not receive paychecks, Medicare patients could be denied care, and the stock market could significantly drop.

Moreover, credit rating agencies have warned us that we will likely lose our AAA credit rating without immediate action. Interest rates would permanently rise, piling on additional costs for families. The costs of owning a home, buying food, filling a gas tank, sending kids to college, and buying a car will become even more expensive.

There is one more real fact I wish to highlight. A default adds heavily to our debt. For every 1-percent increase in the interest rates we pay, it adds $1.3 trillion to the debt. It is no wonder last summer the Chairman of the Joint Chiefs of Staff said, ''Our national debt is our biggest national security threat.''

The Gang of 6 offers an alternative—a comprehensive roadmap that allows us to tackle the debt in a reasonable, responsible, and fair manner. I applaud MARK WARNER, SAXBY CHAMBLISS, KENT CONRAD, TOM COBURN, MIKE CRAPO, and DICK DURBIN on this bipartisan effort. By leaving out political agendas, these Senators—these statesmen—produced a plan to slash deficits by $3.7 trillion over 10 years. This plan follows the blueprint put forth by the fiscal commission following a year's worth of study and collaboration.

In addition to an immediate $500 billion downpayment, the plan puts everything on the table. It balances the need to reduce spending, adjusts entitlement programs, and reforms our Tax Code. While I may not agree with every provision, I do like that it falls on every citizen to contribute to debt reduction. It allows us to achieve measurable results without jeopardizing safety net programs meant to protect the most vulnerable among us.

Furthermore, it avoids gimmicks such as a constitutional amendment or cut, cap, and balance, which offer a nice sound bite but falls short.

I am hopeful a gang of 60 will embrace this plan and that we can include it as part of the final debt ceiling solution.

Congress has created this cliffhanger moment. Americans and leaders all over the world are now watching. The question for Congress remains: Will we rise to the occasion or will we fail?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GROWING THE ECONOMY

Mr. MORAN. Mr. President, I am disappointed by the outcome of the vote today in which a proposal I believe had the most merit for moving us in the right direction in regard to raising the debt ceiling and moving us toward the direction of a balanced budget failed in the Senate.

I have spoken this week several times about the importance of cut, cap, and balance. It is the plan that has passed the House of Representatives and was the path we could take here, and I have encouraged my colleagues throughout the week to come together to try to make this cut, cap, and balance plan the framework by which we resolve this issue of the impending necessity of raising the debt ceiling.

I have said on every occasion it would be irresponsible not to raise the debt ceiling. I do not know exactly what the consequences are and at what point in time those consequences occur, but I do know it would be damaging to the economy. I also believe it would be equally, if not more, irresponsible to simply raise the debt ceiling without taking the necessary steps to put our country on the right path toward a balanced budget in the future.

I thought cut, cap, and balance really did present that opportunity in which we cut spending back to previous years' levels, we cap that spending so it is not more than a certain percentage of our gross national product, our country's economy, and, finally, that we pass a balanced budget amendment, something I have supported since I came to Congress each and every year. I believe we do not have the necessary discipline and courage, the necessity we need to make the decisions to put us on the path toward balancing the budget. Of course, if we approved a balanced budget amendment in the House and the Senate, it still would be considered by the American people through the State legislatures.

So I speak this morning with disappointment that on a straight party-line vote, this issue, this legislation was tabled. But I have also said throughout my conversations about the debt ceiling and about getting our country back on the right path that I believe there is a fourth component to cut, cap, and balance.

In my view, that fourth component is grow—cut, cap, balance, and grow the economy. Certainly, in my view, the Federal Government does not create jobs. But we have millions of Americans across our country who are looking for work, looking for better work, looking for full-time work, and we have way too many people who are discouraged, who have looked for a long time with no success.

In my view, the primary message of the November elections of last year was this insistence that Congress get it right in order to help Americans find employment. It is important. These two things are related in regard to how our country progresses.

As I have indicated, the last time our budget was balanced was at the end of President Clinton's term in office. Yes, there was some spending restraint. There was an inability of Republicans and Democrats to come together and create new programs and big government spending. But what really was happening, what was the primary reason for a balanced budget back in those days was a growing economy.

So if we want to balance our budget, I am one who says, yes, we need more revenue. But that revenue comes not from tax increases but from a growing economy that puts people to work and generates the revenue that then flows to the Federal Treasury to pay down our debt.

It is actually the most enjoyable aspect of how we could balance the budget. The side benefits beyond an improved fiscal house in Washington, DC, is that Americans would have jobs. We help create an environment in which they can put food on their families' tables, in which they can save for their kids' education, and have the opportunity to save for their own retirement.

So today I once again, in the absence of an agreement between the White House and the House and the Senate—as has been indicated, there are ongoing negotiations about this issue of the debt ceiling. But we ought to be looking also at that opportunity to grow the economy, put people to work, creating those opportunities and raising the revenue necessary to fund, in my view, a much smaller government.

So we ought to be promoting a Tax Code that is fair, that is efficient, is not overly bureaucratic, that is certain. We need a regulatory environment in which every businessperson is not fearful of adding employees or investing in the plant and equipment because they do not know what next government regulation is going to come their way.

I spent much time this year as a member of the Senate Banking Committee where we have heard from bankers across the country, particularly our community banks, where the uncertainty of what next happens under Dodd-Frank determines whether it is desirable to make a loan. What next is the examiner going to say? What next are the regulations going to be?

Access to credit for our small business men and women in Kansas, our farmers and ranchers—the ability to borrow money has a significant role to play in whether we have a growing economy that puts people to work. So we certainly need to have that fair and certain Tax Code. We certainly need to make certain the regulatory environment is totally different than what it is today. And we need to make certain there is no doubt about the ability—due to regulations—that a bank can make a loan to a creditworthy borrower.

We also desperately need a policy in place that encourages domestic production of oil and gas, that helps us reduce the cost of energy. I do not know how we have a booming economy if energy prices are going to continue to escalate at the rates they are. The more that cost of gasoline reduces the spending power of American families, the less likely we are going to have any opportunity to see a growing economy.

Certainly, we have challenges in our housing market that need attention, and it is difficult for many of us to make decisions about spending more money if we do not have the sense of security that comes from knowing there is value in our homes.

Finally, I want to point out—and the issue I want to focus on for a moment because of what appears to be coming from the Obama administration in regard to trade—there is an indication that, once again, the ability for Congress to consider the trade agreements with Colombia, Panama, and South Korea is being delayed. Much of our country's economy—and certainly in my home State of Kansas—is dependent, and many people by the millions work in the United States because of things we manufacture and agricultural commodities we grow that are exported abroad.

The last three trade agreements that have been negotiated have been pending now for a very long time. The consequences of those trade agreements are significant. I certainly know this as a Kansan. We manufacture airplanes and general aviation. We grow lots of agricultural commodities: wheat, cattle, corn. Much of that is exported, and these countries present opportunities for us to grow our economy and put more people to work.

The South Korea Free Trade Agreement, for example, if approved, is estimated to create 70,000 new jobs. It is estimated that it would be an increase in U.S. exports of $9.7 billion, and our gross domestic product would increase by over $10 billion. Yet the framework by which we can begin to increase our exports to those three countries is once again stalled.

The White House announced this week those trade agreements will not be presented to Congress before the August recess. In my view, that is a terrible mistake, and it is particularly a problem because, as we speak, other countries are assuming the role of exporting to those countries, assuming the role that the United States has historically played, and we are being left out in the market.

A free-trade agreement just recently took effect between South Korea and the European Union. Colombia and Canada have an agreement that comes into force on August 15. The more time we delay in approving the opportunity for Americans to export to those countries, the more likely it is that the markets are going to be taken by exporters from other countries.

So while we continue to work to see that an agreement is reached in regard to this issue of the debt ceiling, let's not take any steps back in regard to this issue of growing the economy. Let's continue to work in regard to that Tax Code, in regard to that regulatory environment that so hinders the ability of business to expand, in regard to an energy policy that returns those jobs back home and creates greater stability in the price and cost of energy. We also need to make certain we have access to credit.

But, finally, today, let me again ask the administration to reconsider their position, and let's put these trade opportunities—the ability to increase exports—back on the table so Congress can adequately address the terms of those agreements and get them in place before we lose more market opportunity around the globe.

This is not about taking care of big business. This is about making certain that business has the opportunity to sell goods and agricultural commodities to those countries, so that in the process of their business growing they put more and more Kansans and Americans to work.

So we have our agenda, and it is an important one for America. Yes, fiscal sanity has to return, but let's not forget the fourth component of cut, cap, balance, and grow the economy. If we do these things, America will be a better place today. But, more importantly, every American child will have the opportunity to pursue the American dream.

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

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

SILVER FLEECE AWARD

Mr. KIRK. Mr. President, As we continue to debate our economic future I would like to announce July's Silver Fleece Award winner. This month's most wasteful spending project is another example of the egregious Federal spending habits of this government and demonstrates why exactly we need to enact the Cut, Cap and Balance Act.

The Silver Fleece Award for the month of July goes to a $64 million stimulus award to provide broadband service to Gallatin County, MT. According to an analysis conducted by Navigant Consulting, 93 percent of the households in the project's proposed service area were already served by five or more broadband providers. The fact that tens of millions of taxpayer dollars were spent to subsidize broadband service in an area with already strong private sector representation is reprehensible. Perhaps even more staggering, though, is the taxpayer cost of these services per unserved household.

According to the program's own definition of ''unserved household,'' this project cost taxpayers more than $340,000 per unserved household.

However, many of these so-called unserved households have access to 3G

wireless broadband. Not only are 3G speeds approaching or even meeting administration broadband standards, but 3G will soon be replaced with 4G broadband, which will far exceed current standards. Subtracting the number of homes that had existing access to 3G wireless leaves only seven households in the Gallatin County service area unserved by broadband. It cost the U.S. taxpayer an astounding $7,112,422 per household to provide broadband service to the truly unserved population.

I wish I could say this project is the exception, but I cannot. This funding was provided through the stimulus' $3.5 billion Rural Utility Service Broadband Initiative Program. On average, this program cost the taxpayer over $1,000 per household. In the projects analyzed by the Navigant study, 85 percent of the households served already had access to broadband.

Unfortunately, rural broadband subsidization has been long mismanaged by the Rural Utility Service. A 2009 inspector general report found that just 2 percent of Federal broadband buildout funds provided between 2005 and 2008 went toward unserved communities. The same IG report found that funds were also going to areas that were not rural at all. In fact, 148 of the communities provided with subsidized broadband between 2005 and 2008 were within 30 miles of cities with at least 200,000 inhabitants. We continued to see this occur in the stimulus funding, where in my home State, Cook County, home of Chicago with a population of 2.79 million, and suburban Will County received funds.

Ensuring connectivity in rural America is a worthy endeavor that will bring much needed economic development to small communities around the country. But as we face budget shortfalls and a crippling debt, we cannot afford to subsidize duplicative broadband service to urban and suburban areas.

Now, during the stimulus debate when the bill was considered by the full Appropriations Committee, I raised concerns with the then chair of the Agriculture Subcommittee, ROSA DELAURO on this issue. I said it was a waste of money. I said that we should probably redirect the funds. I said that we should not support this legislation.

I was defeated in the House of Representatives and the stimulus bill was put forward. I even wrote a memo highlighting the waste in this rural broadband initiative.

Unfortunately now seeing—especially in Gallatin County, where we have now subsidized each recipient of unserved broadband services at a cost of $7,112,422 per person—we have seen that the remarks that I made in opposition to this funding when I was a member of the House dramatically understated the waste to the U.S. taxpayer.

As we face a future of deficits and debt, we need to highlight the waste of the Rural Broadband Program, which is why the July Silver Fleece award went to this program in Gallatin County, MT.

The PRESIDING OFFICER. The Senator from Montana.

CUT, CAP, AND BALANCE ACT

Mr. TESTER. Mr. President, you should see the folks back in Montana and across this country as they watch the news and read the papers, shaking their heads. I do not blame them. I am shaking my head too because we just wasted 2 precious days debating a plan that wipes out Medicare and Social Security, a plan that guts veterans' benefits.

Yes, that is exactly what the plan did. That is exactly why I opposed it. It is incredible to me that some folks have no problem turning their back on America's seniors and America's veterans while at the same time preserving tax loopholes that benefit millionaires and Big Oil and Wall Street and corporations that ship our jobs overseas. That is why Montana and folks across this country are shaking their heads. They do not think much of what is going on in Washington, DC, these days.

My friends in the House know full well this bill is no friend of the seniors and it is no friend of the veterans. They know full well it would force deep cuts in Medicare and Social Security. They know this all so very well. So you know what they did. What do career politicians do when they want people to believe their plan to cut Medicare somehow exempts Medicare? They add language saying ''exempt Medicare.'' That is what they did. Montanans deserve better, and Americans deserve better.

Let's look at the whole truth. Let's first talk about the cuts that are in the cut, cap, and balance plan.

This plan locks in cuts proposed by the controversial House budget plan—otherwise known as the Ryan plan in the House—and it locks them in for a full decade. That means you are going to see more than $111 billion in cuts this year alone. That is 10 percent. Will it be a 10-percent cut to veterans health care or highway or water infrastructure or education? They will not tell us how they plan to make those cuts. Maybe they will take a little less out of our veterans but at the expense of the police and firefighters. Maybe they will take a few less dollars out of agricultural research but then kick a few more kids out of Head Start.

Now let's talk about the ''cap.'' The plan caps Federal spending at 18 percent of gross domestic product, requiring even further spending cuts. Now, 18 percent brings us to a level this country has not seen since 1966, about the same time Medicare was created. Even Ronald Reagan advocated for a higher rate than 18 percent.

Here is the kicker: The small print you will not hear from the people who already voted for this bill is that the annual interest on our debt and the very things this bill claims to exempt—Medicare, Medicaid, Social Security, veterans' benefits—will cost more than what is allowed under the cap. That means there is to be nothing left to spend on any other program—nothing. That includes the military, our infrastructure, homeland security, and just about everything else. So how is that going to work so that this bill protects Social Security and Medicaid? It will not unless you invent your own math. What are the lawmakers going to do? Do they really intend to close down the Pentagon? I doubt it. But that means they are going to have to go back and cut Medicare and Social Security. Under this bill, it is their only choice. The numbers simply do not add up.

The fact is, we were wasting time even giving it daylight in the Senate, and it is exactly why the folks back home are shaking their heads. They expect us to get a job done responsibly, using common sense in a way that does not dismantle Medicare, Social Security, or hurt our veterans.

I look forward to debating a bipartisan plan to responsibly cut the debt and cut spending. There is one being worked on right now. But the bill the Senate just voted on was not responsible. The Senate rejected it, and rightfully so. Now we need to move to a bipartisan plan that comes out of the middle, not from the partisan extremes.

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.

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

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

THE BUDGET

Mr. KYL. Mr. President, occasionally, political people say things they probably wish they hadn't said because they are quite foolish.

It is with great disappointment that I focus on something our President recently said. I do so not out of disrespect for him but because what was said is so fundamentally wrong that it deserves to be put out into the public for discussion and, frankly, to get some response from the President if he wishes to do that.

According to the National Journal, an article by Rebecca Kaplan, from July 21, the President said this:

> I think what's absolutely true is that core commitments that we make to the most vulnerable have to be maintained. A lot of the spending cuts that we are making should be around areas like defense spending, as opposed to food stamps.

We are in a great debate about how we should figure out a way to end our deficit spending, get our debt under control. We have to raise the debt ceiling here in a few days. We have had a

lot of discussion about the best way to do that. Most people approach the problem by saying: What are the core functions of government, the most important things that are critical to America? You build a budget from that point up. As every family does, you finally get to some things that are good to have, if you can, but sometimes you cannot afford them or not in the same way you have been paying—maybe not going to a movie or going out to dinner.

I think most people would believe that when we all take our oath of office to defend the country, probably the first obligation the Federal Government has is to defend the people, provide for our national security. If we are not able to provide for our national security, there is not much point in trying to protect anything else. That is why the defense of the United States has always been pretty well supported in a bipartisan way, by people in both political parties, in times of peace and in times of war. That is not to say there haven't been debates about defense spending, and whether defense spending sometimes can be cut but, rather, to at least acknowledge that if any function of the government is a core function or, as the President said, ''core commitments,'' it surely ought to be providing for the defense of the American people.

We have also decided over the years that there are ways in which we can help to take care of American citizens who have trouble meeting their own needs. We start with people who are very sick and infirm, or elderly, and we have programs such as Social Security, Medicare, and the Medicaid Program for those economically less fortunate. Over the years, we have developed programs to provide other benefits to American citizens. We provide some housing benefits. We provide what is called food stamps. There is another name for it in the agriculture budget: ''Nutrition assistance.'' It is known as food stamps for people having trouble making ends meet. The government will actually provide them an ability to buy at the grocery store what they need to eat. That is important.

America got along without food stamps for the first couple centuries of its existence. Certainly a lot of people endured hardship. When a country is wealthy enough to be able to afford to do things for its people, it is certainly an appropriate thing to do. That is certainly the category of food stamps.

But I find it remarkable that the President would conflate the obligations of the government for national security and a program such as the nutritional assistance program the way he has. To describe one as a core commitment of the country—food stamps—and to say the rest of it we can go talk about making cuts that should be around areas of defense spending as opposed to food stamps—I am not trying to pick on food stamps, but the President is the Commander in Chief. He, among all Americans, is responsible for our national security. And for him to suggest that food stamps is a core mission of the government and that national security is less than that, so that if we need to make cuts we should take them from national defense, I find remarkable.

Are food stamps close to what is the core of the American people? As I said, we got along without food stamps for a long time. Churches and families and others took care of folks. When the government was wealthy enough to be able to help folks with food stamps, we decided to do it. We have all been supporters of programs that provide that kind of assistance. But when you have to begin trimming expenses—and, by the way, I am not suggesting there is a proposal here on the table to trim food stamps. What I am saying is that what you don't do is to say there is one thing we are going to protect above all else, and that is food stamps, and we can, instead, get our savings from the defense budget. We have already effectuated enormous savings from the defense budget over the last 3 years.

I thought it might be useful to quote a few things that our most recent Secretary of Defense said. He is retired now. For the last 3 years, he acted as Secretary of Defense, and now he has been out of that job for the last couple of weeks. But at the end of his term as Secretary of Defense, he gave several speeches, and in each one of those he stressed the commitment of the United States not only to the security of the American people but to peace around the world and reminded us there is evil in the world. There are always those who would do us harm. And unless there is somebody in the world—a country such as the United States—willing to stand up to these despots, these troublemakers, we are likely to end up with trouble on our own shores sooner or later. He cautioned, therefore, against further reductions in defense spending, as the President has said.

On several occasions, Secretary Gates said defense had already had cut as much as was advisable. So the question is, Why should we automatically be assuming it is easy to cut another $400 billion out of defense, for example; that our key mission here is to protect the core mission, as the President put it, such as food stamps?

I am going to select a few things Secretary Gates has said and then I will ask to have printed in the RECORD a couple of the pieces.

On May 24, Secretary Gates made some remarks to the American Enterprise Institute, and here is a sampling of what he said. In this first quote he is talking about the inventory of military weapons in our arsenal:

> The current inventory is getting old and worn down from Iraq and Afghanistan. Some equipment can be refurbished with life-extension programs, but there is no getting around the fact that others must be replaced. When it comes to our military modernization accounts, the proverbial ''low hanging fruit''—those weapons and other programs considered most questionable—have not only been plucked, they have been stomped and crushed. What remains are much-needed capabilities—relating to air superiority and mobility, long-range strike, nuclear deterrence, maritime access, space and cyber warfare, ground forces, intelligence, surveillance and reconnaissance—that our nation's civilian and military leadership deem absolutely critical.

He gave examples of a new tanker. He noted the ones we have are twice as old as many of the pilots who are flying them. A new generation strike fighter, the F–35. He said we have to build more ships. The size of the Navy has sunk to the lowest number since prior to World War II. The Army and Marines are doing the bulk of our fighting on the ground. Their combat vehicles and helicopters are worn down after a decade of war. He points out that, at some point, we have to replace our aging ballistic missile submarines, and he calls that a program that illustrates the modernization dilemmas we face.

He said this—again at the speech he gave at AEI:

> So as we move forward, unless our country's political leadership envisions a dramatically diminished global security war for the United States, it is vitally important to protect the military modernization accounts—in absolute terms, and as a share of the defense budget.

Let me quote once more from his speech at AEI, and then I wish to move to some remarks he made at some commencement addresses.

One thing Secretary Gates noted is that when we decide we want to reduce defense spending, we have to remember our potential enemies always have a vote. We can assume certain things are of a low probability to happen around the globe, but we can't always be sure that some despot isn't going to try to create trouble somewhere. Here is how he concluded this speech to AEI:

> If we are going to reduce the resources and the size of the U.S. military, people need to make conscious choices about what the implications are for the security of the country, as well as for the variety of military operations we have around the world if lower priority missions are scaled back or eliminated. They need to understand what it could mean for a smaller pool of troops and their families if America is forced into a protracted land war again—yes, the kind no defense secretary should recommend any time soon, but one we may not be able to avoid. To shirk this discussion of risks and consequences—and the hard decisions that must follow—I would regard as managerial cowardice.

Then he said this:

> In closing, while I have spent a good deal of time on programmatic particulars, the tough choices ahead are really about the kind of role the American people—accustomed to unquestioned military dominance for the past two decades—want their country to play in the world.

That is a serious and sobering reminder by the Secretary of Defense that the American people expect the leaders of the country to understand that when we need our military, it is

there, it is capable; that we are being fair with people we have put into harm's way; and that we have given them the very best training and equipment possible.

By the way, my colleague from Arizona, JOHN MCCAIN, has visited Iraq, Afghanistan, and other places where our military men and women have been fighting for many years. One of the thoughts that always strikes me most about his observations when he returns is the quality of our fighting force—the quality of their equipment and their training. They are, clearly, the best military force ever fielded.

We expect that. We have come to expect it. But it doesn't happen automatically. It requires stewardship, and we here in the Congress, as well as the Presidents, are stewards of our national security and all of those who provide it. That is a lesson we can't forget, even in the context of a deficit and debt debate where we are trying desperately to find more ways we can achieve savings.

When Secretary Gates spoke to the Notre Dame graduates on May 22, here are a few of the things he said:

> The lessons of history tell us we must not diminish our ability or our determination to deal with the threats and the challenges on the horizon, because ultimately they will need to be confronted. If history—and religion—teach us anything, it is that there will always be evil in the world, people bent on aggression, oppression, satisfying their greed for wealth and power and territory, or determined to impose an ideology based on the subjugation of others and the denial of liberty to men and women.

He continued:

> . . . make no mistake, the ultimate guarantee against the success of aggressors, dictators, and terrorists in the 21st century, as in the 20th, is hard power—the size, strength, and global reach of the United States military.

He also discussed what we are doing around the world, and he said this:

> All of these things happen mostly out of sight and out of mind to the average American, and thus are taken for granted. But they all depend on a properly armed, trained and funded American military, which cannot be taken for granted.

He concluded those remarks by saying:

> Throughout this process we should keep in mind historian Donald Kagan's observation that the preservation of peace depends upon those states seeking that goal having both the preponderant power and the will to accept the burdens and responsibilities required to achieve it. And we must not forget what Winston Churchill once said, that ''the price of greatness is responsibility . . . and the people of the United States cannot escape world responsibility.''

Another way of saying this was one of Ronald Reagan's famous sayings—that the best way to preserve peace was to have strength. ''Peace through strength.'' That is, when you become weaker, you tempt the despots around the world to see whether they can gain some territory or some advantage, and to make trouble. You are then playing catchup, having to fight a problem that could have been avoided, perhaps, if that despot knew you had the strength and will to defeat him if he had made any kind of aggressive move. Having the ability to deter is at least as important as the ability to win if the fight occurs because you can avoid a lot of trouble, expense, casualties, and problems if you deter aggression in the first place.

At North Dakota State University, in another commencement speech on May 14, Secretary Gates said this:

> . . . while I don't foresee a repeat of the Cold War days—when we faced off against another military superpower—I believe there is a growing competition underway for global leadership and influence.

It was part of the same message he had spoken of earlier about the importance to be prepared and why we should not just look to the defense budget for savings; that we had to keep our priorities in mind. One of those priorities was our role and responsibility around the world, confirming again what he said, which was:

> If the political leadership of this country decides that it must reduce the investment in defense by hundreds of billions of dollars, then I don't think we can afford to have anything that is off the table.

It would seem to me that would include something such as food stamps. Again, what Secretary Gates said was that ''defense had already cut as much as was advisable.''

All right. I get back to my original point. Maybe I am making too much of a casual observation of the President here, but when the President of the United States describes a core commitment as food stamps and says that, instead, the cuts we are making should be around areas such as defense spending, it tells me the President has his priorities turned around, that they are wrong. His first responsibility is to the American people as Commander in Chief, and our first responsibility in the Congress is exactly the same—for the security of our country.

We are not going to be a strong country if we are bankrupt. One of the key components to a strong defense is a strong economy so we can generate the wealth we need to produce the kind of military equipment and to field the kind of forces we need to protect our interests. That is why we are focusing so much on the deficit, on spending, and the like. But when we talk about areas that need to be cut, let's remember what the former Secretary of Defense said—defense has been cut enough already. If we are going to keep our commitments around the world, we have to prioritize our spending. I submit that putting food stamps on a higher level of commitment than the national security of the United States is to grossly misplace our priorities. So I hope the President and others within the House and the Senate, in getting about the serious business of finding where we can make cuts—and we surely have to do that—will help to prioritize those things that are absolutely critical and essential to the core of the United States; and those things where, if we have the wealth to do them, we definitely should; and where we can make cuts, we need to; but that the end result of that equation, those tradeoffs, will mean the first priority is the security of the United States.

As we make our decisions here going forward, I will be speaking more about the areas in which we have already slashed defense spending and the areas in which, as Secretary Gates noted, defense spending is going to have to be enhanced if we are going to have the kind of force the American people have come to rely upon.

Mr. President, I ask unanimous consent to have printed in the RECORD two publications. One is from the Weekly Standard, dated July 18, by Max Boot; and the other is a piece by Jamie Fly, posted on July 8 on National Review Online.

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

[From weeklystandard.com, July 18, 2011]

GRAND OLD DOVES?

(By Max Boot)

Opinion polls consistently show that the U.S. military is the most trusted institution in America. Republicans have benefited indirectly from that hard-won reputation because since the 1970s they have been seen as the strong, hawkish party, while Democrats have had to fight the stigma that they are weak and dovish. Republicans wouldn't throw away that aura—one of their strongest electoral assets—just to reach a budget deal with President Obama. Or would they?

There are persistent and worrisome reports that they might. The Hill newspaper, for instance, claims that Republican budget negotiators have been discussing cutting defense by $600 billion to $700 billion—considerably more than the already indefensible $400 billion in cuts that Obama has said he would like to see over the next decade.

Obama's proposed cuts are bad enough; as former Defense Secretary Robert Gates implicitly warned before leaving office, such deep reductions would seriously impair the military's ability to meet its global commitments. Going beyond what Obama has proposed is simply suicidal—on both substantive and political grounds.

Start with substance: The defense budget did experience a rapid increase during the past decade because of the post–9/11 wars. But the budget is already shrinking—down from $708 billion this fiscal year to $670 billion in the next fiscal year. That's a $38 billion cut, and the budget will decline even more as troops leave Iraq and Afghanistan.

Already the military is feeling the strain of maintaining all of its commitments, including a new war in Libya. Those who suggest, with a straight face, paring back a whopping $700 billion more—even over the course of a number of years—should be forced to explain which missions currently performed by the U.S. armed forces they are willing to sacrifice.

Should we completely pull out of Afghanistan? Even with the overly hasty withdrawal of surge forces ordered by Obama, we still will have 70,000 troops there at the end of next year, costing at least $70 billion. Pulling out troops even faster risks giving jihadists their biggest victory since 9/11.

Perhaps we should stop fighting pirates off the coast of Africa? Stop fighting in Libya so

that arch-terrorist Muammar Qaddafi can claim a victory over the West? Stop targeting al Qaeda in Pakistan and Yemen and elsewhere? Stop deterring China, North Korea, or Iran? Stop patrolling the Persian Gulf through which much of the world's oil flows? Stop fighting cyberattacks emanating from China and Russia? Stop developing missile defenses to protect the American homeland? Stop supporting Mexico and Colombia in their fights against narcotraffickers? Stop holding military exercises with friendly armed forces from Egypt to the Philippines—exercises that allow us to exert soft power at low cost?

Maybe advocates of budget cuts think we should continue performing all, or most, of those missions with less resources. But that's a cop-out. It's a recipe for stinting on training and personnel, thus creating a ''hollow force'' of the kind that we last saw in the late 1970s.

The reality is that there is no way the armed forces can perform all, or even most, of their current missions with less money. In fact, despite the growing spending of the past decade for contingency operations, the military has already cancelled a number of important procurement programs. These include the Army's Future Combat System and the Air Force's F–22, the best-in-the-world stealth fighter that was canceled just before China unveiled its own stealth fighter.

For the most part, the armed forces remain reliant on weapons systems designed in the 1960s and 1970s and procured in the 1980s: aircraft such as the A–10, F–15, and F–16, helicopters such as the Apache and Black Hawk, warships such as Los Angeles-class submarines and Ticonderoga-class cruisers, and armored vehicles such as Abrams tanks and Bradley Fighting Vehicles. These are all superb weapons, but they are rapidly aging—and are either being overtaken, or soon will be, by competing models produced abroad that are certain to fall into the hands of our enemies.

Moreover, competing powers such as China and Russia are designing weapons such as computer bugs and antisatellite missiles that could render much of our current equipment useless. We will have to develop defenses. And that won't be cheap.

At the same time, the Department of Defense must take care of its people—our most precious asset. There are 1.5 million active-duty military personnel, 750,000 civilian Defense Department employees, and 1.5 million personnel in the Reserves and National Guard. We already spend more on personnel costs ($157 billion this year) than on weapons procurement ($151 billion) and the imbalance is likely to grow in future years, thereby making it even harder to increase our power-projection capabilities. Yet Congress rebuffed Gates's attempts to institute modest co-payments for the fiscally unsustainable Tricare medical system. That was deemed too politically sensitive.

This is part of a pattern: Congress finds it difficult or impossible to cut specific defense programs because they all have powerful constituencies. But mandating ''top-line'' cuts may be politically palatable as part of a budget deal because lawmakers won't have to make tough choices about which programs to eliminate and which areas of the world to leave undefended.

Cutting defense won't solve our budget woes. The ''core'' defense budget, $553 billion, is small as a percentage of GDP (3.7 percent) and of the federal budget (15 percent). Nor is it the reason why we are piling up so much debt. To reduce the deficit, lawmakers will have to do something about out-of-control entitlement programs.

If Republicans acquiesce in ruinous cuts to the defense budget, they will cease to be known as Ronald Reagan's heirs. Instead they will be remembered as the party of William E. Borah, Hamilton Fish III, and Gerald Nye. Remember those GOP giants of the 1930s? They thought a strong defense was unaffordable and unnecessary. But their reputations collapsed on December 7, 1941, when we learned (not for the last time) the price of unreadiness. That is a lesson today's Republicans should remember as they negotiate over the budget.

[From nationalreview.com]

SHORT-SIGHTEDNESS ON DEFENSE CUTS

(By Jamie M. Fly)

As the debt-limit talks enter their final stages, reports are emerging that significant defense cuts may be part of the negotiated package. President Obama, for his part, already proposed cutting $400 billion in security spending over 12 years in his April 13 speech on fiscal policy. The White House is now apparently trying not just to lock that proposal in, but possibly convince Republicans to even go beyond it via the debt-limit negotiations.

Now that Secretary of Defense Gates—who had warned of the implications of the $400 billion in cuts—has left the Pentagon, the White House is increasingly highlighting defense as a potential source of significant savings.

On Wednesday, at his ''Twitter Town Hall,'' Obama said, ''the nice thing about the defense budget is it's so big, it's so huge, that a one percent reduction is the equivalent of the education budget. Not—I'm exaggerating, but it's so big that you can make relatively modest changes to defense that end up giving you a lot of head room to fund things like basic research or student loans or things like that.''

Obama's statement was very misleading. One percent of the president's proposed defense budget for 2012 equals only a fraction of his $77.4 billion education budget request—that is, 7.1. percent. Also, the Obama administration has significantly increased education funding (by more than 50 percent), over the course of its three budgets, while defense spending increases have barely matched the rate of inflation.

Indeed, defense has been targeted by the White House Office of Management and Budget each year as the administration compiled its budget requests. It has not been spared the axe by the appropriators on Capitol Hill, who have consistently funded defense at levels less than those requested by the president. In fact, projected defense spending over the next ten years in the current House budget resolution is already $315 billion less than the amounts the Obama administration projected in its FY2011 request.

All of this is despite the fact that the defense budget is not the source of America's current fiscal woes. Unfortunately, it appears that in the debt-limit talks, both Republicans and Democrats are tempted to avoid the difficult choices posed by significant entitlement reform. Instead, they are contemplating going after defense spending, perhaps assuming there is not a constituency to defend the defense budget at a time when the nation is weary of overseas commitments and many Americans want a renewed focus at home.

This short-sightedness is not a surprise coming from the White House. It is, however, sad to see Republicans heading down this path.

Congressional Republicans should ask themselves whether they want to enter 2012 by surrendering the GOP's traditional credibility on national security. If they endorse Obama's ridiculous $400 billion in defense cuts—or even worse, agree to deeper cuts—Republicans risk assisting the president's management of American decline, just as the United States enters a very turbulent and uncertain period.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

VISIT TO THE SENATE BY PARLIAMENTARIANS OF BRITAIN

Mr. LEAHY. Mr. President, we have a group of British parliamentarians meeting with us. I see the distinguished Republican leader on the floor. Senator COCHRAN and I are leading a delegation to meet with them, and I am about to ask to put the Senate in recess subject to the call of the Chair, which will only be a matter of minutes, I assure my colleagues, so we can bring them on the floor.

I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

There being no objection, the Senate, at 12:03 p.m., recessed subject to the call of the Chair and reassembled at 12:13 p.m., when called to order by the Presiding Officer.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

Mr. LEAHY. Mr. President, now that we are back in session, I thank my fellow Members, and Senator COCHRAN especially, for their courtesy in letting us go into recess so that we could bring a group of very distinguished British parliamentarians on the floor.

I would note for the Senate that we meet every 2 years, American Senators and British parliamentarians of both the House of Commons and the House of Lords. We will do it once in England, once here. Two years ago we were over there, and this year we are meeting here. Four years ago, as Senator COCHRAN will recall, we met in the State of Vermont. But with changes in the Senate session, we are going to meet here in the Capitol.

I thank you very much for the courtesy.

I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, it is a distinct honor and pleasure to join Senator LEAHY in welcoming our guests from the United Kingdom to the Senate. This is a tradition we have really enjoyed and benefited from—the close opportunity to talk and discuss issues of mutual interest and concerns—and I think we reflect credit on the good relationship of both of our countries in that process. It is an honor

to join him in welcoming them at this time.

The PRESIDING OFFICER. The Senator from Vermont.

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

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

THE DREAM ACT

Mr. DURBIN. Mr. President, it was 10 years ago that my office in Chicago, IL, was contacted by a young woman. Theresa Lee, who is Korean by birth, had been part of something known as the Merit Music Program in Chicago. It is an amazing program. A lady in the later years of her life decided to leave some money to a program that would offer to children in the public schools a musical instrument and instruction. Her belief was that many of these students would take up the offer and that learning a musical instrument could be an important part of their future lives.

She was right. The Merit Music Program, at least as of last year, had a 100-percent placement rating of graduates in college. It turned out that giving a musical instrument to a young person and giving them a chance to develop that skill did a lot more than create music. It created self esteem, confidence, and a belief they could do something with their lives, even for many students who were from poor families.

Ten years ago, the Merit Music Program contacted us and told us about a young woman named Theresa Lee who was one of their star pupils. She had learned piano and had graduated to a level of competence they had seldom seen in their program. In fact, she had played in a concert and now, as she graduated from high school, she was accepted at several of the major music schools around the United States, including Julliard. As she filled out the application to go to school, though, she found out she ran into a problem. They asked on the application for the Julliard School of Music what her nationality or citizenship was.

She turned to her mother and said: What do I put down there?

Her mother said: Theresa, when we brought you to this country you were 2 years old, and I never filed any papers. I don't know what your status is in terms of your nationality.

The mother was an American citizen. Her brother and sister were American citizens. But she had never established her citizenship or claim for citizenship.

At the age of 18, she contacted my office and asked: What should I do?

We took a look at the law, and the law was very clear. Under the law of the United States of America, that young woman who came here at the age of 2 and had not filed any papers had to leave the United States and go to Brazil, which was the last country her parents traveled through on their way to America, and wait 10 years before she could apply to become legal in America. It did not sound fair to me. Two-year-olds do not have much voice in terms of whether they should file papers.

If anybody made a mistake, it was her parents, and they knew it. They could not correct it, though, and the law did not correct it. The law punished her, ultimately sending her back to Korea, a place she could never remember, with a language she did not speak.

So I introduced the DREAM Act, and the DREAM Act said: If you came to America under the circumstance that if you are brought here as a child, if you grew up in this country and graduated from high school, if you had no serious questions about your moral standing in the community, no serious problems with any criminal activity or background, we would give you a chance—just a chance.

The chance was they could either enlist in our military for at least 2 years or they could complete 2 years of college. If they did that, we would allow them to work toward legal status. All along we would be asking the same questions as the years went by: Have you done anything that would suggest to us that you should not be part of the United States of America? That was the DREAM Act. I introduced the bill 10 years ago.

An interesting story, what happened to Theresa. She went on to school at Julliard, and she did become an accomplished concert pianist. She has played a concert at Carnegie Hall. She has now married an American citizen, and she is legal in the United States. So the story had a happy ending. But for many of these young people it has no happy ending. They end up deported at the age of 18 or 19 because their parents did not file papers or could not file papers on their behalf.

That is why I introduced the DREAM Act, to give these young people a chance. Last month I chaired the first Senate hearing on the DREAM Act. There was compelling testimony from a number of witnesses. The Secretary of the Department of Education, Arne Duncan, testified about the talented students who would be eligible under the DREAM Act: the class valedictorians, the star athletes, honor students, and leaders in ROTC. Their options, however, are limited because they are undocumented. Secretary Duncan explained that the DREAM Act would make America a better and stronger country by giving these young people a chance to fulfill their potential.

Dr. Clifford Stanley testified. He is the Under Secretary for Personnel and Readiness from the Department of Defense. He testified that the DREAM Act would strengthen our national security by giving thousands of highly qualified, well-educated young people a chance to enlist in the Armed Forces.

Homeland Security Secretary Janet Napolitano also testified in favor of the DREAM Act and said this law would strengthen our homeland security by allowing immigration agents to focus their time, attention, and resources on those who clearly are a danger in the United States and should be deported rather than on these young people who had never posed any threat to anyone.

LTC Margaret Stock, who taught immigration law at West Point Military Academy, testified about important restrictions included in the DREAM Act to prevent abuse.

The most compelling testimony came from this young woman, Ola Kaso. Ola Kaso was brought to the United States by her mother from Albania in 1998 when she was 5 years old. Last month she graduated from high school in Warren, MI, with a 4.4 grade point average. She has enrolled in the honors program at the University of Michigan as a premed student.

Ola has so much to contribute to America, but even today she faces deportation back to Albania, a country she barely remembers, a country she left when she was 5 years old.

She spoke for thousands of people just like her, young people who call themselves now the Dreamers. I often come to the floor of the Senate to tell their stories, and today I want to tell you about three others.

This is Tapiwa and Dominique Nkata. Tapiwa is on the left, Dominique is on the right. Their parents, John and Joan Nkata, brought the family to the United States from Malawi, in Africa, in 1990. At the time, Tapiwa was 4 years old and Dominique was only 11 months old.

The Nkatas came here legally, so they had work permits. John, an ordained Christian minister, worked as a Hospice counselor, his wife Joan worked as an accountant. The Nkatas filed papers to stay here permanently. For years their case was stuck in immigration court. Finally, in 2009 John and Joan Nkata were granted legal permanent residency in the United States, but by this time Tapiwa and Dominique were adults and unable to obtain legal status through their parents. Had the court moved more quickly and the decision made while they were still children, there would be no question about their documented status.

Earlier this year these two young women were placed in deportation proceedings. Dominique sent me a letter, and here is what she said about being deported to Malawi:

> The looming fear of having everything I know, including part of my family, here in the United States while I am removed to the other side of the world, is crippling.

And Tapiwa wrote a letter and said:

> I can't imagine my life in Africa. I am an American. I know this culture and speak this language. I pledge allegiance to this flag.

The Department of Homeland Security decided to give a 1-year stay in their deportation to Tapiwa and Dominique. I think that was the right thing to do. It would just be wrong to send these young women, who grew up in America and have so much to contribute, back to Malawi, a country they don't even remember.

Tapiwa is now 25. In 2007—listen to this—Tapiwa—on the left here—graduated summa cum laude from the University of Cincinnati with a degree in finance. For the past 2 years she worked at an accounting firm and dreams of being a certified public accountant. She cannot as long as she is undocumented. In her letter to me she said what America means to her:

> Quite simply, when you say 'The American Dream' all around the world they know what you are talking about.People who have never been to our shores, eaten our food, or even spoken our language have heard of a prosperous nation that above all else grants freedom and rights to all people.

Dominique, on the right, is now 21. Last month she graduated from the University of Cincinnati with a double degree in chemistry and premedicine. She is now working at University Hospital and the Jewish Hospital in the research department as a clinical studies assistant. Dominique is studying for the MCAT and plans to apply to medical school when her immigration status is resolved.

Dominique told me:

> I dream of being a doctor and giving back to a country that has given so much to me.

So would America be better off if Tapiwa and Dominique are deported to Malawi or if they are allowed to continue to stay in the United States realizing their dreams and making us a better nation?

Let me introduce you to another dreamer. This is Jose Magana. He has a big smile on his face. Jose was brought to the United States from Mexico when he was 2 years old. Jose grew up in Arizona. He graduated as the valedictorian of his high school class. He enrolled in Arizona State University, becoming the first member of his family to attend college. Then Arizona passed a law prohibiting public universities from giving financial aid or instate tuition rates to undocumented students. Hundreds of students were forced to drop out of school. But Jose persevered. He found his calling on the speech and debate team where he ranked fifth in the Nation.

In 2008 Jose Magana graduated summa cum laude from Arizona State University with a major in business management. Jose couldn't work because of his legal status, so he went to law school. Next year Jose will graduate from Baylor University Law School in Waco, TX.

Despite his potential to give to this country, Jose will not be able to work as a lawyer because of his undocumented status. Jose sent me a letter, and here is what he said:

> The worst part of being undocumented is the fact that legally the United States is not considered my home. I have not been to Mexico since I left when I was 2 years old. I don't have any friends or close family in Mexico. If I were to be deported, it would literally be like being thrown into a foreign country with a different language and culture. The United States is my home. I want to give back to this country I love.

Could we use someone with Jose's talent in America? Of course we could. For the last 10 years I have been working on the DREAM Act. There has been one constant: I have had the support not only of my colleagues in the Senate, but I have also had the support of the legislators across the United States. The faith community supports the DREAM Act because it is based on a fundamental moral principle that is shared by every religious tradition, and it is this: It is wrong to punish children for the actions of their parents.

Earlier this month I held a press conference to announce DREAM Sabbath. The DREAM Sabbath will take place this fall on Friday, September 23; Saturday, the 24th; and Sunday, the 25th. On the DREAM Sabbath, churches, synagogues, mosques, and temples around the country will be asked to dedicate time during their regular weekly worship service to have a conversation about the DREAM Act. When I announced the DREAM Sabbath, I was joined by religious leaders from a variety of faith traditions. One of my real heroes and friends, Cardinal Theodore McCarrick, a good friend, who has been in the fight for social justice for years; Bishop Minerva Carcano, the first Hispanic woman to be elected bishop in the Methodist Church; Rev. Samuel Rodriguez, the president of the Nation's largest Hispanic Christian organization, with more than 30,000 member churches; Rev. Derrick Harkins, pastor of one of the most prominent African-American churches in our Nation's Capital; Rabbi Lisa Grushcow, representing the Hebrew Immigrant Aid Society; and Imam Mohamed Magid, the head of the Nation's largest Muslim organization.

Mr. President, I want to enter into the CONGRESSIONAL RECORD the statements of two religious leaders who participated in that DREAM Sabbath announcement: Sister Simmone Campbell, executive director of NETWORK of the Catholic Social Justice Organization; and Bishop Richard Graham of the Lutheran Church.

I ask unanimous consent that those two statements be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DURBIN. In her statement, Sister Campbell quotes the prophet Joel, who spoke of our sons and daughters as prophets. Sister Campbell said:

> Our sons and daughters are prophesying to us. They are telling us of a way that our nation should go in order to be whole, to be creative, to lead into the twenty-first century. We, the older generation, need to listen and act. Congress needs to enact the DREAM Act.

At the DREAM Act Sabbath announcement, we were joined by Gaby Pacheco. Gaby has become a great friend of mine. She is a wonderful young lady. She is one of the leaders of the DREAM Act students. Her parents brought her to America from Ecuador when she was 7 years old. She was the highest ranking Junior ROTC student in her high school. The Air Force tried to recruit Gaby. She was unable to enlist because she does not have legal status in the United States. She was brought here as a child. She is working on her bachelor's degree in special education and wants to teach autistic children.

I met her last year after she and three other DREAM Act students literally walked 1,500 miles from Miami, FL, to Washington, DC, to raise awareness of the DREAM Act. Along the way these four students were joined by hundreds of supporters who came out to welcome them. They called their trip the Trail of Dreams.

The goal of the DREAM Sabbath is to put a human face on the plight of the undocumented students, like Gaby, and educate America about the DREAM Act and, of course, the ultimate goal is to build up support to pass the DREAM Act. DREAM Act students need more than our prayers; they need our help. They need our help to pass the DREAM Act. Dreamers like Tapiwa and Dominique Nkata, Jose Magana, Ola Kaso, and Gaby Pacheco are Americans in their hearts. They have stood every day in the classrooms across America, pledging allegiance to our flag and singing the only National Anthem they know to the only country they know, a country that they love.

They are willing to serve in our military. They are willing to pursue an education to add to a better America. All they need is the permission slip of Congress to give them that chance. I ask my colleagues to support the DREAM Act. It is the right thing to do. It will make America stronger.

EXHIBIT 1

[From the Network, July 12, 2011]

STATEMENT BY SISTER SIMONE CAMPBELL, EXECUTIVE DIRECTOR

> I have worried that the DREAM Act has been mis-named. Calling something a DREAM indicates that it is not real, has no substance, is far beyond reality. That has led me to wonder if it is actually making getting the legislation passed more difficult because everyone thinks dreams don't really come true.
>
> Then I met students who would qualify for an earned path to citizenship if the bill passes. I found out that their dreams are rooted in the daily reality of their lives. They work to learn, support their families, encourage siblings and friends. They strive for better lives for themselves, their families and their communities. They work daily to make dreams come true.
>
> This brought me to the realization that perhaps it is just in Washington where the American dream has become fantasy. The American dream has been built on the imagination and toil of immigrants. Our nation has prospered because of the innovation and creativity of all of the people who have come

to create something new. In Washington it is tempting to forget the vision in exchange for partisan wrangling. This is wrong. We must step away from cynicism that second guesses every action and embrace the founding spirit of our nation.

As a person of faith I hold to the prophet Joel echoed in the Acts of the Apostles trusting that the day will come when ''Your sons and daughters will prophesy, your young men will see visions, your old men will dream dreams.'' Our sons and daughters are prophesying to us. They are telling us of a way that our nation should go in order to be whole, to be creative, to lead into the twenty-first century. It is now time for the ''old men'' (and women) of Congress to dream their dream and take this first step toward comprehensive immigration reform. We the older generation need to listen and act. Congress needs to enact the DREAM Act this year.

STATEMENT OF THE REV. RICHARD GRAHAM, BISHOP OF THE METROPOLITAN WASHINGTON, DC SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA

As the bishop of the Metropolitan Washington, DC Synod of the Evangelical Lutheran Church in America, ELCA, I strongly support the Development, Relief and Education for Alien Minors, DREAM Act. The DREAM Act is critical legislation that would provide lawful permanent residency to undocumented youth who attend college or serve in the U.S. military for two years. DREAM Act supporters include President Obama, a number of former President George W. Bush administration officials, and the ELCA Presiding Bishop, the Rev. Mark S. Hanson.

Last year I joined Lutheran Immigration and Refugee Service and Lutheran leaders to urge Congress to pass the DREAM Act. Although I was disappointed that the Senate failed to pass the bill, I stand committed to working with congregations in my synod to advance just and humane solutions for these ambitious and talented young people.

The DREAM Act is envisioned to bear fruit for young people who came to this country as children. They are Americans in every way except that they are not U.S. citizens. The DREAM Act would provide a path to U.S. citizenship for children who arrived in the United States before the age of 16, graduate high school or receive a GED, go to college or serve in the military and demonstrate that they are of good moral character. These young people should be allowed a path to become U.S. citizens because they have already proven that they are Americans and they should not be deported back to a country they do not know.

This issue is important to Lutherans in the United States. Lutherans and Lutheran congregations have strong immigrant roots. Almost all Lutherans can remember back a generation or two to when their grandparents or great grandparents struggled as new immigrants in this country. It is this immigrant tradition and our commitment to welcoming the stranger, regardless of immigration status, that compels the ELCA to support and call for the immediate passage of the DREAM Act.

TRIBUTE TO DOUG AURAND

Mr. DURBIN. Mr. President, I want to take a moment to thank a friend of mine who is leaving public service soon after more than four decades of service in Winnebago County, IL. Doug Aurand won his first political race in 1970 when he was elected Winnebago County treasurer. Truth be told, he wasn't supposed to win that race. The voters of Winnebago County had not elected a Democrat to a countywide position in 138 years. Apparently, nobody told Doug. He ran as a write-in candidate and campaigned in his first election like it was the most important race he could possibly run.

He filled out the campaign schedule every day by knocking on every door and talking to every voter he could find. When the votes were counted on election night, Doug Aurand made history by becoming the first Democratic treasurer in Winnebago County, IL. He was reelected seven times.

Doug Aurand was born in Dixon, IL, hometown of Ronald Reagan, and he was every bit as proud to be a Democrat as President Reagan was to be a Republican. But Doug never allowed his political affiliation to influence the way he treated his constituents. When you walked into the county treasurer's office in Rockford, you weren't Republican or Democrat; you were a taxpayer who deserved straight answers, good service, and respect. That is how Doug saw it, and that is why voters reelected him to the treasurer's office many times.

Two stories will tell you what kind of treasurer he was. One of the first actions Doug took as county treasurer was to put the local banks on notice that they would have to bid for Winnebago County's bank business. No more awarding the county's banking business on the basis of friendship and political connections. Whichever bank offered the highest interest rates would get the job. Competitive investing brought tens of millions of dollars and higher interest payments to the county, a real savings for taxpayers.

Doug also whittled down his staff. When he came in there were 30 people. By the time he left, they were down to 9, and their service never suffered.

Another example of the sort of treasurer Doug was, in the late 1970s an elderly man came in the office to pay his tax bill, and he pulled out a big bag of coins. He was literally counting his coins to pay his tax bill. Doug went up to say hello to him, and he noticed that the coins were all silver—mercury dollars and silver dollars—valuable collector's items.

Doug told the man his coins were worth more than face value, and he didn't just stop there. He arranged for a professional appraisal of the coins. In the end, not only was the elderly man able to pay his tax bill, but he also took home a nest egg. That is the kind of conscientious public servant Doug Aurand is.

In 1999 Doug announced he was stepping down after 28½ years as county treasurer. At that time he was in a life-and-death struggle with smoking-related cancer and his prognosis was not good. He defied the odds, beat cancer, resumed his political career, winning election as Harlem Township supervisor and a Winnebago County board member.

After 10 years, he lost his reelection bid to the county board last November, and he will step down from the Harlem Township board next month. It will be shortly after his 70th birthday, leaving behind 40 years and 8 months of public service.

Doug Aurand grew up on a farm in rural Winnebago County. He was one of six kids, including three foster children. His family raised miniature horses. Doug's dad also worked in the factory. Doug served in the Air Force during the Vietnam war, came home and started working as a mail carrier. That is when he got the political bug.

Federal law prohibits public employees from running for office, so Doug gave up the security of the Postal Service job for the insecurity of public life.

He is a passionate supporter of ordinary working people and the American labor movement, and he considers himself a fiscal conservative when it comes to saving taxpayers money. Ask Doug's friend who his political hero is in life, and he will tell you one name: Hubert Horatio Humphrey. Doug is a happy warrior. He loves politics, shaking hands, talking to voters, and debating the issues.

The high point of his year was at the Winnebago County Fair where he spent hours and hours talking to every one of the visitors at the fair.

Doug gives back to the community in ways other than politics. Only 2 percent of the boys who enter the Boy Scouts ever make it to Eagle Scout. I was in the other 98 percent, Doug was one of those in the 2 percent. He was an Eagle Scout leader for more than 30 years. He has been a leader and friend to hundreds of Eagle Scouts. Doug and his wife Julie have attended scores of graduations and weddings of Doug's former Eagle Scouts.

He also speaks frequently to young people about the health dangers of smoking, which he learned through his own life experience. Cancer cost Doug Aurand a small part of his tongue. That would have been a loss for any of us who fancy ourselves to be public speakers, and for Doug it presented some special challenges. But Doug's problem wasn't in his expression and diction; it was in his mastery of malapropisms. Everyone who knows him has a favorite example of Doug's creative way with words. One common ''Dougism: In speaking about events that are over and done and can't be changed, he often refers to ''water over the bridge'' or ''water under the dam.'' Another friend says his favorite is the way Doug pronounces the word ''protege.'' He calls it ''proto-joy.''

Because of Doug's decades of service as a public officeholder, Eagle Scout leader and friend to so many, Doug Aurand does indeed have ''proto-joys'' all across Winnebago County and beyond.

Doug and his wife Julie are going to retire in Florida, but their influence will continue to be felt in Illinois for

years to come. Julie's famous donkey cookies—and she always had a box waiting for me when I got up to Rockford—are certainly going to be missed by this Senator.

In closing, I wish Doug a happy 70th birthday and happy retirement. I thank Julie, the Aurand children, David and Christine, and the grandchildren, Bill and Tom, for sharing their husband, father, and grandfather with the people of Illinois and Winnebago County. Doug Aurand's service to America has made a real difference.

The PRESIDING OFFICER. The Senator from New Jersey.

HONORING THE TENTH ANNIVERSARY OF SEPTEMBER 11, 2001

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 237 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 237) expressing the sense of the Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 PM Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the measure.

Mr. LAUTENBERG. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 237

Whereas at 8:46 AM, on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas at approximately 10:00 AM, the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed;

Whereas countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks;

Whereas the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored;

Whereas 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day;

Whereas 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States;

Whereas on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001, and their families;

Whereas the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life;

Whereas in December 2001, Congress and the President joined together to designate September 11 as Patriot Day (Public Law 107–89);

Whereas in September 2002, and each September thereafter through September 2008, President Bush issued Proclamations 7590, 7702, 7812, 7929, 8047, 8174, and 8286 (67 Fed. Reg. 57125; 68 Fed. Reg. 53013; 69 Fed. Reg. 55717; 70 Fed. Reg. 54467; 71 Fed. Reg. 53959; 72 Fed. Reg. 51553; 73 Fed. Reg. 52773) proclaiming September 11 of that year, respectively, as Patriot Day;

Whereas in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460);

Whereas in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

Whereas September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States;

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

(6) on the 10th anniversary of this tragic day in United States history—

(A) calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including—

(i) media outlets;

(ii) houses of worship;

(iii) military organizations;

(iv) veterans organizations;

(v) airlines;

(vi) airports;

(vii) railroads;

(viii) sports teams;

(ix) the Federal Government;

(x) State and local governments;

(xi) police, fire, and other public institutions;

(xii) educational institutions;

(xiii) businesses; and

(xiv) other public and private institutions; and

(B) encourages the observance of the moment of remembrance or prayer to last for 1 minute beginning at 1:00 PM Eastern Daylight Time by, to the maximum extent practicable—

(i) ceasing all work or other activity; and

(ii) marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 15 minutes.

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

Mr. LAUTENBERG. Mr. President, there are so many things here we can disagree about, but I wish to say thank you to all of my colleagues. One hundred of us have joined together in overwhelming numbers to support this historic legislation which creates a national moment of remembrance to commemorate the tragedy of 9/11.

Few events, if any, have done more to change the course of American history as much as the horrifying terrorist attacks on September 11, 2001—nearly 10 years ago. It was one of the worst days in American history on our soil—a day that placed a permanent cloud over America and the free world. Few, if any, Americans can forget where they were that fateful Tuesday morning when our country was gripped with shock and disbelief and it felt as though our world had turned upside down.

I was traveling at the time. I was in the Middle East. When the news came that an airplane struck the trade towers, the first conclusion I came to was it was a stray airplane from a nearby airfield, and that was it. But the news

kept coming, and people in the streets of the city I was in were tearing at the terrible news about what happened to America.

Almost 3,000 people, including more than 700 people from my own State of New Jersey, were brutally massacred in that attack. That is more American lives lost than on D-day when thousands of Americans stormed Normandy.

Many of the victims were hard at work. On a typical weekday, 50,000 people worked in the Twin Towers, with another 200,000 passing through as visitors. It is impossible to believe that these towering facilities, with their huge infrastructure, could be burned, melted, and brought to the ground. Many of the people who lost their lives lost them saving others, including 343 firefighters, 60 police officers, and other first responders, as they answered the call of others who desperately needed their help. Some became heroes that day, such as those on United Flight 93, who took on the hijackers who were in the aisles to try and bring that airplane to its target. But the people stood up and fought against them—heroes, brave and courageous—to prevent that airplane from reaching its intended target.

Tragically, a decade after the Twin Towers fell, the toll of 9/11 is still climbing. More than 85,000 first responders, cleanup workers, and community residents are dealing with the aftermath of this tragedy. There are victims who are being monitored or receiving medical treatment after breathing the toxic fumes and the dust at Ground Zero.

As we all know, the wounds that came from 9/11 are not just physical. witnesses of the tragedy saw people jumping from high stories of the buildings because they could no longer stand the heat, the smoke. The witnesses of the tragedy, the thousands of survivors who narrowly escaped the attacks, and the families of the victims who will never see their loved ones again still bear the scars of that awful day.

Life changed in countless ways for all Americans on September 11, affecting every move we make. All of us are reminded of 9/11's legacy almost every day as we wait in line to present our ID when we travel, go to work, or when we hear news of further attempts on the lives of Americans.

There are approximately 50,000 baggage checkers and screeners working every day to keep us safe at airports across the country. In fact, the Federal Department of Homeland Security—created in the wake of 9/11—has more than 230,000 employees and spends more than $40 billion each year protecting us from similar onslaughts.

As is Pearl Harbor, 9/11 can be described as a day that will live in infamy. With Pearl Harbor, with all of its pain and sacrifice, an end to that conflict finally came and normalcy was restored to our country after some years. But our enemy today continues its search for ways to bring pain and suffering to Americans. They keep searching for technology and weapons, and 10 years later we are still fighting them.

As we near the 10th anniversary of 9/11, it is important for us to remember what brought us to this point. That is why I am so proud and grateful to see the Senate unanimously approve this legislation, which—as we approach the 10th anniversary of 9/11—calls on our country to pause on September 11 for a moment of remembrance. What is planned is that at 1 p.m. eastern time that day, all Americans will be called upon to cease all work and activity and spend a moment in silence reflecting on what happened on 9/11, 2001. Our local, State, and national institutions—from sports teams and railroads to broadcasters and places of worship—will be called upon to mark this minute with church bells or sirens to recall the honor of those victims. This will be a striking symbol of American solidarity, signaling to the world that we remain united against those who threaten our freedom. It will also be a powerful nationwide expression of America's patriotic spirit and our refusal to forget the thousands of innocent lives we lost in the destruction of 9/11.

Many of us recall the love of country we experienced in the days and weeks and months after the attacks in 2001. During that period, it seemed as though everywhere we turned, we saw an American flag. As a nation, we were willing to set aside our differences to mourn our losses and mourn the losses of friends and acquaintances and neighbors, and we decided to work together to defeat those who threaten our way of life. I believe the national moment of remembrance can help us recapture that spirit of unity and remind everyone how strong we are when we stand together.

I thank my colleagues for the outpouring of support for this legislation and hope they will be able to encourage their constituents to participate in this moment of remembrance. Every Member of the Senate joined together as cosponsors to create this moment of remembrance, representing all political views in every corner of this great Nation. We want everybody to participate, including State and local governments, the military, veterans organizations, the news media, houses of worship, and sports teams.

The 9/11 Moment of Remembrance will be a way to pay tribute to the lives lost and forever changed by the events in Pennsylvania, the Pentagon, and at Ground Zero. Let there be no doubt: 9/11 changed our country forever, and a tragedy of this magnitude demands memory and vigilance. As a nation, we must keep alive the memories of the many courageous Americans we lost that day. We must be vigilant on behalf of the thousands of families who suffered incalculable losses—losses that must never be forgotten. During the past decade, through our pain and sorrow has come the realization that this vigilance must be maintained so nothing like that can happen again.

So once again I say thank you to my colleagues for supporting this measure. It will send a powerful signal to the rest of the world and remind us how strong America is when we all stand together.

With that, Mr. President, I yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CUT, CAP, AND BALANCE

Mr. HATCH. Mr. President, the American people deserve an accounting of what happened on the floor this morning. The citizens of Utah, whom I am honored to represent, and citizens all over this country thought the Senate would be voting on the cut, cap, and balance bill later this week. I am an original cosponsor of this bill in the Senate. I have signed the cut, cap, and balance pledge. I have always supported a balanced budget amendment to the Constitution.

This year, it is one of my proudest achievements to have introduced S. J. Res. 10, a balanced budget amendment that is supported by every Republican in this body for the first time in all the balanced budget amendments brought to this floor. It is the strongest balanced budget amendment ever written—one that fundamentally deals with our spending crisis. I am honored to have worked with my colleague and friend from Utah, Senator LEE, in crafting this amendment. We worked with Senator CORNYN and 44 other Republicans as well. I am honored to be working with old and new friends, such as Senators CORNYN, KYL, PAUL, TOOMEY, RUBIO, and many other Republicans in pursuing this constitutional amendment for the American people.

The cut, cap, balance legislation the Senate tabled today culminates in a balanced budget amendment, but also includes the short-term deficit reduction that families and markets are demanding.

Cut, cap, balance provides meaningful deficit reduction for the next year and spending caps for the years that follow. It sets us on a path toward a balanced budget. It addresses the gross overspending of the Federal Government in the short term, taking on the deficits and debt that are holding back economic growth and permanently burdening American families and businesses.

Most importantly, cut, cap, balance would fix the problem of government overspending permanently. It would

eliminate the bias in Washington for ever more spending by requiring Congress to send a balanced budget constitutional amendment to the States for ratification prior to any increase in the debt ceiling.

The more the American people hear about this plan, the more they like it. They know the President has no plan. They know the markets are done with promises to cut spending down the road. They know raising taxes is not the solution to a government spending problem. The President and congressional Democrats know the people know this. That is why they have pulled out all the stops to kill this bill's momentum.

The President threatened to veto cut, cap, balance. But that did not do the trick. So after the House passed cut, cap, balance, the President all of a sudden supported the so-called Gang of 6 proposal. His advisers knew they had a problem. All of his clever talk about raising taxes on oil companies and corporate jets and yachts was not distracting the American people from a simple fact: My friends on the other side of the aisle have no credible plan for balancing the budget. The President has no credible plan for balancing the budget. He has not offered anything that would help us get to a balanced budget, nor do I believe he ever will offer anything. They have speeches and executive summaries of bills that will be written down the road; they have plans and proposals for future spending cuts that remain a mystery to everyone; they have budget frameworks; but they have no plan.

The chairman of the Senate Budget Committee has a budget outline. But here is the Senate Democratic caucus budget proposal. Let me refer to this goose egg up here on the chart. That is the Democratic caucus budget proposal—a big goose egg.

As meager as this is, I have to hand it to them, it beats the President's budget proposal. The President has offered us nothing, and we have a big goose egg here in the Senate.

The American people are done with this. The people of Utah know the same people who brought you the stimulus—the policy equivalent of taking $1 trillion in taxpayer dollars and throwing it into the Potomac River—the same people who brought you $2.6 trillion in new spending and $½ trillion in new taxes with Obamacare, are not credible when they now boast of their commitment to deficit reduction and balanced budgets.

The most recent proposal is from the Gang of 6. We are still looking at this proposal. I will not condemn anyone who makes a good-faith effort to get to the bottom of our serious problems. Their efforts might be on the side of the angels, but the devil is in the details, and many of us have real questions about this proposal. Specifically, we want to know what the revenue impact will be, because by some accounts it will raise taxes by between $2 trillion and $3 trillion.

At the very least, the American people understand that the President's desperate embrace of this plan is to avoid, once again, dealing with the deficit. Whatever its substantive merits or demerits, this proposal is a commitment to dealing with deficit reduction later. But later is too late. We need to deal with deficit reduction now. The people of this Nation are telling us this over and over. They are lighting up the Capitol switchboard. I am confident that my colleagues on the other side are hearing the message loudly and clearly: Balance the budget now. Get spending under control now. A last minute op-ed from the President telling us to ''go big'' on a debt deal is a little too late. We are facing our third straight year of trillion dollar deficits. Our debt is now over $14.3 trillion.

The President has shown no serious signs of getting this fiscal crisis under control. He offered up a dead-on-arrival budget in February. When even his friends in the mainstream media panned his budget for its total lack of attention to our looming debt crisis, he offered his budget mulligan with a much ballyhooed speech on deficit reduction. But a speech is not a plan. Meanwhile, it has been over 800 days since Senate Democrats have produced a budget, thus abdicating their most basic of duties.

The American people are finished with this dithering. They know what the solution is. The President and the majority leader no doubt saw the polling yesterday on the cut, cap, balance plan.

Here is the bottom line: Nearly two-thirds of the American people support it. But that is only half the story. Here is the rest: Everyone likes cut, cap, balance—not just Republicans, not just Democrats. It makes sense.

American families want deficit reduction, and with this plan they get it. No vague platitudes or speeches or rallies about reducing the deficit. This plan reduces the deficit and it fixes the underlying problem, which is Washington's predisposition toward more spending.

The President frequently demands that Congress put partisanship aside and come to a deficit reduction agreement. But the American people are one step ahead of them. The cut, cap, balance plan, along with the balanced budget amendment to the Constitution, wins support across the board. Sixty-three percent of Democrats back cut, cap, balance. Fifty-three percent of those who oppose the tea party support it.

Democrats threw everything they had at this bill. They absurdly called it the ''cut, cap, and destroy Medicare plan.'' What bull. The left is becoming a caricature of itself when it comes to demagoguery on the issue of Medicare. I think the American people have caught on that liberals claim that when the Republicans turn on the lights in the morning, they are working to destroy Medicare. Bull. These claims no longer have credibility. The left is out of talking points. Their constituents are telling them to pass cut, cap, balance. They know it won't destroy anything. It will save this country.

So instead of having a vote on it, Democrats decided to pull the plug on the vote. Ordinarily, it is not a good idea to actively undermine the will of the people.

But in this case, there is a method to their madness. The President and his hard-left supporters are in a real pickle. They refuse any structural reforms to our biggest spending programs—the programs that are driving our country toward a fiscal collapse—but they know they cannot come clean with the American people about the tax increases that will hit squarely on the middle class if these structural reforms fail to occur. So they do nothing. Unable to talk straight with citizens who are demanding a balanced budget, they do nothing. They focus on $21 billion in tax benefits that go to energy companies over 10 years when we have a $1.5 trillion deficit this year—this year.

This is how Peter Roff at U.S. News and World Report put it:

> The president and congressional Democratic leaders are still dug in, trying to pull a rabbit out of their hat that will get them what the political coalition behind them demands: new taxes, new spending, and no real cuts.

This is not going to happen. So unable to thread the needle between the President's hard-left base that refuses spending reductions and the majority of taxpayers demanding deficit reduction, what do they do? They punt.

Today, they managed to avoid a vote on the bipartisan cut, cap, and balance plan. There was a great deal of bluster surrounding this dodge. To distract the American people from the fact that they were running from a fight, the rhetoric was laid on pretty thick. This is what we heard about this bill. According to my friends on the other side, cut, cap, and balance is ''as weak and senseless as anything that has ever come on this Senate floor.'' It is ''anathema to what our country is all about.'' This is ''some of the worst legislation in the history of this country.'' Now, let's be clear what they are talking about. They are smearing a bill that would balance the budget. They are trashing a bill that requires a balanced budget constitutional amendment.

I personally am glad to know where the other side stands, but they do not stand with the American people. They certainly don't stand with my home State of Utah. The American people think balancing the budget is precisely what America is all about. Reining in spending, restoring the Constitution, and securing the liberty and prosperity of America's families is exactly what Congress should be doing.

I am disappointed in what happened here today, but I am also confident this fight is not over. The left might be able

to hide from a vote on balancing the budget by a simple motion to table—which they are hoping obscures their desire to not balance the budget—but they cannot hide from the markets and the legacy of debt President Obama has given this country because that is a real threat to our credit rating.

Yesterday, Standard & Poor's made clear that avoiding the default was only one variable in their rating of U.S. credit. This is what Standard & Poor's said:

> We have previously stated our belief that there is a material risk that efforts to reduce future budget deficits will fall short of the target set by Congressional leaders and the administration. In this light, we see at least a one-in-two likelihood that we could lower the long-term rating by one or more notches on the U.S. within the next three months and potentially as soon as early August . . . if we conclude that Washington hasn't reached what we consider to be a credible agreement to address future budget deficits.

Now, after years of reckless spending by President Obama and his Democratic allies, the chickens are coming home to roost. We face an imminent debt crisis, and a failure to take it on will impose a crushing burden on America's families and businesses. Our economy is stagnant, and the failure of the President to lead on deficit reduction now threatens higher interest rates and will slow it even further.

This is Standard & Poor's analysis of the impact of a debt downgrade due to a failure of deficit reduction:

> We assume that under this scenario we would see a moderate rise in long-term interest rates (25–50 basis points), despite an accommodative Fed, due to an ebbing of market confidence, as well as some slowing of economic growth (25–50 basis points on GDP growth) amid an increase in consumer and business caution.

For an economy that is slogging along with anemic growth and job creation, this warning should wake people up. It should make the President and the left get serious about deficit reduction. But, instead, the President is still casting about for a plan.

It is important to remind people that we have a plan. It is called cut, cap, and balance. It culminates in a balanced budget amendment to the Constitution, and it is supported broadly by the American people. Some folks on the other side claim to be for a balanced budget. They claim to stand with the people. But on a party-line vote they voted to table this proposal today.

When America's Founders came together in the summer of 1787 to draft our Constitution, they faced many challenges. But at heart they had a respect for republican government, they had a respect for the sovereign power of the American people, and they understood that the fundamental principle of popular sovereignty gave the Constitution its legitimacy. For that reason, the Constitution they wrote was clear that the voice of the people should be loudest on the most pressing issues.

The provisions for amending the Constitution provided that on the most important issues, the people rule directly. The Constitution belongs to the people. It only became law because it was ratified by the people, and it can only be changed by the people.

Our Nation is deeply in debt, and this debt now threatens the very liberty of our families and the vitality of our economy. It is a threat to current and future prosperity. Most importantly, it is a threat to limited constitutional government. The people know this. They know it in their guts. They know the problem here is spending. Our problem is too much spending, not too little taxation, and they know what the solution is: cut, cap, balance, and a balanced budget amendment to the Constitution.

There will be talk now about moving on, but I am not moving on. Democrats want to write the obituary on this bill and turn to some new plan or framework this President produces one way or the other, I guess. But no plan this President produces will get us to balance. Cut, cap, and balance does.

I am not so sure what my friends on the other side are afraid of. The founder of their party, Thomas Jefferson, had a deep respect for the democratic process and the sovereignty of the people. What are they so afraid of? Why not pass cut, cap, and balance? Why not send a balanced budget amendment to the States for ratification? If liberals have a better argument, they can lead a fight against the amendment in the States. All they need is 13 States to defeat the balanced budget amendment. Why not let the people decide?

During the last Presidential campaign, the President frequently told his admirers: Yes, we can. Well, now the American people are saying it back to him. They are telling him they want to balance the budget and that we can balance the budget. We can and we should pass cut, cap, and balance and send a balanced budget constitutional amendment to the States for ratification.

I will just repeat it: If the Democrats so hate the idea of a constitutional amendment to balance the budget, all they have to do is get 13 States to vote against ratification. We have to get 38 States to vote for ratification. That may seem like an overwhelming job, but I don't think so. I think the amendment would be ratified so quickly, Democratic heads would be spinning and, I might add, maybe even some Republican heads as well.

All I can say is this country is in trouble. This country is on the way down to self-destruction unless we get it under control, and I don't see one program from the other side that even comes close to showing how we get this under control—except more taxes and more spending. I guarantee, if we raise taxes, they would spend every stinking dime of it. That has been the history of my 35 years in the Senate, as the most senior Republican. All I can say is we are not going to let them get away with it anymore. We are a minority now, but I believe we can get back in the majority.

I think the Democrats would do themselves a great favor if they would vote for cut, cap, and balance and a constitutional amendment and let the people—let the people—decide. Let them make this decision. Come on, Democrats, all you need to do is get 13 States. What are you so afraid of? I think what is so fearful is that this waltz that has been going on of big spending all these years is going to come to an end.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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 SUBJECT TO THE CALL OF THE CHAIR

Mr. HATCH. Mr. President, I ask unanimous consent that we recess subject to the call of the Chair.

There being no objection, the Senate, at 2:16 p.m., recessed subject to the call of the Chair and reassembled at 2:21 p.m. when called to order by the Presiding Officer (Mr. MANCHIN).

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

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

THE SPACE PROGRAM

Mr. NELSON of Florida. Mr. President, yesterday the space shuttle *Atlantis* came back in the early morning darkness with those xenon lights illuminating that 3-mile-long runway at the Kennedy Space Center. That is a location that a century ago a set of grandparents of mine had homesteaded under the old Homestead Act, worked the land for the required 4 years. I have a copy of the deed signed by Woodrow Wilson in 1917 to my grandparents. Over three-quarters of a century later, the thought was not lost on me, when we went in that early morning darkness to the launchpad, that my grandparents would have never, ever believed that, so many years later, a grandson was going to literally leave the face of the Earth from almost the old homestead where they had to swat mosquitoes and fight off rattlesnakes and alligators as they eked a living out of that Florida soil.

That was the location *Atlantis* came back to yesterday morning after a 13-day flawless mission after having been launched by the finest launch team in the world. That launch team is now having to disperse in part because we are shutting down the space shuttle program after 30 glorious years. It is an incredible flying machine, with 135

very successful missions that allowed us to do incredible work in space with human beings interacting and, of course, 2 tragic missions—the destruction of *Challenger* on ascent 25 years ago and the destruction of *Columbia* on reentry just a few years ago, in the early part of this last decade.

There would not be as much angst in the space community if the new rockets were ready. The problem is that the rockets are being designed, and in some cases being built, but they then have to be human-rated; that is, all the redundancies for safety as well as the escape systems have to be designed and developed for the new rockets. One of those new rockets is going to fly this fall. It will launch and rendezvous with the International Space Station and will deliver cargo, but it is going to take a few years to rate that for humans. That all the more adds to the angst, the angst of people who have lost their jobs and now do not see the American rocket that is ready to fly immediately upon the shutdown of the space shuttle program.

I have been surprised that we have a lot of people in America who think the space program is being shut down. We have an International Space Station up there at about 225 miles. This thing is huge. It is 120 yards long. From one end zone to another of a football field, that is how big it is. There are six human beings up there doing research right now.

We have trials in the Food and Drug Administration on drugs that have been developed on that International Space Station. The first one that is in trials right now is a vaccine for salmonella. Another one that is getting ready to start trials is a vaccine for MRSA, the highly infectious bacterial disease in hospitals that we find so difficult to control because you cannot get an antibiotic that will control it.

I wanted to say for America's space team, ''a job well done.'' A number of us, including Senator HUTCHISON and myself, had introduced and we passed last week the resolution commemorating the men and women of NASA. Indeed, their congratulations and commendations are certainly in order on a job well done.

The space program lives. The space program will go to greater heights. We will go to Mars, and we will see Americans venture out into the cosmos for even greater discoveries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

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

UNANIMOUS CONSENT REQUESTS—H.R. 2553

Mr. DURBIN. Mr. President, we are facing a deadline tonight. At midnight, the current reauthorization of the Federal Aviation Administration expires. That expiration will mean that no funds can be collected or paid out of the airport and airway trust fund starting tomorrow, July 23. The trust fund provides the primary source of funding for the Federal Aviation Administration through excise taxes imposed on airline tickets, aviation fuel, and air cargo shipments.

We asked the Federal Aviation Administration and the Secretary of Transportation what would happen if the extension is not passed today in the Senate, and he said as follows: There will be a partial shutdown of Federal Aviation Administration operations. Approximately 4,000 nonessential FAA staff will be furloughed. Mr. President, 143 of these employees, incidentally, work in my State, mostly in Chicago.

The Airport Improvement Program, which provides construction project grants to airports, will be shut down and unable to obligate grants for projects. Projects already obligated will be able to continue—for example, the O'Hare Airport, Quad City's runways in Illinois—but obligating funds for new projects will be suspended. If the extension continues for a period of time, there may be reimbursement issues with projects that are underway.

There is an unresolved question as to whether this failure to extend the FAA authorization will have an impact on the fees we collect, the aviation taxes and fees we collect from airlines for their operations. It is not clear yet whether we will lose that revenue or whether we can capture it if we reach an agreement at a later time.

Majority Leader REID and Chairman JAY ROCKEFELLER have told House leaders that a shutdown is likely unless a clean extension can be passed. The Senate is hotlining a clean extension today, which I will go to next. There are no objections to this clean extension on the Democratic side, but we do expect an objection from the Republican side.

I want to tell you the request I make for this extension, this clean extension, is in the name of chairman JAY ROCKEFELLER from your State of West Virginia. This is a sad commentary on the political state of affairs in Congress today. This is the 21st extension of this authorization. How could we possibly explain to America that we have been unable so many times to extend this authorization for something so critical to our commerce and our economy? But now we are facing the most serious challenge we ever had when it comes to this extension, and that is the expiration of it this evening. It will have a direct impact on the people who work for the FAA and a direct impact on their operations.

Now, I might add, very quickly, to give peace of mind to people, this will not have an impact on air traffic control or the safety of our airlines. Not at all. But the orderly operation of the FAA is at risk.

What is this all about? It is a battle over a program called Essential Air Service. Essential Air Service, if I am not mistaken, was initiated by your predecessor, Senator Robert C. Byrd of West Virginia. At the time of deregulation of airlines a decision was made that the smaller communities across America needed a helping hand to maintain air service. We have it in Illinois. Over the years we have reconsidered it, amended it, changed it. It is a shadow of what it started out to be. It is a very small program by standards of the original program.

There is a battle going on between the House and the Senate now, between Republicans in the House and the Democratic leadership in the Senate, about the future of this program. I just want to say in all fairness and all honesty, for goodness' sake, to both sides, save that battle for another day. Let us not jeopardize the operations of the Federal Aviation Administration because of a squabble over an important but relatively small program, and that is what is going to happen. What we are going to hear after I make this request is an objection on the Republican side to extending this authorization of the Aviation Administration with a clean extension, making no statement about changing policy. It just says don't jeopardize the operations of the FAA. Let's keep them in business. Let's fight this out next week or the week after on the Essential Air Service issue, but let's move forward and let the FAA do its business with a clean bill that does not take sides over who is right and who is wrong on Essential Air Service.

What I am offering is neutrality, political neutrality, a clean extension, but I am afraid what I will get back is an insistence if you don't take the House Republican proposal, we will shut it down. I don't think that is a good choice for America. Let us, as politicians, do our battles. Let's never do them at the expense of ordinary people across America who are trying to do good work to improve our airports and make sure we have the safest runways and safest air operations in the world. That should be our highest priority.

So I am going to make this request for a clean extension without getting into this political squabble at all. I hope the Republicans will not object. I hope we can extend this authorization for the Federal Aviation Administration.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 109, H.R. 2553, that a Rockefeller-Hutchison substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I want to take a few minutes to explain my objection to the legislation just offered by my esteemed colleague. I want to make it absolutely clear that a long-term FAA reauthorization is a priority for this country and a priority for myself, and I have said as much repeatedly. The consent request just offered by my colleague, even if accepted, would not prevent a lapse of current law. As my colleagues are likely aware, the House has completed legislative business for the week, so the only way to prevent a disruption to FAA funding is to pass Chairman MICA's bill the House passed earlier this week. I worked with Finance Committee Chairman BAUCUS to report a tax title from the Finance Committee to the bill that passed the Senate earlier this year.

However, since then progress on a long-term reauthorization has been slow. I share House Transportation and Infrastructure Committee Chairman MICA's frustration that favors to organized labor have overshadowed the prospects for long-term FAA reauthorization.

Last year the National Mediation Board changed the rules under which employees of airlines and railroads are able to unionize. For decades the standard has been that a majority of employees would have to agree in an election to form a union. However, the new National Mediation Board rules changed that standard so that all it takes to unionize is a majority of employees voting. This means that the NMB wants to count an employee who doesn't vote as voting for big labor. Somehow, organized labor is able to claim that it is democratic to appropriate someone else's vote without that person's input and participation. The FAA reauthorization bill that passed the House earlier this year will undo this heavyhanded rule and lets airline employees decide for themselves how to use their own votes. The House bill would merely undo a big partisan favor done at the behest of big labor, and put efforts to unionize airline workforces on the same footing they have been on for years. The House bill does not create a new hurdle for unionization; instead it restores the longstanding ability of airline employees to make decisions for themselves.

As I said, it is unfortunate that kowtowing to big labor has effectively grounded efforts to get a long-term FAA reauthorization off the ground. The lack of a long-term bill is bad for airports all across the country because they don't have the funding stability to plan and complete projects. Kicking the can further down the road is not a viable alternative to actually doing what is in the best interest of passengers, commercial users of air transportation, and our airlines and airports.

As a Senate conferee to the FAA bill, I stand ready to do everything I can to break the cycle of short-term extensions, and to do something that hasn't been done around here for more than 7½ years, and get FAA reauthorization off the ground.

So, Mr. President, having said all of that, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2553, which was received from the House; that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, the Senator from Utah is my friend. We have worked on many issues together and in this particular moment in time we are in disagreement. What he has presented to you is one side of a story, one side of a debate and said unless you accept the House Republican position, which has not been resolved, we are going to lay off 4,000 people at midnight tonight. Do you think that means anything to them?

What I offered was a clean extension of which I didn't get into the merits, which said let's put this debate aside and that debate aside and keep the agency working, the Federal Aviation Administration. He said, no, either take the Republican approach or else, and, incidentally, he told me at the outset the House Republicans have gone home. They are gone. They sent this over and said take it or leave it or close it down. That is not a very sound choice for our country. I am sorry if the Senator from Utah objected to a clean extension so we can keep up these operations. I object because I don't believe it is a fair approach.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

Mr. HATCH. Mr. President, I am getting a little tired of the National Labor Relations Board usurping the power of the Congress of the United States and enacting labor laws by fiat of the Board that are hardly going to be upheld by the courts, but nevertheless it will take years to reduce them and take them away. In this particular case the National Mediation Board has changed the longstanding rule when you vote to unionize, it is the vote of all employees. This means that you could have a vote, and this is what I think the House is trying to stop and to change. That means you can have a vote with less than half of the employees and it would be the majority of those who vote. Now, that has never been the law, it has never been the case, and it is clearly a heavyhanded approach towards the FAA, and I think that is one reason why the House has taken this very strong position.

I understand my friend on the other side, and we are friends and we have worked together on some of the issues, and I have a tremendous amount of admiration for him and his ability to lead and express himself. He is one of the best people of expression in the history of the Senate, and I have great respect for him. But that is one of the main reasons why the House is up in arms and I have to say our side is up in arms as well.

We have to stop this changing laws without the consent of Congress just by the fiat of those on the National Labor Relations Board and the National Mediation Board. It is not right and upturns hundreds of years of labor law, and, frankly, it is wrong and I am on the side of the House in this matter because of it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, perhaps if I were as persuasive as my colleague just said, he would not have objected. Having said that, when we speak about heavy hands, we don't have to worry about the heavy hand of the House on this issue because they went home. They took off. They left, which means that 4,000 people would be furloughed this evening.

TRIBUTE TO DR. PAUL SMITH

Mr. MCCONNELL. Mr. President, I rise today to honor Dr. Paul Smith, a physician whose story has been chosen to be recorded as part of the London, KY, ''Living Treasures'' project.

Dr. Smith's career path began when he graduated pre-med from Cumberland College in 1949 at age 19. After attending the University of Kentucky, where he hitchhiked to class every day, Dr. Smith was accepted into the University of Louisville medical school. Unable to obtain a rural scholarship through traditional channels, Dr. Smith received a scholarship from the Tri-County Women's Club in Knox, Whitley, and Laurel counties. The only condition was that he return to one of the counties and practice medicine there for 4 years.

Before being called up for service in the U.S. Air Force, Dr. Smith worked for a doctor in Cumberland, where he met his wife. After a year of dating, Dr. Smith and his wife of 53 years, Ann, were married and moved together to the Lake Charles Air Force base in Louisiana. Their daughter Jan was born on base as Smith trained and served as a doctor.

After completing his service with the Air Force, Dr. Smith moved to London and opened up his own practice. He routinely made dozens of house calls to London residents—both in the city and out in the country. Dr. Smith also offered OB services and often worked in the emergency room of nearby Marymount Hospital when other doctors were too busy.

After 38 years of dedicated service to the London community, Dr. Smith retired in 1998. Even in his retirement,

Dr. Smith volunteers at the free medical clinic run at the Community Christian Church.

The State of Kentucky is lucky to have individuals like Dr. Paul Smith, who dedicate their lives to better those of others. As he has shown us all, Dr. Smith is truly a great Kentuckian.

Mr. President, the Laurel County-area newspaper the Sentinel Echo recently published a detailed interview with Dr. Smith and his wife in which they discuss Dr. Smith's accomplishments and contributions. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Sentinel-Echo, May 25, 2011]

LONDON'S LIVING TREASURES: PART 2

Following is the second installment of the Living Treasures Project. It is the story of Dr. Paul Smith, who served Laurel County as a family physician for 38 years. Dr. Smith shared fascinating details about his life as a medical student and doctor, which meant hitchhiking to class, making house calls and working with the nuns at Marymount Hospital. During his interview, Dr. Smith was joined by his wife of 53 years, Ann.

''I used to go to the library when I was in high school and read all the books I could about family physicians, some of them from Kentucky and otherwise, just the real stories of rural physicians. I took pre-med at Williamsburg's Cumberland College, graduated with a diploma after two years, in 1949. I was 19.

WORKING STUDENT

After I finished Williamsburg, I needed funds to go on to the University of Kentucky. I ended up getting an emergency certificate to teach at Henderson Settlement in Frakes, Ky., for one year and saved up enough. I had an aunt who worked there, and I had room and board pretty much for free except I'm sure my parents gave them a lot of vegetables. I saved all my money and went to University of Kentucky in 1950.

Those years were very lean and, unfortunately with no car or transportation, I hitchhiked every day back and forth to the university. I went to work at the narcotic hospital out at Leestown Pike in Lexington usually at 4 p.m. After classes, I'd have to scurry over to Leestown Pike and put my thumb out and just barely make it to work, usually.

Before I finished my degree, the Korean War started. I had applied for medical school, but I hadn't heard anything. I had already been called up for the draft, passed my physical for the Army. They would defer you a semester at a time but by then they were getting hard up to give deferrals to everybody, so there was a good possibility I was going to have to go to the service.

When I was home for Christmas vacation, I got my letter of acceptance to the medical school at the University of Louisville, the only one I could afford even though the tuition was just $800 a year. It felt great because that's what I wanted. When I got accepted, my father went to the bank in Pineville to try to borrow money and the banker said, ''No, not on a medical student, too many of them flunk out.''

I got deferred and finished the year and went on to Louisville.

When I went back to medical school my sophomore year, I got a job as an extern at Baptist. We'd do histories and physicals of patients and, every third night, I was on call for the lab.

When I finished medical school, there was still a doctor's draft. You had to do two years in the service unless you were over 35 or unless you were in the service before. That was looming over me when I finished medical school, but I still had my internship to complete, which I did at Good Samaritan Hospital in Lexington in 1957.

When I finished, I joined the Air Force. I knew I'd be called in six to 12 months, so I had to look for a job. Finally, one of the surgeons told me that he knew this surgeon in Lynch and Cumberland that could use a doctor. I signed on with him and that's the best thing I did in my life because that's where I met my wife.

MARRIAGE MATERIAL

How'd we meet? Her mother had to have her gallbladder out and she can tell it better than I can.

ANN: I went back home to teach school, but they put me in first grade. I did everything to try to do a crash course on elementary. I was cutting paper dolls for my students, preparing for the next day. Paul walked in and when he walked out, I said, ''Mother, I think I'm going to marry that guy.'' She said, ''Just hush.'' He's the only person I ever pursued.

DR. SMITH: I was real impressed with her, but I was a little leery. I rented a room in Cumberland. I'd usually go to the drive-in at night and eat. Well, she and another girl started showing up there about every night. I got suspicious, but my impression was good all along.

I was in Cumberland almost a year to the day. I was called into the service on the 5th of July. In the meantime, though, we dated and got married June 14, 1958, Flag Day. It was a nice wedding. Like most people, I thought we were going to have a little wedding and when I went in, the church was full.

ANN: It was a small church. And my mother had decorated it with a lot of mountain flowers.

DR. SMITH: We went together to the service and we went to basic training. I had to go four weeks in Montgomery, Ala. That was an awakening too because neither one of us liked the racism. I didn't like that at all.

In training, doctors had to go out and shoot one time. I can't say I hit a thing. I'd shot a BB gun before and a .22, but they put a .45 in my hand for the first time. I aimed perfectly at the target and when I pulled it, it went up like that. I shot my howevermany rounds I had to shoot. I only went to the rifle range once but we marched and flew in airplanes a lot.

In October '58, I was assigned to Lakes Charles, La. It was a small base, the hospital was constructed during the war so it was not very fancy, but it was a nice base. That's where we had our first daughter, Jan.

Now, I've got to go back and fill in before I went to medical school, because that's important. I'd applied for a rural scholarship and I was sure with my grades I would get one. But it seemed they'd given all of them out. At that time, I was going to have to hold up medical school for a year to earn what I needed, but one of the students ahead of me knew the Tri-County Women's Club from Knox, Whitley and Laurel had raised money for a rural scholarship and, to their knowledge, it had never been filled. I interviewed and they were in favor of me getting it. With the scholarship, I agreed I would go back to practice in Knox, Whitley or Laurel for four years.

That was one reason I didn't even consider staying in the service because I had that obligation, and I felt it was a deep obligation.

LAUREL COUNTY-BOUND

I found out Dr. Robert Pennington in London might need a doctor. I came over here and it was a Wednesday afternoon and Dr. Pennington was off on Wednesday afternoon and he showed me all around town.

I didn't have an office, but it turns out that Dr. Pennington and his brother had an office built up over the old fire department on Broad Street. It had a space for a lab and space for three examining rooms and a waiting room, already plumbed and wired. So that looked good and the rent looked good, $65 a month.

Then the next day, Dr. Pennington located me a house I could rent. It was up on Falls Road. We unloaded on July 5, 1983 and I got busy getting my office together because, see, I had no equipment. Marymount Hospital was nice to me, they loaned me one or two of the bedside tables. My brother was doing a residency in surgery in Lexington and they wanted to get rid of an old surgical table. Owner of The Sentinel, Martin Dyche, through him, I got a Cole metal desk, a filing cabinet and a chair.

Next to my office, there was the taxi park and they had five or six taxis there. They were busy all the time. They had a ringer out there on the telephone pole so you could hear it ring all the time.

London was a rural town, everything closed on Wednesday at noon except me. I decided, since most of the doctors took off on Wednesday afternoon that I was going to work and I'd take off on Thursday afternoon.

We had three drug stores, the original Begley's, Robert Dyche had Dyche Drug Store and then there was City Drug Store, it was down near where the theatre is now, where the old Hob Nob used to be. Of course London Bucket was here, which handled plumbing, Hoskin's Five and Ten, and then the department stores, you had Hackney's, Daniel's, and several others. Where Weaver's is now was their pool hall and women were not allowed in the pool hall. If Ann or somebody wanted their hotdog, they had a window up there and they'd sell you the hotdog out the window. It was a bustling little Main Street, but don't expect anything after 5 o'clock.

I opened my practice about July 15, and I averaged four to five patients a day the first year and I couldn't have paid my rent with that because an office visit was $3 and a house call was $5 in the city and $10 outside in the county. But I made a lot of house calls, some I got paid for, some I didn't.

ANN: We ate well. In those first years I learned to can beans, freeze corn, I learned to do so much. They brought not just a bushel of beans, but two or three. It was overwhelming, by then I had three little kids to take care of—Jan, Elizabeth and Paul Ray—but I felt like it was a sin not to use that food. But anyway, we did know it would be slow for the first couple of years, so we planned ahead.

DR. SMITH: We didn't want to go in debt and we didn't. I probably made most of my money in the E.R. The other doctors were all so busy they didn't care about leaving their office full of patients and running to the emergency room. So I got called all the time to the E.R. and that's how I picked up a lot of patients, because they had to be healthy to climb two floors of steps up to my office.

In 1961, in March or April, Dr. D.D. Turner decided he was going to quit general practice and go into the health department in western Kentucky. He came to see me about taking over his practice. I was happy because then I'd be on a ground floor, they wouldn't have to climb those steps. Then things started picking up.

Our days were 24-7. Five of us physicians did OBs. When I came here, three of the doctors were still delivering at home. I told them up front I wasn't going to do home deliveries. I told them I was charging $50 for

delivery, $10 for a circumcision. I tell you, you didn't make any money back then if you were in medicine. Not here. Many of a time I would leave at 7 in the morning and make rounds and I'd come home for dinner, maybe, but I'd go out again and make house calls. I would make 10 or 12 house calls a day.

A year after I started, we moved from the house on Falls Street.

ANN: But then Dr. Pennington, he was always finding stuff for us. He knew this house on Ninth Street was going on the market. He said don't tell a soul.

DR. SMITH: So we moved here. Dr. Pennington decided for us. For one thing, look how close it is to the hospital. I could go over there and be in the delivery room in three or four minutes.

Marymount was run by the Sisters. It was great to work with them, I never could remember all their names, I was bad about that, I'd call them all ''Sister.'' We had eight or 10 of them up here. They were great to work with, they were very good nurses.

CHANGES IN MEDICINE

When I first came here, polio was dying down because the first vaccine had come out. But measles was the big thing. We didn't have any measles vaccinations, and it wouldn't be unusual to go out to a house and see a kid with 104, 105 temperature with measles and two or three other siblings with measles. The only thing you could do is advise them how to bathe them, how to cool them off.

Mumps, had a lot of mumps. And, of course, pneumonias and a lot of hepatitis. One year, just in my practice, I had two or three kids from the high schools where they still had outdoor toilets. They would come in with jaundice and they had hepatitis, and of course we didn't have any vaccines.

A lot of changes have occurred. Technology is one of the biggest changes and it's good and bad. It's good because we can now do a better job with some things. In the 1960s, we didn't have any Echocardiograms. CT or MRI hadn't been heard of. The part that I don't like that's changed is doctors no longer sit and do history and physicals and talk to people. When I was externing during medical school, each history and physical, you'd spend 30 to 40 minutes. None of this five-minute stuff.

I quit OB in '85 because we were getting some OB doctors in and also malpractice had gotten so bad. When we got more lawyers, that's when things changed, that's it, that's what changed it. I want to say around early '70s.

Medicine changed so. The insurance companies would fight you constantly in your office and you had to fight constantly to get people in the hospital. You'd be arguing with some nurse up in Chicago or somewhere. That's when my blood pressure started going up, honestly.

I closed my office in 1998, but I've worked some since then, I'd work some now if I didn't have back trouble. I loved being a doctor, listen, I still do. I help with the free clinic now at the Community Christian Church. I liked that you could see people from the time they were born until they died. And you followed them all the way through. I loved all of it, really, just taking care of the families, getting to know the people.''

CAMPUS SEXUAL VIOLENCE ELIMINATION ACT

Mr. CASEY. Mr. President, I rise today to speak about legislation I have introduced, the Campus Sexual Violence Elimination Act, or Campus SaVE Act, and to urge my colleagues to support this bill.

I want to start by sharing some deeply disturbing statistics with you:

Between 20 and 25 percent of all female undergraduates in America are victims of sexual assault or attempted sexual assault each year.

Most cases of sexual assault occur between acquaintances—between 85 and 90 percent of reported sexual assaults on college women are perpetrated by someone they know, and nearly half of such sexual assaults occur on a date.

Young adults age 18 and 19 experience the highest rates of stalking among any age group.

As the father of four daughters, one of whom who just graduated from college and another who is in college now, these statistics are terrifying. But I was even more distressed to learn that many of these victims never come forward. Those who do often do not get the support and the assistance they need to heal and to be able to continue their education safely and successfully.

The Campus SaVE Act will address many of these issues by setting out a clear framework to promote transparency and accountability. The legislation consolidates existing polices under both the Jeanne Clery Act and title IX to ensure that institutions of higher education have comprehensive procedures in place to address domestic violence, dating violence, sexual assault and stalking.

Institutions of higher education are already required to report certain crime statistics as a result of the Clery Act, a law championed by our former colleague, Senator Specter, after Jeanne Clery was raped and murdered in her college dorm room in 1989.

But only one-third of U.S. colleges correctly report their crime statistics, leading to misclassification and underrepresentation of attempted and completed instances of sexual assault. They are not currently required to break down their data on different types of sex offenses, leading to confusion and unclear data about reports of domestic violence, dating violence, and stalking.

The Campus SaVE Act will also address the need for education and awareness in the entire campus community. Currently, less than half of all colleges and universities offer any sexual assault prevention training; the Campus SaVE Act will require that these institutions provide prevention and awareness programs for all incoming students and new employees.

This education is essential. Many students attending college are away from home for the first time and are still in their teenage years and learning about adult relationships. We cannot assume that they know what dating violence is; we cannot assume that they know what constitutes consent in a sexual relationship.

A victim also may not know what to do when something bad happens: less than 5 percent of rapes or attempted rapes are reported, and fewer than half of colleges and universities spell out policies for filing criminal charges and campus reports. However, when students know how to report victimization and how their school will respond, students are more likely to report instances of sexual assault or attempted sexual assault.

Dickinson College in Carlisle, PA, recently saw students hold a sit-in for 3½ days, displaying their frustration over the college's weak sexual assault policy. One student remarked, ''We don't have a consolidated document that runs you through what you should do and also allows you to understand that there are federal laws that protect you.''

This is exactly what the Campus SaVE Act would require. It sets standards for institutions so that everyone in the community understands their rights and responsibilities. Fortunately, the administration at Dickinson College later agreed to strengthen its policies relating to sexual assault.

Under the Campus SaVE Act, students will know that if they report being a victim of domestic violence, dating violence, sexual assault, or stalking, they will receive an explanation of their rights. They need to know they have a right to report these offenses to law enforcement authorities. They need to know that the college or university has an obligation to help them seek a protective order, if they want such an order. They need to know that they will receive contact information for the resources available to them, such as counseling and legal assistance. Finally, they need to know about safety planning such as changing their living arrangements, class schedule, work schedule, and travel options so that they feel safe in their environment.

The bill will also ensure that these incidents are properly reported by making institutions include in their annual security reports statistics on domestic violence, dating violence, sexual assault, and stalking that were reported to campus police or local police agencies.

Many colleges and universities are doing this right: they have procedures in place to deal with domestic partner violence, dating violence, sexual assault, and stalking; they provide support to victims, and they have prevention programs to educate the community about these terrible acts.

In another case in Pennsylvania this year, a student at Kutztown University told authorities that she had been raped on campus by a male student. After this young woman reported the assault, a second female student came out and said that she had been raped a few weeks earlier. These two instances of young women standing up and reporting their assaults pulled others out of the shadows. Another two female students went to authorities with reports of sexual assault. All four women knew their attackers. In response to

the rape and sexual assault reports, the university put a notice on their Web site and sent e-mails to students, faculty, and staff about the occurrences.

Kutztown University and Dickinson College have taken concrete steps to improve their responses, but much remains to be done. Congress cannot legislate a campus culture, but we can pass legislation to help institute the processes and procedures that will educate students in order to prevent intimate partner violence and provide support for victims who do come forward, which will encourage other victims to speak up and seek help.

Colleges and universities must do everything possible to protect students from violence and provide information about students' rights and the resources available to help them.

I urge my colleagues to join me in supporting the Campus Sexual Violence Elimination Act so that our children can go to college without fear and those who violate campus policies relating to intimate partner violence will be held accountable for their actions.

CLEAN WATER ACT JURISDICTIONAL EXPANSION

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD an article written by Bobbie Frank, executive director of the Wyoming Association of Conservation Districts and published on July 16, 2011, in the Wyoming Livestock Roundup. The article's title is ''Muddy waters: EPA, Army Corps Seek to Define More Jurisdiction as Federal.''

I have concluded, just as this article has, that the Clean Water Act, CWA, jurisdictional guidance being proposed by the Environmental Protection Agency, EPA, allows the U.S. Army Corps of Engineers and EPA to regulate waters now considered entirely under State jurisdiction. This unprecedented exercise of power will allow EPA to trump States rights, and vitiate the authority of State and local governments to make local land and water use decisions. This is particularly troubling when we have seen no evidence that the States are misusing or otherwise failing to meet their responsibilities.

Enormous resources will be needed to expand the CWA Federal regulatory program. Not only will there be a host of landowners and project proponents who will now be subject to the CWA's mandates and costs of obtaining permits, but an increase in the number of permits needed will lead to longer permitting delays. Increased delays in securing permits will impede a host of economic activities in Wyoming and across the United States. Commercial and residential real estate development, agriculture, ranching, electric transmission, transportation, energy development, and mining will all be affected, and thousands of jobs will be lost.

In May of this year, 19 Senators joined me in a letter to EPA expressing our strong opposition to this guidance. I will continue to fight to protect our States from this Washington power grab.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred.

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

MUDDY WATERS: EPA, ARMY CORPS SEEK TO DEFINE MORE JURISDICTION AS FEDERAL

(By Bobbie Frank, Executive Director, Wyoming Association of Conservation Districts)

The conservation districts in this state are definitely committed to watershed health and water quality work, and their commitment is evident through their actions: conservation district employees who are several months pregnant wade streams in the winter to collect water samples, and retired conservation district supervisors volunteer their time to help with water quality monitoring and implementing water quality management practices.

Many landowners, community leaders and homeowners have and continue to volunteer hundreds of hours working on watershed plans, and then they work hard to implement those plans. There is no shortage of dedicated and concerned citizens working to maintain and improve the water quality of this state, and every two years the Wyoming Association of Conservation Districts (WACD) publishes its ''Watersheds Progress Report'' to show all of the incredible efforts at the local level across Wyoming. The 2009 edition is available on our website.

Highlighting the dedication to water quality is important to recognize, in the context of this discussion, because, inevitably, when one starts debating the issue of regulatory jurisdiction—federal versus state—if one leans toward less federal intervention and regulation, then it is easy for others to try to paint one as anti-clean water. As one district supervisor put it, ''The only conservation that matters is that which gets put on the ground.''

In April 2011 the Environmental Protection Agency (EPA) published draft guidance that would replace previous agency guidance issued in 2003 and 2008, detailing modifications to which waters EPA and the Army Corps of Engineers (Corps) would regulate under the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act). Who should have the authority over water quality issues, the federal government or the respective states, continues to be a hot topic of debate. Key Supreme Court decisions have refined the EPA's and the Corps' authority over the regulation of certain types of waters.

In the past several years there have also been attempts in Congress to advance legislation to redefine ''waters of the United States.'' These bills would have resulted in a definition that would have included a number of waters that are currently not subject to federal regulation, or are in a ''gray'' area. These attempts did not move forward. As a result, that which cannot be done through the appropriate processes, i.e. legislation and/or rules, apparently will be done through the development of ''guidance.''

The two primary decisions, the Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) and Rapanos v. United States (Rapanos), resulted in restricting federal authority over certain types of waters.

First, the SWANCC decision removed from federal regulation isolated wetlands by nullifying the ''migratory bird rule.'' In a nutshell, the agencies, via regulation, exerted jurisdiction over these types of isolated waters by arguing that isolated wetlands will have waterfowl in them that would fly to another state and land in another isolated wetland, hence there was interstate commerce occurring on these waters to render them under federal jurisdiction.

The other suit, Rapanos, resulted in what is argued by the agencies to be a complicated and unmanageable approach to determining jurisdiction. Many lauded the decision as a win for reining in the heavy hand of the agencies. In Rapanos, the court addressed CWA protections for wetlands adjacent to non-navigable tributaries, and issued five opinions with no single opinion commanding a majority of the court. The plurality opinion, authored by Justice Scalia, stated that ''waters of the United States'' extended beyond traditional navigable waters to include ''relatively permanent, standing or flowing bodies of water.'' There is a lot more detail to this opinion, but suffice it to say, the outcome was additional limitations placed on federal jurisdiction.

A comparison of the December 2008 memorandum issued by EPA and Corps guiding agency personnel on which waters would be jurisdictional and this new proposed guidance, provides for some significant changes in what waters would be regulated. The agencies specifically state in the draft guidance: ''However, after careful review of these opinions, the agencies concluded that previous guidance did not make full use of the authority provided by the CWA to include waters within the scope of the Act, as interpreted by the Court.''

The 2008 guidance established a ''significant nexus'' standard, whereby the agency would have to determine on a fact-specific basis whether certain types of waters, such as wetlands, tributaries or traditional navigable waters, fell under federal jurisdiction. This significant nexus standard would contemplate the flow functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters. The significant nexus also included consideration of hydrologic and ecologic factors.

This 2011 draft guidance takes the same type of approach, but expands on the significant nexus approach by establishing that waters that are in ''close proximity'' or ''proximate other waters'' to traditional navigable waters will also fall under jurisdiction. Basically, the guidance establishes a watershed approach to determining significance. In essence, based on our analysis, most waters in a watershed draining to a ''traditional navigable water'' or interstate water, would ultimately meet the ''significant nexus'' test and be subject to federal regulatory oversight.

There is a list of certain types of waters that would ''generally'' not fall under federal jurisdiction. Note the term ''generally.'' There is a potential that some of the specifically exempt waters, such as reflecting pools, ornamental waters, gullies, etc., could also be jurisdictional.

Also of import is the application of the above as it pertains to the different provisions of the Clean Water Act. The agencies acknowledge in the guidance that ''although SWANCC and Rapanos specifically involved section 404 of the CWA and discharges of dredged or fill material, the term 'waters of the United States' must be interpreted consistently for all CWA provisions that use the term. These provisions include the section 402 National Pollutant Discharge Elimination System (NPDES) permit program, the section 311 oil spill program, the water quality standards and total maximum daily load

programs under section 303, and the section 401 State water quality certification process.''

This issue is not about whether our water resources should be protected or not, which is often the spin on this issue. It is about whether the authority to regulate certain types of waters should lie with the federal government or should be retained by the states. WACD's comments reflect the opinion that, on those waters falling outside of the traditional ''navigable,'' interstate waters' realm should be regulated by the states. It has been our experience that those closest to the issue are typically most knowledgeable and capable of commonsense, cost effective approaches to resource protection and management.

WACD and the conservation districts have a solid record of projects that do successfully protect water quality in a commonsense, cost effective approach that benefits all water users and the state. The EPA's 2011 draft guidance document hinders our ability to continue this mission by oftentimes placing districts in a position of reacting to federally driven requirements and priorities versus the highest priority resource issues in our communities.

Thanks to Senator Barrasso for his diligent efforts on this issue. We appreciate his work to ensure that the federal agencies don't try to evade the appropriate processes and expand their authorities.

ADDITIONAL STATEMENTS

REMEMBERING TOM WILLIAMS, JR.

• Ms. LANDRIEU. Mr. President, today I wish to remember a great man and a wonderful friend, Mr. Tom Williams, Jr. Mr. Williams passed away on June 21, 2011, in Scottsdale, AZ, and leaves behind his wife Gloria; son Tom Williams, III; daughter Nicol Williams-Pruitt; son-in-law Jason Pruitt; and grandson Nicolas Pruitt. To Mr. Williams' family, please accept my condolences for your loss.

Mr. Williams and I met through a shared passion for the advancement of America's small businesses. In fact, Mr. Williams started his own small business in 1982 in Oakland, CA, an accounting firm called Williams, Adley & Company. In the beginning, Williams and Adley were the only two employees, but over the next few decades, they grew to be a three-office firm with two locations in California and one in Washington, DC. The firm now boasts over 100 employees.

In addition to his professional success, Mr. Williams has been a champion for small business-friendly legislation. He was a leader in changing the size standards for the accounting industry and fought tirelessly to improve access for small accounting firms to government contracts. Similarly, my colleagues in the Senate may remember language in the Small Business Jobs Act mandating annual reviews of the accounting firm size standards, a provision suggested by Mr. Williams.

Mr. Williams was also a pillar in his community. He helped establish the San Francisco Chapter of the National Association of Black Accountants, NABA, served in a number of NABA positions, including president, and was awarded their Small Business Entrepreneur of the Year Award. He was also an active member of the California Society of Public Accountants.

But perhaps the best description of Mr. Williams comes from the motto of the very company he created: ''Good people, doing great things.'' Mr. Williams, you were indeed a good person who did great things. I sincerely thank you for all of your contributions.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1315. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to strengthen the review authority of the Financial Stability Oversight Council of regulations issued by the Bureau of Consumer Financial Protection, to rescind the unobligated funding for the FHA Refinance Program and to terminate the program, and for other purposes.

H.R. 2551. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012, and for other purposes.

MEASURES REFERRED

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

H.R. 1315. An act to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to strengthen the review authority of the Financial Stability Oversight Council of regulations issued by the Bureau of Consumer Financial Protection, to rescind the unobligated funding for the FHA Refinance Program and to terminate the program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2551. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2553. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes (Rept. No. 112–39).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

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.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 846. A bill to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse.

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 Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1406. A bill to designate the United States courthouse under construction at 510 19th Street, Bakersfield, California, as the Myron Donovan Crocker United States Courthouse; to the Committee on Environment and Public Works.

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

S. 1407. A bill to amend title XVIII of the Social Security Act to establish accreditation requirements for suppliers and providers of air ambulance services, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1408. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 1409. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending; 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. LAUTENBERG (for himself, Mr. TOOMEY, Mr. MENENDEZ, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. CASEY, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. WEBB, Mr. WARNER, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr.

BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 237. A resolution expressing the sense of the Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 PM Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2011; considered and agreed to.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 242, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 745

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 745, a bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

S. 834

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 838

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 971

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 971, a bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1265

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1297

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1297, a bill to preserve State and institutional authority relating to State authorization and the definition of credit hour.

S. 1346

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1346, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 1370

At the request of Mrs. BOXER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1370, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 1395

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1395, a bill to ensure that all Americans have access to waivers from the Patient Protection and Affordable Care Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1408. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am very pleased to introduce today the Data Breach Notification Act of 2011.

This bill would require that consumers be notified when their sensitive personally identifiable information has been exposed in a data breach and also that law enforcement receive notice of major breaches of data security.

In 2003, California was the pioneer in requiring data breach notification. Forty-six States, the District of Columbia, Puerto Rico, and the Virgin Islands now have similar laws.

Consumers in all states deserve to benefit from these protections; businesses should not be subject to 46 different and at times conflicting laws; and Federal law enforcement critically needs to receive information about major breaches occurring across the country.

I have introduced data breach notification legislation in several prior Congresses. During the last Congress, that legislation, called the Data Breach Notification Act, S. 139, passed through the Judiciary Committee and was reported to the Senate floor. Unfortunately, the bill stalled there and went no further.

President Obama included similar data breach notification provisions in his broad cybersecurity proposal, released just last month.

The bill I am introducing today is identical to the bill I have introduced in the past. This legislation is long overdue and should finally be enacted now, during this Congress.

I have 3 points to make about this bill.

First, this bill will protect consumers, who need to know when their sensitive data has been exposed so they can take measures to protect themselves.

According to the Federal Trade Commission, between 8 and 10 million American consumers are victims of identity theft each year.

In April of 2007, a Zogby survey found that an astonishing 91 percent of adult users of the Internet said they were

concerned that their identities might be stolen.

They have good reason to be concerned.

According to the Privacy Rights Clearinghouse, over 500 million records containing sensitive personally identifiable information have been exposed in data breaches since 2005.

Earlier this year, a giant security breach at Epsilon, an online marketing firm, exposed the personal information of millions of American consumers, along with information about stores where they had been customers. The breach raised serious concerns that data thieves would use this personal information to subject consumers to targeted, fraudulent e-mails, used to try to trick people into turning over even more personal information.

Last year, data thieves acquired identity data on roughly 3.3 million student loan borrowers from the Educational Credit Management Corp.—a number that accounts for almost five percent of all Federal student loan recipients. The data included names, addresses, social security numbers, and other personal data, creating the opportunity for identity theft.

In 2009, Federal officials indicted three men on charges of stealing data linked to more than 130 million credit cards by hacking into five major companies' computer systems. The companies were Heartland Payment Systems, 7-Eleven, the Hannaford Brothers supermarket chain, and two other companies not named in the indictment.

The problem is getting worse, not better. Recently, one major breach hit Citibank, exposing information of more than 360,000 bankcard customers. Another massive data breach exposed information about more than 100 million Sony customers.

Nor is the problem limited to businesses. In my home state of California, the state Department of Public Health was hit by its second major data breach in this year alone, affecting thousands of current and former state employees.

It is long past time for Congress to pass a national breach notification standard to ensure that when consumers' information is at risk, they know it and can take the necessary steps to protect themselves.

Second point: what works for consumers here also is a winning proposition for the business community.

Under some estimates, the business community loses as much as 48 billion dollars each year in fraudulent transactions involving stolen identities.

Additionally, under the current legal framework, businesses must comply with 46 different State laws to determine what kind of notice is necessary when a breach occurs. As long as it is not watered down, one Federal standard makes much more sense than 46 different State laws. It would ensure consumers are notified about dangerous breaches and can protect themselves, while also giving companies one clear law to follow.

Third and finally, this bill will help Federal law enforcement officials as they work to protect our cyber security.

Jeffrey Troy, Deputy Assistant Director of the FBI's Cyber Division, urged businesses in 2009 to support Federal breach notification legislation. As he explained, Federal officials need to receive information about data breaches in order to link those attacks to others and potentially stop similar attacks at other organizations. ''Connecting the dots'' is critical to this effort.

We live in a new world today, where attacks come not only through traditional means but also through cyberspace with hackers breaking into our electrical grid or viruses like the Conficker worm making their way through private computers across the country. It is essential that we give the FBI and other law enforcement agencies the tools they need to identify and eliminate potential cyber-threats.

The Federal Trade Commission, former President George W. Bush's Identity Theft Task Force, and the Business Software Alliance have all called for federal data breach notification legislation. The Data Breach Notification Act also has been supported by the Consumers Union and the Information Technology Association of America.

This bill will protect consumers, cut costs for businesses, and give law enforcement officials additional resources they need.

I urge my colleagues to support this important measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1408

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Data Breach Notification Act of 2011''.

SEC. 2. NOTICE TO INDIVIDUALS.

(a) IN GENERAL.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.—Nothing in this Act shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) REASONABLE DELAY.—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) BURDEN OF PROOF.—The agency, business entity, owner, or licensee required to provide notification under this section shall have the burden of demonstrating that all notifications were made as required under this Act, including evidence demonstrating the reasons for any delay.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If a Federal law enforcement agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement agency to the agency or business entity that experienced the breach.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this Act.

SEC. 3. EXEMPTIONS.

(a) EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 2 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 2 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) LIMITS ON CERTIFICATIONS.—An agency or business entity may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) NOTICE.—In every case in which an agency or business entity issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service.

(4) SECRET SERVICE REVIEW OF CERTIFICATIONS.—

(A) IN GENERAL.—The United States Secret Service may review a certification provided by an agency under paragraph (3), and shall review a certification provided by a business entity under paragraph (3), to determine whether an exemption under paragraph (1) is merited. Such review shall be completed not later than 10 business days after the date of receipt of the certification, except as provided in paragraph (5)(C).

(B) NOTICE.—Upon completing a review under subparagraph (A) the United States Secret Service shall immediately notify the agency or business entity, in writing, of its determination of whether an exemption under paragraph (1) is merited.

(C) EXEMPTION.—The exemption under paragraph (1) shall not apply if the United States Secret Service determines under this paragraph that the exemption is not merited.

(5) ADDITIONAL AUTHORITY OF THE SECRET SERVICE.—

(A) IN GENERAL.—In determining under paragraph (4) whether an exemption under paragraph (1) is merited, the United States Secret Service may request additional information from the agency or business entity regarding the basis for the claimed exemption, if such additional information is necessary to determine whether the exemption is merited.

(B) REQUIRED COMPLIANCE.—Any agency or business entity that receives a request for additional information under subparagraph (A) shall cooperate with any such request.

(C) TIMING.—If the United States Secret Service requests additional information under subparagraph (A), the United States Secret Service shall notify the agency or business entity not later than 10 business days after the date of receipt of the additional information whether an exemption under paragraph (1) is merited.

(b) SAFE HARBOR.—

(1) IN GENERAL.—An agency or business entity shall be exempt from the notice requirements under section 2, if—

(A) a risk assessment concludes that there is no significant risk that a security breach has resulted in, or will result in, harm to the individual whose sensitive personally identifiable information was subject to the security breach;

(B) without unreasonable delay, but not later than 45 days after the discovery of a security breach (unless extended by the United States Secret Service), the agency or business entity notifies the United States Secret Service, in writing, of—

(i) the results of the risk assessment; and

(ii) its decision to invoke the risk assessment exemption; and

(C) the United States Secret Service does not indicate, in writing, and not later than 10 business days after the date of receipt of the decision described in subparagraph (B)(ii), that notice should be given.

(2) PRESUMPTIONS.—There shall be a presumption that no significant risk of harm to the individual whose sensitive personally identifiable information was subject to a security breach if such information—

(A) was encrypted; or

(B) was rendered indecipherable through the use of best practices or methods, such as redaction, access controls, or other such mechanisms, that are widely accepted as an effective industry practice, or an effective industry standard.

(c) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A business entity will be exempt from the notice requirement under section 2 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) LIMITATION.—The exemption by this subsection does not apply if—

(A) the information subject to the security breach includes sensitive personally identifiable information, other than a credit card number or credit card security code, of any type; or

(B) the information subject to the security breach includes both the individual's credit card number and the individual's first and last name.

SEC. 4. METHODS OF NOTICE.

An agency, or business entity shall be in compliance with section 2 if it provides both:

(1) INDIVIDUAL NOTICE.—

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity;

(B) telephone notice to the individual personally; or

(C) e-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, acquired by an unauthorized person exceeds 5,000.

SEC. 5. CONTENT OF NOTIFICATION.

(a) IN GENERAL.—Regardless of the method by which notice is provided to individuals under section 4, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) ADDITIONAL CONTENT.—Notwithstanding section 10, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

SEC. 6. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 2(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

SEC. 7. NOTICE TO LAW ENFORCEMENT.

(a) SECRET SERVICE.—Any business entity or agency shall notify the United States Secret Service of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.—The United States Secret Service shall be responsible for notifying—

(1) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code;

(2) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(3) the attorney general of each State affected by the security breach.

(c) TIMING OF NOTICES.—The notices required under this section shall be delivered as follows:

(1) Notice under subsection (a) shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

(2) Notice under subsection (b) shall be delivered not later than 14 days after the United States Secret Service receives notice of a security breach from an agency or business entity.

SEC. 8. ENFORCEMENT.

(a) CIVIL ACTIONS BY THE ATTORNEY GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this Act and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this Act, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this Act.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this Act.

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this Act are cumulative and shall not affect any other rights and remedies available under law.

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c–

1(b)(1)) is amended by inserting ", or evidence that the consumer has received notice that the consumer's financial information has or may have been compromised," after "identity theft report".

SEC. 9. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this Act, the State or the State or local law enforcement agency on behalf of the residents of the agency's jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

(A) enjoin that practice;

(B) enforce compliance with this Act; or

(C) obtain civil penalties of not more than $1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this Act, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 8 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this Act against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this Act establishes a private cause of action against a business entity for violation of any provision of this Act.

SEC. 10. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this Act shall supersede any other provision of Federal law or any provision of law of any State relating to notification by a business entity engaged in interstate commerce or an agency of a security breach, except as provided in section 5(b).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this Act.

SEC. 12. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

(a) IN GENERAL.—The United States Secret Service shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 3(b) of this Act and the response of the United States Secret Service to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 3(a) of this Act.

(b) REPORT.—Any report submitted under subsection (a) shall not disclose the contents of any risk assessment provided to the United States Secret Service under this Act.

SEC. 13. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AGENCY.—The term "agency" has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term "affiliate" means persons related by common ownership or by corporate control.

(3) BUSINESS ENTITY.—The term "business entity" means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) ENCRYPTED.—The term "encrypted"—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(5) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United State Code.

(6) SECURITY BREACH.—

(A) IN GENERAL.—The term "security breach" means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, acquisition of or access to sensitive personally identifiable information that is unauthorized or in excess of authorization.

(B) EXCLUSION.—The term "security breach" does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure; or

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements.

(7) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term "sensitive personally identifiable information" means any information or compilation of information, in electronic or digital form that includes—

(A) an individual's first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver's license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother's maiden name, if identified as such.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password that is required for an individual to obtain money, goods, services or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE REGARDING COMING TOGETHER AS A NATION AND CEASING ALL WORK OR OTHER ACTIVITY FOR A MOMENT OF REMEMBRANCE BEGINNING AT 1:00 PM EASTERN DAYLIGHT TIME ON SEPTEMBER 11, 2011, IN HONOR OF THE 10TH ANNIVERSARY OF THE TERRORIST ATTACKS COMMITTED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. LAUTENBERG (for himself, Mr. TOOMEY, Mr. MENENDEZ, Mr. SCHUMER,

Mrs. GILLIBRAND, Mr. CASEY, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. WEBB, Mr. WARNER, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 237

Whereas at 8:46 AM, on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas at approximately 10:00 AM, the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed;

Whereas countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks;

Whereas the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored;

Whereas 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day;

Whereas 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States;

Whereas on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001, and their families;

Whereas the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life;

Whereas in December 2001, Congress and the President joined together to designate September 11 as Patriot Day (Public Law 107–89);

Whereas in September 2002, and each September thereafter through September 2008, President Bush issued Proclamations 7590, 7702, 7812, 7929, 8047, 8174, and 8286 (67 Fed. Reg. 57125; 68 Fed. Reg. 53013; 69 Fed. Reg. 55717; 70 Fed. Reg. 54467; 71 Fed. Reg. 53959; 72 Fed. Reg. 51553; 73 Fed. Reg. 52773) proclaiming September 11 of that year, respectively, as Patriot Day;

Whereas in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460);

Whereas in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

Whereas September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States;

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

(6) on the 10th anniversary of this tragic day in United States history—

(A) calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including—

(i) media outlets;

(ii) houses of worship;

(iii) military organizations;

(iv) veterans organizations;

(v) airlines;

(vi) airports;

(vii) railroads;

(viii) sports teams;

(ix) the Federal Government;

(x) State and local governments;

(xi) police, fire, and other public institutions;

(xii) educational institutions;

(xiii) businesses; and

(xiv) other public and private institutions; and

(B) encourages the observance of the moment of remembrance or prayer to last for 1 minute beginning at 1:00 PM Eastern Daylight Time by, to the maximum extent practicable—

(i) ceasing all work or other activity; and

(ii) marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that two fellows in Senator BINGAMAN's office, Charlayne Hayling and Sandra Wilkniss, be granted floor privileges during consideration of H.R. 2560.

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

GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 104, S. 300.

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

The legislative clerk read as follows:

A bill (S. 300) to prevent abuse of Government charge cards.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 300

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Government Charge Card Abuse Prevention Act of 2011''.

SEC. 2. MANAGEMENT OF PURCHASE CARDS.

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that issues and uses purchase cards and convenience checks shall establish and maintain safeguards and internal controls to ensure the following:

(1) There is a record in each executive agency of each holder of a purchase card issued by the agency for official use, annotated with the limitations on single transactions and total transactions that are applicable to the use of each such card or check by that purchase cardholder.

(2) Each purchase cardholder and individual issued a convenience check is assigned an approving official other than the cardholder with the authority to approve or disapprove transactions.

(3) The holder of a purchase card and each official with authority to authorize expenditures charged to the purchase card are responsible for—

(A) reconciling the charges appearing on each statement of account for that purchase card with receipts and other supporting documentation; and

(B) forwarding such reconciliation to the certifying official in a timely manner to enable the certifying official to ensure that the Federal Government ultimately pays only for valid charges.

(4) Any disputed purchase card charge, and any discrepancy between a receipt and other supporting documentation and the purchase card statement of account, is resolved in the manner prescribed in the applicable governmentwide purchase card contract entered into by the Administrator of General Services and in accordance with all laws and executive agency regulations.

(5) Payments on purchase card accounts are made promptly within prescribed deadlines to avoid interest penalties.

(6) Rebates and refunds based on prompt payment, sales volume, or other actions by the agency on purchase card accounts are reviewed for accuracy and properly recorded as a receipt to the agency that pays the monthly bill.

(7) Records of each purchase card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

(8) Periodic reviews are performed to determine whether each purchase cardholder has a need for the purchase card.

(9) Appropriate training regarding the proper use of purchase cards is provided to each purchase cardholder in advance of being issued a purchase card and periodically thereafter and to each official with responsibility for overseeing the use of purchase cards issued by an executive agency in advance of assuming such oversight duties and periodically thereafter.

(10) The executive agency has specific policies regarding the number of purchase cards issued by various component organizations and categories of component organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued purchase cards, and that those policies are designed to minimize the financial risk to the Federal Government of the issuance of the purchase cards and to ensure the integrity of purchase cardholders.

(11) The executive agency utilizes effective systems, techniques, and technologies to prevent or identify fraudulent purchases.

(12) The executive agency invalidates the purchase card of each employee who—

(A) ceases to be employed by the agency, immediately upon termination of the employment of the employee; or

(B) transfers to another unit of the agency immediately upon the transfer of the employee unless the agency determines that the units are covered by the same purchase card authority.

(13) The executive agency takes steps to recover the cost of any erroneous, improper, or illegal purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

(b) GUIDANCE ON MANAGEMENT OF PURCHASE CARDS.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the safeguards and internal controls required by subsection (a) by executive agencies.

(c) PENALTIES FOR VIOLATIONS.—

(1) IN GENERAL.—The head of each executive agency shall provide for appropriate adverse personnel actions or other punishment to be imposed in cases in which employees of the agency violate agency policies implementing the guidance required by subsection (b) or make improper, erroneous, or illegal purchases with purchase cards or convenience checks.

(2) DISMISSAL.—Penalties prescribed for employee misuse of purchase cards or convenience checks shall include dismissal of the employee, as appropriate.

(3) REPORTS ON VIOLATIONS.—The guidance prescribed under subsection (b) shall direct each head of an executive agency with more than $10,000,000 in purchase card spending annually, and each Inspector General of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by paragraph (1) by employees of such executive agency. At a minimum, the report shall set forth the following:

(A) A description of each violation.

(B) A description of any adverse personnel action, punishment, other action taken against the employee for such violation.

(d) RISK ASSESSMENTS AND AUDITS.—The Inspector General of each executive agency shall—

(1) conduct periodic assessments of the agency purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of purchase card or convenience check transactions;

(2) perform analysis or audits, as necessary, of purchase card transactions designed to identify—

(A) potentially illegal, improper, erroneous, and abusive uses of purchase cards;

(B) any patterns of such uses; and

(C) categories of purchases that could be made by means other than purchase cards in order to better aggregate purchases and obtain lower prices (excluding transactions made under card-based strategic sourcing arrangements);

(3) report to the head of the executive agency concerned on the results of such analysis or audits; and

(4) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of purchase card and convenience check transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

(e) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term ''executive agency'' has the meaning given such term in section [4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1))] *133 of title 41, United States Code*, except as provided under subsection (f)(1).

(f) RELATIONSHIP TO DEPARTMENT OF DEFENSE PURCHASE CARD REGULATIONS.—

(1) IN GENERAL.—The requirements of subsections (a) through (d) shall not apply to the Department of Defense.

(2) CONFORMING AMENDMENTS.—Section 2784 of title 10, United States Code, is amended—

(A) in subsection (b), by adding at the end the following new paragraphs:

''(11) That each purchase cardholder and individual issued a convenience check is assigned an approving official other than the cardholder with the authority to approve or disapprove transactions.

''(12) That the Department of Defense utilizes effective systems, techniques, and technologies to prevent or identify fraudulent purchases.

''(13) That the Department of Defense takes appropriate steps to invalidate the purchase card of each employee who—

''(A) ceases to be employed by the Department of Defense, immediately upon termination of the employment of the employee; or

''(B) transfers to another unit of the Department of Defense immediately upon the transfer of the employee unless the Secretary of Defense determines that the units are covered by the same purchase card authority.

''(14) That the Department of Defense takes appropriate steps to recover the cost of any erroneous, improper, or illegal purchase made with a purchase card or convenience check by an employee, including, as necessary, through salary offsets.

''(15) That the Inspector General of the Department of Defense conducts periodic assessments of purchase card or convenience check programs to identify and analyze risks of illegal, improper, or erroneous purchases and payments and uses such risk assessments to develop appropriate recommendations for corrective actions.''; and

(B) by adding at the end the following new subsection:

''(d) SEMIANNUAL REPORT.—The Secretary of Defense and the Inspector General of the Department of Defense, shall submit to the Director of the Office of Management and Budget on a semiannual basis a joint report on illegal, improper, or erroneous purchases and payments made with purchase cards or convenience checks by employees of the Department of Defense. At a minimum, the report shall include the following:

''(1) A description of each violation.

''(2) A description of any adverse personnel action, punishment, or other action taken against the employee for such violation.

''(3) A description of actions taken by the Department of Defense to address recommendations made to address findings arising out of risk assessments and audits conducted pursuant to this section.''.

SEC. 3. MANAGEMENT OF TRAVEL CARDS.

Section 2 of the Travel and Transportation Reform Act of 1998 (Public Law 105–264; 5 U.S.C. 5701 note) is amended by adding at the end the following new subsection:

''(h) MANAGEMENT OF TRAVEL CHARGE CARDS.—

''(1) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—The head of each executive agency that has employees that use travel charge cards shall establish and maintain the following internal control activities to ensure the proper, efficient, and effective use of such travel charge cards:

''(A) There is a record in each executive agency of each holder of a travel charge card issued on behalf of the agency for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that travel charge cardholder.

''(B) Rebates and refunds based on prompt payment, sales volume, or other actions by

the agency on travel charge card accounts are monitored for accuracy and properly recorded as a receipt of the agency that employs the cardholder.

''(C) Periodic reviews are performed to determine whether each travel charge cardholder has a need for the travel charge card.

''(D) Appropriate training is provided to each travel charge cardholder and each official with responsibility for overseeing the use of travel charge cards issued by [an] *the* executive agency.

''(E) Each executive agency has specific policies regarding the number of travel charge cards issued for various component organizations and categories of component organizations, the credit limits authorized for various categories of cardholders, and categories of employees eligible to be issued travel charge cards, and designs those policies to minimize the financial risk to the Federal Government of the issuance of the travel charge cards and to ensure the integrity of travel charge cardholders.

''(F) Each executive agency ensures its contractual arrangement with each servicing travel charge card issuing contractor contains a requirement to evaluate the creditworthiness of an individual before issuing that individual a travel charge card, and that no individual be issued a travel charge card if that individual is found not creditworthy as a result of the evaluation (except that this paragraph shall not preclude issuance of a restricted use travel charge card or pre-paid card when the individual lacks a credit history or has a credit score below the minimum credit score established by the Office of Management and Budget). The Director of the Office of Management and Budget shall establish a minimum credit score for determining the creditworthiness of an individual based on rigorous statistical analysis of the population of cardholders and historical behaviors. Notwithstanding any other provision of law, such evaluation shall include an assessment of an individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act *(15 U.S.C. 1681a)*.

''(G) Each executive agency utilizes effective systems, techniques, and technologies to prevent or identify improper purchases.

''(H) Each executive agency ensures that the travel charge card of each employee who ceases to be employed by the agency is invalidated immediately upon termination of the employment of the employee.

''(I) Each executive agency utilizes, where appropriate, direct payment to the holder of the travel card contract.

''(2) GUIDANCE ON MANAGEMENT OF TRAVEL CHARGE CARDS.—Not later than 180 days after the date of the enactment of the Government Charge Card Abuse Prevention Act of 2011, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies governing the implementation of the requirements in paragraph (1).

''(3) PENALTIES FOR VIOLATIONS.—

''(A) IN GENERAL.—Consistent with the guidance prescribed under paragraph (2), each executive agency shall provide for appropriate adverse personnel actions to be imposed in cases in which employees of the executive agency fail to comply with applicable travel charge card terms and conditions or applicable agency regulations or commit fraud with respect to a travel charge card, including removal in appropriate cases.

''(B) REPORTS ON VIOLATIONS.—The guidance prescribed under paragraph (2) shall require each head of an executive agency with more than $10,000,000 in travel card spending annually, and each inspector general of such an executive agency, on a semiannual basis, to submit to the Director of the Office of Management and Budget a joint report on violations or other actions covered by subparagraph (A) by employees of such executive agency. At a minimum, the report shall set forth the following:

''(i) A description of each violation.

''(ii) A description of any adverse personnel action, punishment, or other action taken against the employee for such violation or other action.

''(4) RISK ASSESSMENTS AND AUDITS.—The inspector general of each executive agency shall—

''(A) conduct periodic assessments of the agency travel charge card program and associated internal controls to identify and analyze risks of illegal, improper, or erroneous travel charges and payments in order to develop a plan for using such risk assessments to determine the scope, frequency, and number of periodic audits of travel charge card transactions;

''(B) perform periodic analysis and audits, as appropriate, of travel charge card transactions designed to identify potentially improper, erroneous, and illegal uses of travel charge cards;

''(C) report to the head of the executive agency concerned on the results of such analysis and audits; and

''(D) report to the Director of the Office of Management and Budget on the implementation of recommendations made to the head of the executive agency to address findings of any analysis or audit of travel charge card transactions or programs for compilation and transmission by the Director to Congress and the Comptroller General.

''(5) DEFINITIONS.—In this subsection:

''(A) The term 'executive agency' means an agency as that term is defined in subparagraphs (A) and (B) of section 5701(1) of title 5, United States Code.

''(B) The term 'travel charge card' means any Federal contractor-issued travel charge card that is individually billed to each cardholder.''.

SEC. 4. MANAGEMENT OF CENTRALLY BILLED ACCOUNTS.

(a) REQUIRED INTERNAL CONTROLS FOR CENTRALLY BILLED ACCOUNTS.—The head of an executive agency that has employees who use a travel charge card that is billed directly to the United States Government shall establish and maintain the following internal control activities:

(1) Items submitted on an employee's travel voucher shall be compared with items paid for using a centrally billed account on any related travel to ensure that an employee is not reimbursed for an item already paid for by the United States Government through a centrally billed account.

(2) The executive agency shall dispute unallowable and erroneous charges and track the status of the disputed transactions to ensure appropriate resolution.

(3) The executive agency shall submit requests to servicing airlines for refunds of fully or partially unused tickets, when entitled to such refunds, and track the status of unused tickets to ensure appropriate resolution.

(b) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall review the existing guidance and, as necessary, prescribe additional guidance for executive agencies implementing the requirements of subsection (a).

SEC. 5. CONSTRUCTION.

Nothing in this Act shall be construed to excuse the head of an executive agency from the responsibilities set out in section 3512 of title 31, United States Code, or in the Improper Payments *Information* Act of 2002 (31 U.S.C. 3321 note).

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, 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 committee amendments were agreed to.

The bill (S. 300), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that on Monday, July 25, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 83 and 84; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 83 and 84 in that order; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

ORDERS FOR MONDAY, JULY 25, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed 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 4:30 p.m. with Senators permitted to speak for up to 10 minutes each; further, that at 4:30 p.m., the Senate observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who were killed 13 years ago in the line of duty defending this Capitol, the people who work here, and its visitors against an armed intruder; finally, I ask unanimous consent that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. DURBIN. Mr. President, the first rollcall vote next week will be at approximately 5:30 p.m. on confirmation of the nomination of Paul A. Engelmayer to be U.S. District Judge for the Southern District of New York.

ADJOURNMENT UNTIL MONDAY, JULY 25, 2011, AT 2 P.M.

Mr. DURBIN. 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 2:44 p.m., adjourned until Monday, July 25, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL INSTITUTE OF BUILDING SCIENCES

JAMES T. RYAN, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013, VICE JAMES BROADDUS, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

LARRY W. WALTHER, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED.

DEPARTMENT OF STATE

MARY B. DEROSA, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

FRANK E. LOY, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KENDRICK B. MEEK, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SIXTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH E. MARTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL FERRITER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT L. CASLEN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID G. PERKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. BERT K. MIZUSAWA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. BRIAN R. COPES

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

To be admiral

ADM. JONATHAN W. GREENERT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. MARK E. FERGUSON III

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 vice admiral

VICE ADM. HARRY B. HARRIS, JR.

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. CECIL E. D. HANEY

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 vice admiral

REAR ADM. SCOTT H. SWIFT