

In May 2009, I sent a letter to Administrator Lubchenco requesting that NOAA investigate allegations of excessive penalties and retaliatory actions. These charges have been confirmed both by the Inspector General and by Special Master Swartwood appointed by Secretary Locke. This has led to NOAA personnel being reassigned and some fines being rescinded by Secretary Locke. There continues to be a justified distrust of the Federal Government by the fishermen, this relationship must be repaired and trust must be restored.

I have been working in the Senate to make sure that our fishermen will be treated fairly by federal regulators.

That is why today I am introducing the Fisheries Fee Fairness Act of 2011. This legislation will give the Secretary of Commerce the option to take funds from the Asset Forfeiture Fund, AFF, and use them to reimburse the legal fees and costs incurred by fishermen and businesses whose fines were remitted by the Secretary of Commerce at the recommendation of Special Master Swartwood. Under my legislation, the Secretary of Commerce would have 90 days to determine whether to provide a reimbursement and the amount of the reimbursement and reimbursements would be capped at \$200,000 per person or business. The Special Master is currently reviewing a second round of cases brought forth by fishermen who believed they were inappropriately penalized by NOAA enforcement agents. Under my legislation, the fishermen in this group will also qualify to have their legal fees and costs reimbursed if the Secretary of Commerce remits their fines.

We have made progress in rebuilding the relationship between our fishermen and the Federal Government, but we still have a distance to travel. This legislation ensures our fishermen are made whole and can keep what they have earned, and those are principles I intend to keep fighting for. I ask all of my colleagues to support this important legislation.

By Mr. MCCONNELL (for himself, Mr. HATCH, Mr. LEE, Mr. CORNYN, Mr. KYL, Mr. TOOMEY, Ms. SNOWE, Mr. RISCH, Mr. RUBIO, Mr. DEMINT, Mr. PAUL, Mr. VITTER, Mr. ENZI, Mr. KIRK, Mr. THUNE, Mr. ALEXANDER, Mr. INHOFE, Mr. CRAPO, Mr. BURR, Mr. BARRASSO, Mr. COBURN, Mr. MORAN, Mr. LUGAR, Mrs. HUTCHISON, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mr. GRASSLEY, Mr. SHELBY, Mr. SESSIONS, Mr. MCCAIN, Mr. BOOZMAN, Mr. ROBERTS, Ms. COLLINS, Mr. HOEVEN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORKER, Mr. JOHANNIS, Ms. MURKOWSKI, Mr. PORTMAN, Mr. WICKER, and Mr. HELLER):

S.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 23

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

“ARTICLE—

“SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll call vote.

“SECTION 2. Total outlays for any fiscal year shall not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year, unless two-thirds of the duly chosen and sworn Members of each House of Congress shall provide by law for a specific amount in excess of such 18 percent by a roll call vote.

“SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which—

“(1) total outlays do not exceed total receipts; and

“(2) total outlays do not exceed 18 percent of the gross domestic product of the United States for the calendar year ending before the beginning of such fiscal year.

“SECTION 4. Any bill that imposes a new tax or increases the statutory rate of any tax or the aggregate amount of revenue may pass only by a two-thirds majority of the duly chosen and sworn Members of each House of Congress by a roll call vote. For the purpose of determining any increase in revenue under this section, there shall be excluded any increase resulting from the lowering of the statutory rate of any tax.

“SECTION 5. The limit on the debt of the United States shall not be increased, unless three-fifths of the duly chosen and sworn Members of each House of Congress shall provide for such an increase by a roll call vote.

“SECTION 6. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article for any fiscal year in which a declaration of war against a nation-state is in effect and in which a majority of the duly chosen and sworn Members of each House of Congress shall provide for a specific excess by a roll call vote.

“SECTION 7. The Congress may waive the provisions of sections 1, 2, 3, and 5 of this article in any fiscal year in which the United States is engaged in a military conflict that causes an imminent and serious military threat to national security and is so declared by three-fifths of the duly chosen and sworn Members of each House of Congress by a roll call vote. Such suspension must identify and be limited to the specific excess of outlays for that fiscal year made necessary by the identified military conflict.

“SECTION 8. No court of the United States or of any State shall order any increase in revenue to enforce this article.

“SECTION 9. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal.

“SECTION 10. The Congress shall have power to enforce and implement this article by appropriate legislation, which may rely on estimates of outlays, receipts, and gross domestic product.

“SECTION 11. This article shall take effect beginning with the fifth fiscal year beginning after its ratification.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 218—ENCOURAGING THE UNITED STATES TRADE REPRESENTATIVE TO ESTABLISH AND ARTICULATE A STRATEGY FOR INITIATING NEGOTIATIONS FOR A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS

Mr. LUGAR (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 218

Whereas the Association of Southeast Asian Nations (ASEAN) was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore, and Thailand being original members;

Whereas ASEAN membership has now expanded and includes 10 countries;

Whereas the United States supports the centrality of ASEAN within East Asia;

Whereas the United States was the first country to appoint an Ambassador to the Association of Southeast Asian Nations and has now appointed a resident Ambassador to the ASEAN Secretariat;

Whereas ASEAN significantly contributes to regional stability in East Asia;

Whereas over 40,000 students from ASEAN are studying in the United States and an increasing number of Americans are studying in ASEAN countries;

Whereas ASEAN partners with the United States Government to combat global terror;

Whereas the United States acceded to the Treaty of Amity and Cooperation in 2009;

Whereas ASEAN constitutes the fourth largest market for United States exports and, according to Department of Commerce figures, United States exports to ASEAN support over 450,000 jobs in the United States;

Whereas ASEAN has a population of approximately 600,000,000 persons;

Whereas two-way, United States-ASEAN trade totals approximately \$180,000,000,000 annually;

Whereas the nations of ASEAN are working toward economic integration;

Whereas ASEAN has entered into free trade agreements with India, China, Japan, South Korea, Australia, and New Zealand, covering nearly 50 percent of the world's population; and

Whereas the United States and ASEAN signed a Trade and Investment Framework Agreement (TIFA) over five years ago, and the United States and ASEAN continue to work on trade-related initiatives: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative, in consultation with other appropriate Federal agencies and interested stakeholders, should establish and articulate a strategy for initiating negotiations for a free trade agreement between the United States and ASEAN; and

(2) at the time of free trade agreement negotiations, any pending bilateral issues between the United States and Burma, including economic sanctions, investment prohibition, travel restrictions or otherwise, should not deter the United States from engaging with other ASEAN nations regarding a potential free trade agreement, nor should the United States encourage trade with Burma, absent significant reforms within that country.

SENATE RESOLUTION 219—DESIGNATING SEPTEMBER 12, 2011, AS “NATIONAL CELIAC DISEASE AWARENESS DAY”

Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 219

Whereas celiac disease affects approximately 1 in every 130 people in the United States, for a total of 3,000,000 people;

Whereas the majority of people with celiac disease have yet to be diagnosed;

Whereas celiac disease is a chronic inflammatory disorder that is classified as both an autoimmune condition and a genetic condition;

Whereas celiac disease causes damage to the lining of the small intestine, which results in overall malnutrition;

Whereas when a person with celiac disease consumes foods that contain certain protein fractions, that person suffers a cell-mediated immune response that damages the villi of the small intestine, interfering with the absorption of nutrients in food and the effectiveness of medications;

Whereas such problematic protein fractions are found in wheat, barley, rye, and oats, which are used to produce many foods, medications, and vitamins;

Whereas because celiac disease is a genetic disease, there is an increased incidence of celiac disease in families with a known history of celiac disease;

Whereas celiac disease is underdiagnosed because the symptoms can be attributed to other conditions and are easily overlooked by doctors and patients;

Whereas as recently as 2000, the average person with celiac disease waited 11 years for a correct diagnosis;

Whereas ½ of all people with celiac disease do not show symptoms of the disease;

Whereas celiac disease is diagnosed by tests that measure the blood for abnormally high levels of the antibodies of immunoglobulin A, anti-tissue transglutaminase, and IgA anti-endomysium antibodies;

Whereas celiac disease can be treated only by implementing a diet free of wheat, barley, rye, and oats, often called a “gluten-free diet”;

Whereas a delay in the diagnosis of celiac disease can result in damage to the small intestine, which leads to an increased risk for malnutrition, anemia, lymphoma, adenocarcinoma, osteoporosis, miscarriage, congenital malformation, short stature, and disorders of the skin and other organs;

Whereas celiac disease is linked to many autoimmune disorders, including thyroid

disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren’s syndrome;

Whereas the connection between celiac disease and diet was first established by Dr. Samuel Gee, who wrote, “if the patient can be cured at all, it must be by means of diet”;

Whereas Dr. Samuel Gee was born on September 13, 1839; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of celiac disease: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 13, 2011, as “National Celiac Disease Awareness Day”;

(2) recognizes that all people of the United States should become more informed and aware of celiac disease;

(3) calls upon the people of the United States to observe National Celiac Disease Awareness Day with appropriate ceremonies and activities; and

(4) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Celiac Sprue Association, the American Celiac Society, and the Celiac Disease Foundation.

SENATE RESOLUTION 220—EXPRESSING THE SENSE OF THE SENATE REGARDING THE JUNE 30, 2011, OPENING OF THE TOM LANTOS INSTITUTE IN BUDAPEST, HUNGARY

Mr. KERRY (for himself, Mr. LUGAR, and Mr. REED of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 220

Whereas the late Congressman Tom Lantos was a champion of human and minority rights in Europe and around the world;

Whereas Congressman Lantos, the only Holocaust survivor to be elected to the United States Congress, was a leading voice on human rights and founding co-chairman of the Congressional Human Rights Caucus, now known as the Tom Lantos Human Rights Caucus;

Whereas Congressman Lantos always remained a proud Hungarian-American and an active promoter of strong cooperation between the country of his birth and the United States;

Whereas Congressman Lantos was a tireless advocate for tolerance and moderation, virtues embodied in the stated mission of the Tom Lantos Institute in Budapest;

Whereas the Tom Lantos Institute is a non-profit, non-partisan, and independent organization supported by the Government of Hungary and dedicated to the goal of promoting human and minority rights in Central and Eastern Europe;

Whereas educational programs on human and minority rights will lay the foundation for a more sustainable and inclusive peace; and

Whereas a strong transatlantic partnership is in the mutual interests of the United States and the countries of Central and Eastern Europe: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to recognize and applaud the opening of the Tom Lantos Institute;

(2) to acknowledge the Government of Hungary for honoring the legacy of Congressman Lantos through its contributions to the Institute;

(3) to express support for the principles of the Institute, including democracy, pluralism, and human and minority rights;

(4) to express support for the education of present and future generations in Central and Eastern Europe, which will contribute to regional cooperation, historical reconciliation, and tolerance throughout the Euro-Atlantic region; and

(5) to encourage the people and the governments of the United States and the countries of Central and Eastern Europe to continue to deepen and broaden their relations.

SENATE RESOLUTION 221—CONGRATULATING KAPPA ALPHA PSI FRATERNITY, INC., ON REACHING THE HISTORIC MILESTONE OF 100 YEARS OF SERVING LOCAL AND INTERNATIONAL COMMUNITIES, MAINTAINING A COMMITMENT TO THE BETTERMENT OF MANKIND, AND ENRICHING THE LIVES OF COLLEGIATE MEN THROUGHOUT THE UNITED STATES

Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LEVIN, Mr. LUGAR, Mr. NELSON of Florida, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mrs. HAGAN, Ms. MURKOWSKI, Ms. STABENOW, and Ms. CANTWELL,) submitted the following resolution; which was considered and agreed to:

S. RES. 221

Whereas Kappa Alpha Psi Fraternity, Inc., was founded on January 5, 1911, at Indiana University in Bloomington, Indiana, by Elder Watson Diggs, John Milton Lee, Byron K. Armstrong, Guy Lewis Grant, Ezra D. Alexander, Henry T. Asher, Marcus P. Blakemore, Paul W. Caine, Edward G. Irvin, and George W. Edmonds;

Whereas the founders of Kappa Alpha Psi were God-fearing, high-achieving, serious-minded young men who possessed the imagination, ambition, courage, and determination to defy custom and cultural challenges in pursuit of college educations and careers during a period in United States history in which such opportunities were not broadly available to African-Americans;

Whereas since its founding Kappa Alpha Psi has stressed high ideals and the importance of achievement in every field of human endeavor by instilling in African-American youth the noble aspiration of serving others and by training its members to positively influence their communities and society;

Whereas Kappa Alpha Psi membership has grown to include more than 150,000 college-educated men, with undergraduate chapters located on more than 360 college and university campuses and with alumni chapters located in more than 340 cities in the United States and in 5 foreign countries;

Whereas Kappa Alpha Psi hosts a biennial Undergraduate Leadership Institute, a comprehensive training- and skills-enhancement program for the top student leaders of Kappa Alpha Psi, to inspire them to become positive role models and to serve the good of society;

Whereas Kappa Alpha Psi partners with Habitat for Humanity and assists in building homes for local families in conjunction with each of its biennial national conventions;

Whereas Kappa Alpha Psi partners with St. Jude Children’s Research Hospital, based in Memphis, Tennessee, and, with the help of local communities and churches, has raised more than \$1,000,000 for the continuation of the mission of that hospital;