United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, MAY 26, 2011 *No. 74*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Author of life, who puts into our hearts such deep desires that we cannot be at peace until we rest in You, mercifully guide our lawmakers on the path of Your choosing. May Your Holy word be for them a lamp and a light in these challenging times. Lord, keep them mindful of the importance of being men and women of integrity, striving to please You in all of their labors. Make them people of principle who share a strong vision of a godly nation with a promising future. May their humility match Your willingness to help them and their dependence on You liberate them from anxiety about what the future holds.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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, May 26, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico 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 any leader remarks, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which is the legislative vehicle for the PATRIOT Act extension. The filing deadline for all second-degree amendments to the PATRIOT Act is at 9:40 this morning. At 10 a.m. there will be a rollcall vote on the motion to concur with respect to the PATRIOT Act.

We are confident additional rollcall votes in relation to amendments to the PATRIOT Act are possible and likely will occur during today's session.

RESERVATION OF LEADER TIME

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

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which the clerk will report by title.

The assistant legislative clerk read as follows:

A motion to concur in the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 347, of a perfecting nature.

Reid amendment No. 348 (to amendment No. 347), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid amendment No. 349, to change the enactment date.

Reid amendment No. 350 (to (the instructions) amendment No. 349), of a perfecting nature.

Reid amendment No. 351 (to amendment No. 350), of a perfecting nature.

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

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCONNELL. Mr. President, I will proceed on my leader time.

As we all know, the war on terror did not end last month when American forces shot and killed Osama bin Laden in Abbottabad.

General Clapper, the Director of National Intelligence, wrote to me yesterday to explain that this is a moment of elevated threat to our country and that the intelligence community is

working to analyze the information gained at the Bin Laden compound. Al-Qaida and its associate groups remain a threat to the United States.

And our intelligence community, military and law enforcement professionals still need the tools that enable them to gather and share intelligence in this fight.

That is why all Americans should be reassured today in knowing that these dedicated men and women will continue to have those tools. I have no doubt that the 4-year PATRIOT Act extension that Members of both parties have agreed to will safeguard us from future attacks, and that everything we agreed to in this extension is necessary for this fight.

As FBI Director Bob Mueller has said, all the authorities it contains are critical. Every one requires the prior approval of an independent Federal judge. Nothing in this extension has ever been found to be unconstitutional. And most of these authorities have not even been challenged in court—ever.

The Senate Intelligence Committee has conducted aggressive oversight of the programs authorized by these expiring provisions. Over the past decade, we have seen how terrorists have proved themselves adaptable, how they have altered their tactics and methods to strike us at home. By extending this invaluable terror-fighting tool, we are staying ahead of them.

Now is not the time to surrender the tools authorized by this act, or to make them more difficult to use. It was absolutely imperative that we renew these authorities under the PATRIOT Act. They have enabled others to keep us safe for nearly a decade. Our law enforcement professionals have been able to use tools just like them in traditional criminal cases for years. We should be relieved and reassured to know they won't expire this week.

A LOOMING CRISIS

Mr. President, last June, the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, made an observation that may have surprised some people. A day after Democrats here in the Senate refused to allocate tens of billions of dollars in unemployment assistance unless the costs could be added to an already unsustainable debt—he said that, in his view, the biggest threat to our national security is our debt.

A few months earlier, the President himself identified the debt as a looming crisis. He pointed out that almost all of our long-term debt relates to the cost of Medicare and Medicaid. And he said, ''if we don't get control of that, we can't get control over our budget.'' He was right.

But the co-chair of the President's debt commission may have put it best just 6 weeks ago. Speaking about the consequences of the fiscal path we're on, Erskine Bowles said simply:

It's the most predictable crisis in history. The most predictable crisis in history—and that was a Democrat talking. And yet Democrats in the Senate don't even want to talk about it.

Yesterday, here in the Senate, Democrats rejected every single proposal we have seen on our Nation's fiscal future. They took a pass. They have chosen to ignore this crisis just like they ignored the last one.

Three years ago, as the financial crisis approached, the senior Senator from New York was holding press conferences trying to link the war in Iraq to what passed for an economic slowdown at the time. The majority leader was postponing votes that we all knew would fail so Democrats who were running for President could be here to vote on them. Now, in the face of a looming crisis we all admit is coming—they are doing the same thing.

This crisis is staring us right in the face. The Democrats themselves—from the President on down—say they see it. Yet, once again, they are so focused on the next election they refuse to do anything to upset the status quo. They are more concerned about their own jobs than preventing a economic catastrophe that could affect everybody's job. They want to wait this out—while they hammer anybody who proposes a solution. They rejected their own President's budget. They rejected three Republican budgets. And they have not even bothered to offer a budget of their own. They're just marking time, treading water.

So I think Democrats have lost the right to express concern about this crisis. Until they propose some solution of their own, they are part of the problem.

The American people didn't send us here to hide in a corner until the next election. They sent us here to act on their behalf, and this is their message: If you see a crisis coming, you better do something about it.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to S. 990, with amendment No. 347.

Harry Reid, Jack Reed, Carl Levin, Jeanne Shaheen, Mark R. Warner, Richard Blumenthal, Kent Conrad, Kirsten E. Gillibrand, Dianne Feinstein, Bill Nelson, John D. Rockefeller IV, Joseph I. Lieberman, Barbara A. Mikulski, Charles E. Schumer, Debbie Stabenow, Thomas R. Carper, Mark L. Pryor.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the House amendment to S. 990 with amendment No. 347, offered by the Senator from Nevada, Mr. Reid, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 18, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—79

Akaka	Gillibrand	McConnell
Alexander	Graham	Menendez
Ayotte	Grassley	Mikulski
Barrasso	Hagan	Moran
Bennet	Harkin	Murray
Blunt	Hatch	Nelson (NE)
Boozman	Hoeven	Nelson (FL)
Boxer	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Inouye	Reed
Carper	Isakson	Reid
Casey	Johanns	Risch
Chambliss	Johnson (SD)	Rockefeller
Coats	Johnson (WI)	Rubio
Coburn	Kerry	Sessions
Cochran	Kirk	Shelby
Collins	Klobuchar	Snowe
Conrad	Kohl	Stabenow
Coons	Kyl	Thune
Corker	Landrieu	Toomey
Cornyn	Lautenberg	Vitter
Crapo	Levin	Warner
DeMint	Lieberman	Webb
Durbin	Lugar	Whitehouse
Enzi	Manchin	Wicker
Feinstein	McCain	
Franken	McCaskill	

NAYS—18

Baucus	Heller	Sanders
Begich	Leahy	Shaheen
Bingaman	Lee	Tester
Brown (OH)	Merkley	Udall (CO)
Cantwell	Murkowski	Udall (NM)
Cardin	Paul	Wyden

NOT VOTING—3

Blumenthal	Roberts	Schumer

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 79, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer the House message falls.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent that I be permitted to engage in a colloquy between Senators UDALL, FEINSTEIN, and MERKLEY.

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

Mr. WYDEN. Mr. President, I am going to talk for just a couple of minutes about the issue of secret law that Senator UDALL and I, as we are both members of the Intelligence Committee, have been working on for quite some time. Then I am going to yield to our friend, the distinguished chairwoman of the Intelligence Committee, Senator FEINSTEIN, for a colloquy.

What this issue is all about is this: I believe there are two PATRIOT Acts in America. The first is the text of the law itself, and the second is the government's secret interpretation of what they believe the law means.

As an example, several years ago Americans woke up to learn that the Bush administration had been secretly claiming for years that warrantless wiretapping was legal. This disclosure greatly undermined the public's trust in the Department of Justice and our national intelligence agencies, and it took Congress and the executive branch years to sort out the situation.

I believe the American people will also be extremely surprised when they learn how the PATRIOT Act is secretly being interpreted, and I believe one consequence will be an erosion of public confidence that makes it more difficult for our critically important national intelligence agencies to function effectively. As someone who served on the Intelligence Committee for 10 years, sitting right next to Senator FEINSTEIN, I don't want to see that happen.

Let me yield now to Senator UDALL. He will also have brief remarks, and any colleagues who want to speak, and then Senator FEINSTEIN will lead us in the discussion of how we will be moving forward. So I yield to Senator UDALL who has been an invaluable member on the Intelligence Committee. He and I have worked on this since the day he joined our committee, and I am so appreciative of his involvement.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from Oregon for his kind words. I also wish to echo his remarks about the leadership of the chairwoman of the Intelligence Committee and her focus on keeping our country safe and our citizens protected.

I also wish to make the point that, as my colleague from Oregon, I also oppose reauthorization of the expiring provisions in the PATRIOT Act without significant reforms. I believe it is critical that the administration make public its interpretation of the PATRIOT Act so Members of Congress and the public are not kept in the dark.

Mrs. FEINSTEIN. Mr. President, I wish to thank both Senator WYDEN and Senator UDALL for their comments. We did have a meeting last night. We did discuss this thoroughly. The decision was that we would enter into this colloquy, so I will begin it, if I may.

These Senators and I, along with the junior Senator from Oregon, Mr. MERKLEY, the Senator from Colorado, Mr. MARK UDALL, and the Senator from Rhode Island, Mr. WHITEHOUSE met last night to discuss this amendment, the legal interpretation of the Foreign Intelligence Surveillance Act provisions and how these provisions are implemented.

I very much appreciate the strong views Senator WYDEN and Senator UDALL have in this area, and I believe they are raising a serious and important point as to how exactly these authorities are carried out. I believe we are also all in agreement that these are important counterterrorism authorities and have contributed to the security of our Nation.

Mr. WYDEN. Mr. President, I have enormous respect for my special friend from California, the distinguished chairwoman of the Intelligence Committee. I have literally sat next to her for more than a decade. We agree on virtually all of these issues, but this is an area where we have had a difference of opinion.

I have said I wouldn't support a long-term reauthorization of the PATRIOT Act without significant reforms, particularly in this area. I am especially troubled by the fact that the U.S. Government's official interpretation of the PATRIOT Act is secret, and I believe a significant gap has developed now between what the public thinks the law says and what the government secretly claims it says. That is why I and my colleagues from Oregon and Colorado and New Mexico have proposed an amendment that would make these legal interpretations public.

Mr. UDALL of Colorado. Mr. President, let me say once again, as does my colleague from Oregon, I oppose reauthorization of the existing provisions of the PATRIOT Act that we have been debating on the Senate floor without significant reforms. I also have to say I believe it is critical that the administration make public its interpretation of the PATRIOT Act so Members of Congress and our public are not kept in the dark. That is the important work we have in front of us, and we have a real opportunity to accomplish those goals.

Mrs. FEINSTEIN. Mr. President, if I may respond, I have agreed that these are important issues and that the Intelligence Committee, which is charged with carrying out oversight over the 16 various intelligence agencies of what is called the intelligence community, should be carried out forthrightly. I also believe the place to do it is in the Intelligence Committee itself. I have said to these distinguished Senators that it would be my intention to call together a hearing as soon as we come back from the Memorial Day break with the intelligence community agencies, the senior policymakers, and the Department of Justice to make sure the committee is comfortable with the FISA programs and to make changes if changes are needed. We will do that.

So it would be my intention to have these hearings completed before the committee considers the fiscal year 2012 intelligence authorization bill so that any amendments to FISA can be considered at that time.

The fact is, we do not usually have amendments to the intelligence authorization bill, but I believe the majority leader will do his best to secure a future commitment if such is needed for a vote on any amendment. I have not agreed to support any amendment because at this stage it is hypothetical, and we need to look very deeply into what these Senators have said and pointed out last night with specificity and get the response to it from the intelligence committee, have both sides hear it, and then make a decision that is based not only on civil liberties but also on the necessity to keep our country safe. I believe we can do that.

I am very appreciative of their agreement to enter this colloquy.

Mr. WYDEN. Mr. President, I thank the distinguished chairwoman of the Intelligence Committee for proposing this course of action for addressing the secret law issue. Obviously, colleagues would like more information on that, and they are going to be in a position to know that the Intelligence Committee is going to be examining it closely. I will just describe the next steps from there.

Senator UDALL and I have discussed this issue with Senator REID. Senator REID indicated to the chairwoman and myself and Senator UDALL that we would have an opportunity through these hearings—and, of course, any amendments to the bill would be discussed on the intelligence authorization legislation, which is a matter that obviously has to be classified—but if we were not satisfied, if we were not satisfied through that process, we would have the ability to offer an amendment such as our original one on the Senate floor.

Of course, the chairwoman would still retain full rights to oppose it, but we would make sure if this issue of secret law wasn't fixed and there wasn't an improved process to make more transparent and more open the interpretation of the law—not what are called sources and methods which are so important to protect our people—we would have an opportunity, if it wasn't corrected in the intelligence community, to come to the floor.

Senator REID has just indicated to all of us that he would focus on giving us a vote if we believed it was needed on another bill—not the intelligence authorization—before September 30. So there is a plan to actually get this fixed, and that is what is key.

At this time I yield to the Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, as we begin to end this important colloquy, I wish to acknowledge the leadership of Senator WYDEN on this important matter. I also wish to acknowledge the involvement of the Senator from New Mexico, who is presiding at this moment in time, and the Senator from Oregon, Mr. MERKLEY, and the Senator from Rhode Island, Mr. WHITEHOUSE, who has been very involved in bringing this case to the attention of all of us. I wish to also thank my good friend from California, the chairwoman of the committee. She has shown a great willingness to work with everybody and to listen.

I have to say I expect that once the committee examines this issue more closely, I think many more of our colleagues will want to join us in reforming the law in this area. I think this is important. I do think we can find the right balance between protecting civil liberties and protecting the health and welfare of the American citizens.

Mr. WYDEN. Mr. President, let me just make one last comment. I also wish to express my appreciation to Senator MERKLEY, who has been an extraordinarily outspoken advocate of our civil liberties and our privacy in striking a good balance between fighting terror and protecting the rights of our people, and I have so appreciated his leadership on this issue.

Let me sum up. First, I am very grateful to our chairwoman and pleased with this agreement. The chairwoman has indicated she believes those of us who want to reform secret law have raised a serious and important issue. Those are her words. We are grateful for that because we obviously believe very strongly about it. The chairwoman has said we will hold hearings promptly to examine the secret law issue, give serious consideration to looking at reforms in the fiscal year 2012 intelligence authorization bill, and then, per our conversations with the majority leader, if Senator UDALL and I believed it had not been corrected on the intelligence authorization bill, we would have the right to offer—and certainly the chairwoman could oppose it—an amendment on the floor of the Senate on an unrelated bill. Senator REID, to his great credit, in an effort to try to resolve this and move it along, said to the three of us that he would be working to do that.

Again, our thanks to the chairwoman and all of my colleagues on the floor, including Senator MERKLEY, who is not a member of the committee and knows an incredible amount about it and certainly showed that last night in our discussions and was very helpful. I wish to yield to him.

So with the cooperation the chairwoman has shown all of us who are trying to change this and the efforts of Senator REID to make sure if we didn't work it out we could come back to the floor again, I withdraw the Wyden-Udall amendment for the time being. It ought to be clear to everybody in the Senate that we are going to continue to prosecute the cause of making more open and accountable the way the government interprets this law in making sure that the American people have the confidence that the way it is being interpreted is in line with the text of the legislation.

I withdraw at this time the Wyden-Udall amendment, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am deeply appreciative of the dialogue that has just taken place. It was William Pitt in England who commented that the wind and the rain can enter my house, but the King cannot.

It captured the spirit and understanding of the balance between personal privacy, personal freedoms, and issues of the Crown regarding maintenance of security. It was this foundation that came in for our fourth amendment of our Constitution that lays out clear standards for the protection of privacy and freedoms.

So as we have wrestled with the standard set out in the PATRIOT Act, a standard that says the government may have access to records that are relevant to an investigation—now, that term is, on its face, quite broad and expansive, quite a low standard, if you will. But what happens when it is interpreted out of the sight of this Chamber, out of the sight of the American people? That is the issue my colleague has raised, and it is a very important issue.

I applaud the chair of the Intelligence Committee for laying out a process whereby we all can wrestle with this issue in an appropriate venue and have a path for amendments in the committee or possibly here on the floor of the Senate because I do think it is our constitutional responsibility to make sure the fourth amendment of the Constitution is protected, the privacy and freedoms of citizens are protected.

I say thank you to the Senator from Colorado; my senior colleague, who has led this effort from Oregon; my colleague from New Mexico, who is the Acting President pro tempore; and the chairwoman from California.

Mrs. FEINSTEIN. Mr. President, I thank my colleagues very much. I believe this concludes our colloquy.

I thank the Acting President pro tempore, and we yield the floor.

Mr. CARDIN. Mr. President, I rise to explain why I voted against the motion to invoke cloture on S. 990, the legislative vehicle for S. 1038, the reauthorization of the USA PATRIOT ACT. I opposed cloture because I believe the Senate has an obligation to consider substantive amendments to improve the PATRIOT Act.

We are all aware that at the end of this week three provisions of the PATRIOT Act will expire. The three provisions are business records, roving wiretaps, and ''lone wolf'' terrorists.

I understand there is a delicate balance we must strike here between preventing and disrupting future terrorist attacks in the United States and protecting our cherished constitutional rights and civil liberties. We must make sure that our law enforcement and intelligence professionals have the tools they need at their disposal to stop future terrorist attacks. At the same time, we must insure that our government uses our scarce resources wisely, and that it safeguards the very rights and liberties that are guaranteed by our Constitution to all Americans.

The current legislation before the Senate simply extends the existing PATRIOT Act authorities for 4 more years, until 2015, without any changes to the authorities given to the government or oversight of their use by Congress and the courts.

I think we can improve this legislation, as Congress seeks to strike the proper balance that I have mentioned. I have studied this issue closely as the former chairman of the Terrorism and Homeland Security Subcommittee of the Senate Judiciary Committee. The Judiciary Committee has held numerous hearings on the implementation of the new PATRIOT Act authorities. We have received testimony from government witnesses, including the inspector general of the Justice Department, on the improper use of some of the PATRIOT Act authorities, and recommendations to improve the PATRIOT Act.

Congress put these sunsets into this law for a reason. I have supported these sunsets for the PATRIOT Act and the FISA Amendments Act. A sunset means that a law will not just continue on autopilot without any changes. Congress uses sunsets when giving extraordinary authorities to the executive branch so that we have a check and balance on the use of this power by the government. The separation of powers also gives the courts a large role in reviewing and approving certain government investigatory and surveillance activity under the PATRIOT Act.

A sunset means that the executive branch has to come back to Congress and ask for an extension of authority. Congress then has a responsibility to look at how the law has been carried out, and make any needed improvements in the law, before again extending the authorities in the law.

Without any action by Congress, a sunset leads to the expiration of the law in question, as the authorities in the law will lapse. As a result, when sunsets are involved I have found the executive branch is more forthcoming with Congress in terms of sharing information and providing classified

briefings to Congress on how they use the authorities in question.

That is why I voted to oppose cloture. The Senate should have the ability to consider substantive amendments to the PATRIOT Act, and not simply extend the authorities as is, with no changes, for another 4 years.

And the Senate already has a package of reforms ready for consideration, after careful deliberation in committee. Earlier this week, I was pleased to cosponsor an amendment offered by the distinguished chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY. In the 111th Congress, I was also pleased to cosponsor similar legislation offered by Chairman LEAHY. The Senate Judiciary Committee favorably reported this legislation to the full Senate in March 2011, as S. 193, the USA PATRIOT Act Sunset Extension Act of 2011.

Broadly speaking, the Leahy amendment would increase judicial and congressional review of surveillance authorities that sweep in U.S. citizens, and would expand oversight and public reporting to ensure that Americans can monitor the use of these authorities.

The Leahy amendment requires the government to meet a higher burden of proof when seeking business records from Americans, under the so-called section 215 orders. The amendment would require the government to show that the documents sought are relevant to an authorized investigation and are linked to a foreign group or foreign power. Current law merely requires the government to show the records are relevant to an authorized investigation. Under the amendment, the government must meet an even higher burden of proof to obtain bookseller or library records.

The Leahy amendment also makes it easier for Americans to challenge the government when business records are sought. The amendment strikes the 1-year waiting period before a recipient can challenge a nondisclosure order for section 215 orders, and also strikes the conclusive presumption in favor of the government on nondisclosure of such an order.

For the first time, this Leahy amendment would also write into law a sunset provision and greater oversight of the use of national security letters, NSLs, by the government. This would therefore add a fourth sunset to the PATRIOT Act. This provision would shift the burden to the government to seek a court order for an NSL nondisclosure order, and allows the recipient of such an order to challenge it at any time.

Under the Leahy amendment, Congress will require a new series of audits to ensure protection of privacy and vigorous oversight of the new authorities given to the government. The Justice Department inspector general would conduct audits of the use of three surveillance tools: orders for tangible things; pen registers and trap and trace devices; and NSLs. The scope of such audits includes a comprehensive analysis of the effectiveness and use of the investigative authorities provided to the government, including any improper or illegal use of such authorities.

Finally, the Leahy amendment requires enhanced court review and oversight of minimization procedures, which are designed to protect the privacy of innocent and law-abiding Americans. The amendment requires increased public reporting on the use of NSL's and FISA authorities by the government, including an annual unclassified report on how FISA authorities are used and their impact on the privacy of United States persons.

We now approach the 10th anniversary of the 9/11 terrorist attacks on this Nation. The United States recently conducted a military and intelligence operation which led to the killing of the al-Qaida mastermind of the attacks, Osama bin Laden. America still faces threats to its security every day, and I thank our brave men and women in the United States military and our intelligence community for working tirelessly to keep America safe.

In my view, the Leahy amendment strikes the proper balance of giving our law enforcement and intelligence professionals the tools they need to prevent and disrupt future terrorist attacks, while simultaneously protect our civil liberties. The amendment includes important new protection for law-abiding Americans, and requires more vigorous oversight by Congress and the courts as the government uses these new powers.

Although I hope that the Leahy amendment will still be made in order, it is important that we do not allow the PATRIOT Act authorities to expire. It is important for our law enforcement and intelligence agencies to have these tools at their disposal as they seek to prevent and disrupt future terrorist attacks in the United States.

Mr. RUBIO. Mr. President, the PATRIOT Act has been an indispensable, life-saving tool for the law enforcement and intelligence communities that work tirelessly to protect our Nation from terrorist attacks. In these dangerous times, the PATRIOT Act should give a little more peace of mind to millions of Americans and give those seeking to do us harm good reason to rethink their diabolical plans.

Earlier this year, I voted to extend the PATRIOT Act. Today, I reaffirm my support for reauthorizing key PATRIOT Act provisions for an additional 4 years.

Our Nation's security has and will always be a top priority for me. As a member of the Senate's Select Committee on Intelligence, I am aware of the constant threat our Nation faces from terrorists and individuals who hate us and want to impose their radical view of the world at all costs. Any changes or limits on the PATRIOT Act would only give these extremists an opening to strike us.

While some may disagree on this issue, I simply cannot allow those tasked with protecting our people from being deprived of these vital, lawful means to help prevent an attack.

Mr. LEAHY. Mr. President, I am disappointed that we have not been able to work out an agreement that will allow consideration of my amendment to the pending USA PATRIOT Act sunset extension legislation. I think that a bipartisan majority of the Senate would have supported our improvements. We have missed an opportunity to move forward to help keep our Nation secure while also strengthening our commitment to our core constitutional principles of individual liberty and privacy.

The amendment I sought to offer represented a commonsense and reasonable package of reforms that would have improved the law, expanded civil liberties and privacy protections, and better ensured proper oversight and accountability. This amendment earned the cosponsorship of Senator PAUL and a dozen others since we began debate on Monday, including Senators CARDIN, BINGAMAN, COONS, SHAHEEN, WYDEN, FRANKEN, GILLIBRAND, HARKIN, DURBIN, MERKLEY, BOXER, and AKAKA. I thank these Senators for recognizing that the Senate should do better than merely extend the expiring provisions of the USA PATRIOT Act for another 4 to 6 years without a single improvement or reform.

Over the past 2 years, the Senate Judiciary Committee has diligently considered how to make improvements to current law. The language in our amendment was the product of more than a year and a half of extensive negotiations with Republicans and Democrats, the intelligence community, and the Department of Justice. The committee reported a bipartisan bill last Congress and another similar bill in the current Congress. The bipartisan amendment that we sought to bring to the Senate preserved the ability of the government to use the PATRIOT Act surveillance tools, while promoting transparency, accountability, and oversight. It was not everything that everyone wanted but it was a commonsense package of improvements that should have been adopted.

The Attorney General and others have repeatedly assured us that the measures to enhance oversight and accountability, such as audits and public reporting, would not sacrifice ''the operational effectiveness and flexibility needed to protect our citizens from terrorism'' or undermine ''the collection of vital foreign intelligence and counterintelligence information.'' In fact, the Attorney General has consistently said that the Senate Judiciary Committee-passed bill struck ''a good balance'' by extending PATRIOT Act authorities while adding accountability and civil liberties protections.

One of the improvements we need to make is to repair a constitutional infirmity in the current law. The so-

called Doe v. Mukasey fix is needed to address a first amendment problem with the national security letter statutes, and should not have been controversial in any way. Similarly, no one can seriously contend that periodic audits by an inspector general of past operations presented any operational concerns to law enforcement or intelligence gathering. These are vital oversight tools that everyone should have supported.

As it stands now, the extension of the PATRIOT Act provisions does not include a single improvement or reform, and includes not even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans. We could have provided the necessary tools to law enforcement and the intelligence community, but could have done so while faithfully performing our duty to protect the constitutional principles and civil liberties upon which all American rely.

Today's Washington Post included an editorial that urged the Senate to extend the PATRIOT Act authorities but also to include ''additional protections meant to ensure that these robust tools are used appropriately.'' The editorial observed that the bill ''would be that much stronger'' if it included the oversight and auditing requirements included in our amendment. That is why Senator PAUL and a dozen other Senators had sponsored the amendment. That is why Senator LEE voted for them this year in the Judiciary Committee. And I would note that Senator KYL and Senator CORNYN supported them in the last Congress.

I ask unanimous consent to have printed in the RECORD a copy of today's editorial from the Washington Post entitled, ''A Chance to Put Protections in the PATRIOT Act.''

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

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE PATRIOT ACT

(By the Editorial Board)

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize ''any tangible item'' deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D–Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D–Nev.) and Sen. Rand Paul (R–Ky.) over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

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

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1082, introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1082) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1082) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1082

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 ''Small Business Additional Temporary Extension Act of 2011''.

SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112–1 (125 Stat. 3), is amended—

(1) by striking ''Any'' and inserting ''Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any''; and

(2) by striking ''May 31, 2011'' each place it appears and inserting ''July 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking ''TERMINATION.—'' and all that follows through ''the authorization'' and inserting ''TERMINATION.—The authorization'';

(2) by striking ''2008'' and inserting ''2011''; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking ''IN GENERAL.—'' and all that follows through ''with respect'' and inserting ''IN GENERAL.—With respect'';

(2) by striking ''2009'' and inserting ''2011''; and

(3) by striking clause (ii).

(c) COMMERCIALIZATION PILOT PROGRAM.—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking ''2010'' and inserting ''2011''.

SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.''.

SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011—Continued

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator SESSIONS be recognized to speak for up to 20 minutes for debate only.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, we had an unfortunate series of votes last night, in my opinion, because it was all arranged by our leadership in the Senate to have a series of votes to do nothing. That is unfortunate because the United States of America, and the Senate are proceeding with an idea that they do not have to have a budget. In fact, the majority leader, Senator

REID, said it would be foolish to pass a budget. And as one of the staffers said, on background: Well, if we pass a budget, we will have to tell people how much we are going to raise their taxes and talk about spending reductions, and that will not be popular.

What did they do? One of the most incredible things I have ever seen in the Senate. Did they express regret that they could not pass a budget, that they would not state for the American people a vision for spending and the financial future of America? No. What did they do? They have the majority in the Senate. They called up the budget passed by the House of Representatives, which is a really historic budget, an honest budget that deals fairly and objectively with the challenges we are facing, reduces spending, actually was able to reduce some taxes, and proposed, a decade out, that the Congress confront Medicare because it is going broke. So what did they do? They called up that budget. Did they call it up to amend it? Did they call it up to offer us a chance to debate it and offer amendments and fix anything anybody did not like about it? No. That was not what was done. They brought it up only with the most limited debate before all four votes. They stacked all four votes on four different budgets and projections and just voted them down. They voted down every budget that was offered.

I have on my desk in my office the President's budget. It is four volumes, hundreds of pages, and it lays out a budget. Every President submits budgets. They have a 500-person Office of Management and Budget staff. Every year, they produce a budget. The law requires them to produce a budget. This is the Code, the United States Code Annotated, and in this is the law that says a President should submit a budget and the date by which he should do it. It says the U.S. Senate should commence markup in the Budget Committee by April 1 and the Congress should pass a budget by April 15. Last I heard, April 15 is long since passed.

How do you get a budget out of committee and to the floor of the Senate? What are we supposed to do by April 1? The chairman is supposed to call a markup, and he is supposed to bring up the budget he proposes, offer it to the Budget Committee. It is open for amendment, change, and debate, then it is voted on. A budget should then come out of the committee to the floor of the Senate. It has expedited procedures, but you are allowed to offer amendments, and there is 50 hours of debate—not too much. It does not require the normal 60 votes we have to have for legislation here; it only requires a majority, 50 votes.

That is basically designed, frankly—when the people wrote the Budget Act back in the 1970s—to allow the majority party to be able to pass a budget because there were too many filibusters of budgets and no budgets were getting passed. If you have the majority in the Senate, at least you should be able to produce a budget. So it provides the Democratic majority—the 53 Democratic Senators they have—the opportunity to produce a budget on a partisan basis if it cannot be done on a bipartisan basis. So the normal process is, you work with your colleagues on the other side of the aisle, and if you think a good agreement can be made in a bipartisan fashion, you do so and move a bipartisan budget.

I remember last year when Senator Gregg, our Republican ranking member, talked about his conversation with Senator CONRAD, and he said: He is not letting me see the budget. It is going to be produced the next morning. What that means is, he is going to produce a partisan budget. He does not want our opinion. He is not going to show us what is in his budget until the day of the mark-up.

So this year, we wrote—all the Republican members; I am the ranking member now—we asked the Budget chairman to show us his mark 72 hours before the mark-up because he had not consulted with us and it appeared he was going to produce a partisan budget. Actually, he told me the date the hearing would commence to mark up his budget, but he did decline to give us any advance notice or opportunity to see what was in it.

All I am saying is that the procedure is set up realistically under the Budget Act to allow the majority party to meet its responsibility to pass a budget. They do not need a single Republican vote to pass a budget. I think it is better if you can get a bipartisan agreement. Oftentimes in the past, there have been. But since budgets represent visions for America, oftentimes in recent years they have gone on pretty much a party line but not 100 percent. That is what I would say.

So the President submitted his budget, and it was roundly criticized around the country, and I was a very severe critic of it. So we offered that budget last night. That was one of the four budgets that was offered. We brought it up. It is the only Democratic budget to be produced. I believe the Progressive Caucus produced one in the House, but, of course, it did not pass. It had a lot of tax increases, a lot of spending increases in it. It had no chance whatsoever of being passed. The American people sent us a message last year that they want us to get spending under control. They want us to reduce the size and scope of government. That is what they asked us to do.

So the President's budget came up last night, and, 97 to 0, every Democrat voted against the President's budget. Well, they should because it was unacceptable. I have referred to it as the most irresponsible budget in the history of our country because we are in a deeper financial hole than we have ever been. That is just a fact, and it is not a short-term, little problem; it is a problem that is getting worse in the years to come.

So the American people have come to the conclusion that we need to change the trajectory of debt that we are piling on year after year, month after month, day after day, by the billions—trillions, really.

The President's budget, as scored by the Congressional Budget Office, would produce uncontrolled debt year after year after year, in amounts never before contemplated in our country, making the debt trajectory of our current baseline spending worse, not better.

I was under the impression everybody understood we had to change and get better. I thought, when we came in with this Congress, the debate would be over how much to change in the right direction, how much could we do to reduce the deficits, put us on the right path. Not the President's budget, which made things worse.

According to the Congressional Budget Office, which analyzed his budget and scored it, as we say, the lowest single deficit that budget would produce is $748 billion, the lowest deficit to be produced under his 10-year budget. President Bush was criticized for spending. The highest budget deficit he had was $450 billion. That was the highest President Bush had, and he was criticized for that by many of my Democratic colleagues quite vociferously.

President Obama is now heading to his third trillion dollar budget deficit. This year, it is going to be $1.5 trillion, it looks like three times the size of President Bush's highest deficit. As I said, the lowest deficit they are projecting is $748 billion, and then it starts going back up again. In his 10th year, according to the Congressional Budget Office, the deficit will be $1.2 trillion.

It is an indefensible, irresponsible budget. I am stunned that it was presented here. It has been widely criticized, as well it should be. So it was voted down last night.

If you are going to vote down something, should you not offer something in its place? That is what the fiscal commission that President Obama appointed said. That was their rule. That is what they promoted publicly: If you oppose a budget, you should offer your own. And, in fact, after Congressman RYAN, who served on the fiscal commission with Mr. Bowles and Senator Simpson, the cochairmen, he produced a budget. They gave him great credit. They said it was honest and courageous, and it faced the challenges of America, and it deserved respect, and then said: Anybody who does not agree with that should show what they would do.

So yesterday afternoon, we had the spectacle of Democratic Senators hammering and complaining about the Ryan budget, which in my opinion is the most historic and responsible budget to be produced in decades. No, it is not perfect. It is perfectly acceptable to believe that it ought to be amended.

But it was a historic, honest attempt at dealing with the fiscal challenges we face, and would put us on a financial path to solvency and stability and eliminate the risk we are facing. We probably should do more to reduce spending than he proposed. But it was courageous and bold and honest and without gimmicks. I thought a very impressive document. I looked forward to debating parts of it in our Budget Committee.

So what did we have last night? Yesterday? They just brought it up and every Democratic Member voted it down. And why? Because he had the gumption to actually suggest that for people 55 and younger, we should begin to create a Medicare system that would be solvent and effective and save Medicare, because the trustees have reduced the year again at which it goes insolvent. Senator REID and Senator SCHUMER had cleverly thought up this theory and were explicit about it. Their theory was they would not bring up their own budget. They would not tell the American people how much they wanted to increase their taxes. They would not tell the American people they were going to cut anything, because they might make someone unhappy and be unpopular. They would just call up the Ryan budget and attack Republicans as wanting to kill Medicare, and produce nothing in response. They do not have any plan to fix the situation we are in.

I am disappointed about that. It is unthinkable that we would be recessing and going home for a week without commencing markup hearings in the Budget Committee to produce a budget that we are required by law to produce. It is unthinkable we would do that.

I will be presenting to the majority leader a letter today from Senators on our side of the aisle—large numbers of Senators have signed it, saying, we do not need to go home until we have confronted this problem, and you have shown us how we are going to move forward to meet our statutory responsibility to pass a budget.

I think that is reasonable. That is what we are going to be asking today. I am not going to vote to go home without having met our duty. We call up our young men and women in uniform. We say: You will go to Iraq for a year. They say: Well, I would rather not go. It is in your contract. You signed up. You have to go. It is your duty. And they say, yes, sir, and they go.

Many of them have lost lives and limbs and we ought to remember them this Memorial Day. But Do not we have a duty here? I think we do. I think we have a duty to the United States of America to produce a budget, whether or not it is law. But it is law in the United States Code. That is our duty. We do not need to be going home until we fulfill it, and we have a plan to go forward with it. I want to say this is not a little bitty matter with me. We are not going to have four votes—as we did yesterday—and then the majority leader is going to say, see, it is foolish to produce a budget. I told you we could not produce a budget. We are not going to fool with having a budget this year.

It has been 757 days since the Senate has had a budget, because the majority leader did not bring up a budget last year either. Does anybody have any wonder about why we are going to have a $1.5 trillion deficit this year, why 40 cents of every dollar we spend is borrowed? We spend $3.7 trillion and we take in only $2.2 trillion.

Experts and financial wizards all over the world are telling us, what are you doing in the United States? You are about to threaten the world's most prominent economy. It could have worldwide ramifications. Our debt to GDP compares with Portugal and Spain, almost as high as Greece. It will be 100 percent by September 30 of this year.

And we are going away without a budget again. The people who have asked to be given a leadership responsibility in the Congress cannot even comply with the Budget Act. They refuse to stand before the American people and say what they want to tax, what they want to spend, what they want to cut—because it would not be popular. It would be foolish.

I do not think so. It is not acceptable. You asked to be the leader of this Congress. You asked to be the President of the United States. You have a responsibility to submit a responsible budget, an honest budget, a fact-based budget, a budget the American people have an opportunity to understand, to read and study before we vote. And if the American people find we have cast a bad vote, they can cast a good vote to throw some people out of Congress.

They threw some people out last fall. It does not look like we have gotten the message—Business as usual. We are in denial. We do not have to change. Oh, no, you cannot cut this spending program. What do you mean you cannot cut spending programs? Give me a break. The Alabama Governor, Dr. Bentley, had to announce a 15-percent reduction in discretionary spending. Why? He did not have the money. Is that something we have forgotten in Washington—when you do not have money, you should not spend it?

Well, you say, it is all because of this economy, or something else. Look, under President Obama, nondefense discretionary spending in 2 years went up 24 percent. We are going broke. We are increasing spending on all the government programs. On an average, in the last 2 years that is 12 percent a year. You know, the value of your money will double in 10 years if your interest is 7 percent. At 12 percent, I guess the size of government would increase and double in 6 years.

Great scott. No wonder people are upset with us. We have been spending incredibly recklessly. Also the 12 percent I mentioned—24 percent in 2 years—that does not include the stimulus package, the almost $900 billion stimulus package that was thrown out the door with almost no oversight. It was just designed to spend. And do you remember, it was supposed to stimulate the economy.

We probably have had the slowest ever rebound from a recession. It has been a very shaky recovery. They will say, well, we should have spent more. But Rogoff and Reinhart, the professors, tell us, when your debt gets as high as that of the United States, then you begin to show a decline in growth. One percent of GDP growth is reduced when your debt reaches 90 percent of GDP. We reached that this year, and we will go over 100 percent by September 30.

This is the budget that the President has submitted to us. He has a large staff over there. They maintain it. A large number of them have been there for many years. The President submitted to us a budget. It was rejected yesterday 97 to 0. It confirms the fact that we do not have a legitimate budget before us. The President's budget has been rejected utterly. The Democrats have refused to produce one.

They say: Why don't you have a mark-up and offer your budget? I cannot call a mark-up. The chairman calls the mark-up. The majority leaders confer and tell the chairmen when to call a mark-up. They decided not to call a budget mark-up. We do not have an opportunity to go to the Budget Committee and pass a budget.

We had such tremendous interest, and a lot of the new people who got elected to the Senate last fall wanted to be on the Budget Committee. They traveled their States. They had heard from their people all over their States that they wanted us to control spending. They wanted to be on the committee. It was the committee which had more interest and more people pushing to be on it than any other committee. We finally selected a fabulous group of people to serve on the committee. And now we do not meet. Now we are not even going to mark up a budget. What a disappointment for those new Members coming here with vim and vigor and ready to do something about the future of the Republic.

You know, one of the things that was interesting about the President's budget is how much praise it got from our Democratic colleagues who voted it down last night when it came out. This is what Senator SCHUMER said about it: ''This is a responsible proposal. I believe this approach should have bipartisan support.'' Senator BILL NELSON: ''I personally think the President's budget is a step in the right direction.'' Senator MAX BAUCUS: ''The President's budget strengthens our economy.'' Senator BEN CARDIN: ''President Obama has given us a credible blueprint.'' Senator TOM CARPER: ''The President's budget is an important step forward.'' Senator FRANK LAUTENBERG: ''President Obama's budget presents a careful evaluation of what our Nation needs.''

They all voted no last night. You know, with friends like that, you do not need enemies, as they like to say. But what about Mr. Erskine Bowles, the man President Obama chose to serve as chairman of the debt commission? Mr. Bowles talked about the budget. He was rather stunned actually when it came out. It came out I think on Friday. On Sunday, Mr. Bowles said: ''It comes nowhere close to where they will have to go to avoid a fiscal nightmare.''

Can you imagine? This is the man President Obama chose to head the deficit commission, and he hammered this budget.

He said it is nowhere close, and it is nowhere close to doing what we have to do. So I believe what we went through yesterday was a sham, a mockery, a joke, and had no meaning. It was nothing but politics, nothing but an avoidance of responsibility to help provide leadership.

We all know some serious choices have to be made, and I will close with these thoughts. We are going to need a partnership in the Senate between our parties. There are going to be some tough choices which have to be made. In my view, we simply cannot continue at our rate of spending. It has to be reduced. But we have people in denial, who don't think it has to be reduced. But when your lowest deficit in 10 years is projected to be $740 billion, and this year's will be the highest in the history of the Republic, $1.5 trillion or more—how do we get there?

We are going to have to make some choices. I have saluted the Gang of Six, who have tried. Apparently, they have fallen on hard times and the prospects aren't good for that. Now the Vice President is meeting. There is some excuse, they say, that we don't have to do our business openly and before the public and stand and be accounted for because that would not work. People are afraid to make tough choices and decisions in public.

I believe the American people are not happy with us. I know they are not happy with us. Seventy percent of them believe this country is on the wrong track, and the biggest part of that, surely, is our fiscal management. They know this debt cannot be sustained. So we need to do something. The best way to do it is to follow the regular order, follow the legally constituted method of budget processing. Let's have a Budget Committee meeting, and if the Gang of Six has ideas, let's have them brought up in the Budget Committee and vote on them. If Vice President BIDEN wants to send something over, I am glad to hear it. If the President wants to send his people over to defend this budget that has been rejected 97 to zero, let them do it.

I will tell you what he and his Budget Director, Mr. Lew, said—can you believe it? They said this budget will allow us to live within our means and not spend money we don't have. That is the way they promoted this budget. It was rejected last night. If it caused us to live within our means and allowed us to pay down our debt then I would vote for it. It did not come close to that. Yet the President talked about it all over the country, and his staff ran around saying this budget will allow us to live within our means. That is totally inaccurate, and that is irresponsible. What the President should have done, and what our Democratic leaders have to help us with, is go to the American people and, with clarity, without equivocation, say we cannot continue. We must tell them big changes have to be made, and we are so sorry this country has gotten in the shape we are in. We must say that we are going to make some changes, and we urge you to help us stick together and do it. We must do this to put the country on the right path.

But what do we have? We have Congressman RYAN, in the Republican House, who had the temerity, the courage, the discipline, and the sense of duty sufficient to pass a budget that would actually do what needs to be done. They called it up and attacked it with everything they had, but they will not produce anything of their own.

It cannot be denied that this is a failure of leadership. I believe the process and path we are on now is dangerous; it is not public, it is secret. They tried to produce a secret plan on comprehensive reform of immigration. The American people heard about it, and down it went. They tried to negotiate in secret this health care reform bill. They were able to hold their votes on a straight party-line vote—60 to 40—but the American people were not happy with the process or results and a lot of people who participated in that spectacle didn't come back after this last election.

That is not the path we are hearing from our constituents. Our constituents are saying: You work for us. We want to see you publicly stand and defend the values we believe in. If you don't do so, we are going to hold you accountable. I think that is democracy in America, and that is healthy. I don't think there is anything wrong with it. I respect the American people who are watching Congress and demanding that we change the trajectory we are on.

I believe strongly that we need to do better. I believe strongly that this Congress should have in play and commit before we recess—or not recess—a plan to deal with the financial crisis our Nation faces. When we do that, we can feel like we are fulfilling our duty both in law and morally to the people who have given us the honor of serving in this body.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

RESIGNATION OF DOMINIQUE STRAUSS-KAHN

Mr. KIRK. Mr. President, last week, I spoke on the floor regarding the resignation of Dominique Strauss-Kahn, who is managing director of the International Monetary Fund, due to the serious criminal charges he is now facing in New York.

Mr. Strauss-Kahn has since resigned, but it appears he will now receive at least a $250,000 taxpayer-funded severance pay package from the IMF and may be eligible for further undisclosed amounts in annual IMF retirement benefits.

Since the United States is the largest contributor to the IMF, we now face the potential share scenario where the American taxpayer is partly underwriting severance payments and retirement packages to a man who is pending a criminal conviction as a felon.

This is clearly unacceptable, and it is my hope that the U.S. executive director to the IMF, Meg Lundsager, advocates that no future benefits pass to Mr. Dominique Strauss-Kahn, if he is convicted of the crimes with which he is charged.

As you know, the IMF is spearheading efforts to manage a very wide and deep European debt crisis. Despite my reservations about U.S. taxpayer bailouts for Greece, Ireland, and Portugal, the institution does play a very critical role in financial leadership. I think it needs to set an example, especially with regard to its now-disgraced leader.

Mr. Strauss-Kahn has failed to live up to the expectations of his institution and what the American taxpayers support.

STATE BAILOUTS

Mr. President, the U.S. Treasury is scheduled to borrow over $1.4 trillion this year, and we have a scheduled interest payment of over $220 billion. We will pay more in interest this year than we do for the cost of the U.S. Army. I am very concerned about this situation and also an underreported financial situation developing in American States. The situations in my home State of Illinois and the State of California are the most dire. I would regret any attempt by these States to seek a Federal bailout. To defend the full faith and credit of the United States, I think we should move forward with a resolution that I introduced with a number of other Senators, S. Res. 188, that expresses the sense of the Senate that we should have no Federal bailout for the States.

This is an issue that has concerned the Senate once before. In the 1840s, we faced a funding crisis of the States. The Senate wisely advised then-Secretary of the Treasury Daniel Webster to seek or report on any discussions that he might have had that could have led to guaranteeing State debt. It was the Senate's express resolution that prevented Treasury Secretary Webster from bailing out the State's

debt. The crisis at the time was even reflected in Charles Dickens' famous book ''A Christmas Carol,'' in which Scrooge was described as someone who was less than wealthy because he had overinvested in what were called United States sovereigns. In fact, the phrase in the ''Christmas Carol'' is ''not worth a United States sovereign'' because of the spend-thrift policies of many State governments at the time.

The Senate at that time took the correct action to prevent the spend-thrift actions of several States from contaminating and ruining the credit rating of the United States itself.

Our credit rating is already under stress with reports, especially by Standard & Poors, that we may face a loss in the AAA credit rating invented to symbolize the strength of the United States if we don't change the spending course soon. A way to accelerate the loss of a AAA credit rating is to guarantee or somehow bail out spend-thrift States such as Illinois or California.

In Illinois, we have a very courageous State treasurer who just took office and made a clear statement. Treasurer Dan Rutherford has told the leaders of my own State they need to stop borrowing, they need to stop spending. He is seeking no Federal bailout for his State. The State situation is quite dire.

By one estimate, the revenues and pensions of the State of Illinois are the worst funded in America. Less than 40 percent of the pensions, by one estimate, have been funded. With this type of track record, you could see a situation in which California or Illinois, in a crisis, would seek a bailout from the Senate and from the House. I think we should repeat the wise precedent set in the 1840s, the advice we sent to Treasury Secretary Daniel Webster to set a clear marker for our own Treasury Secretary to make sure there is no bailout for the States. To protect our credit rating, I think this action is necessary, especially to reassure the credit rating agencies.

What would happen if we don't? Could we provide temporary benefits to Illinois and California? We could. Could we underwrite their policies of spend-thrift ways? We could. Would we accelerate a loss of the AAA credit rating of the United States? We could. We are already seeing an example of what happens when you drive your national economy off a cliff. Many of us originally hailed from our long-time ancestors who passed from Ireland, and recently the Irish Government finances collapsed as they lost their credit rating. Because interest rates spiked in that country so fast, 53 percent of mortgages in Ireland were foreclosed in a short space of time after the loss of their credit rating.

We need to act to protect the people of the United States from such an economic fate. That is why we need to say no to any State bailouts, why we need to cut spending in Washington, and why we need to make sure that at all costs we defend the credit rating of the United States. It is our sacred duty to make sure that what is befalling the people of Greece and the people of Portugal and the people of Ireland, being misruled by governments that said yes to every special interest spending idea and no to their economic future, does not infect the credit rating of the United States.

That is why this resolution is so needed, and that is why I am so proud to submit it today in the full and complete historic financial tradition of the Senate.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1085 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

COTE D'IVOIRE

Mr. INHOFE. Mr. President, I have made four speeches on the floor in the last month about the disaster, the catastrophe that is taking place in a country in west Africa called Cote d'Ivoire. Cote d'Ivoire is a country whose President, the legitimate President, I might add, is Laurent Gbagbo, with his wife Simone. Someone named Alassane Quattara, from the northern part of Cote d'Ivoire, with a rigged election, came in; it was certified. It was all set up before we knew what was going on.

That individual's name is Quattara. His death squads today, this very moment as we speak, are roaming the streets of Abidjan in Cote d'Ivoire. He is murdering and he is raping. Right now they have in captivity Laurent Gbagbo, the legitimate President of Cote d'Ivoire. I think they are in the process of perhaps killing him right now. We don't know that. The State Department does not know it. No one knows it.

We had a hearing. The State Department was totally without compassion or concern over what is happening in the streets of Abidjan. We saw, we witnessed on video, the helicopters coming through and destroying that city. We have friends there right now who tell us that even today the death squads of Alassane Quattara are roaming the streets murdering people. No one can say within 10,000 people how many people they murdered.

My concern is it is too late to do anything about that. They rigged the election. I documented it. I sent the documentation to the State Department. They paid no attention to it. France was behind the whole thing. France wants to have as much control as they can of west Africa. They conned the United Nations into it and our State Department went along with it.

What is happening right now is so inhumane. I wish I had the pictures I showed before. The beautiful First Lady, Simone Gbagbo, is a beautiful lady, and they took her into captivity, pulled her hair out by the roots, and ran through the streets of Abidjan, holding up her hair in their hands. They are murdering everyone who is a friend of that administration.

Well, I have one plea right now. There are a lot of options on what they can do. They can murder the President and First Lady—and they are considering that now. They are trying to consider some way to make it look like suicide. I don't know what they are doing. The State Department doesn't know what they are doing. Unfortunately, the State Department doesn't even care what they are doing.

One of the options would be to allow the President and the First Lady and some who are close to go to another country in Sub-Saharan Africa and be able to stay in that country. We have already located host countries to allow that to take place.

So I am making an appeal right now. I can't get the Secretary of State to talk to me about it. I can't get anyone else but just a handful of people, but we need to do something and do something now—today. If we wait until after this recess, I would almost say their blood will be on the hands of the State Department because we can do something about it now. All we have to do is encourage the new, illegitimately elected President of Cote d'Ivoire—Alassane Ouattara—and his administration to give an opportunity for another state to host these two individuals. Quite frankly, I think that would be a very smart thing politically for him to do because with the other two options, we all know what happens. We know what martyrs are, and that is what would happen.

So this is, I guess, a final appeal to anyone who is sensitive to the torturing, raping, and murdering that is going on today to join me in encouraging the State Department, the United Nations, France, and Alassane Ouattara to turn over President and Mrs. Gbagbo to a host country for their asylum.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Florida.

OIL SPECULATION

Mr. NELSON of Florida. Madam President, we have all heard the phrase ''drill, baby, drill.'' Well, it is interesting that the pro-oil company folks think that all of our answers have to do with drilling because, lo and behold, we have actually increased our domestic production. Let me quote from a Reuters story from May 25:

> Crude oil production, especially in the deep waters of the Gulf of Mexico, increased by 334,000 barrels per day between 2005 and 2010, which also cut into foreign oil purchases.

As a matter of fact, the article goes on to say:

Imports of crude and petroleum products accounted for 49.3 percent of the U.S. oil demand last year, down from the high of 60.3 percent in 2005. It also marked the first time since 1997 that America's foreign oil addiction fell under the 50 percent threshold.

Now, that is worth noting. That is really something because the trend is reversing. Maybe it is that we are getting more energy conscious. Maybe it is that we are expending less gasoline in our vehicles because of the higher miles-per-gallon standards. Maybe we are remembering to turn off the lights when we leave the room. Maybe we are being a lot more sensitive to how vulnerable we are because we depend—as we have in the past—on upwards of 60 to 70 percent of our daily consumption from foreign shores, places such as Nigeria and the Persian Gulf and Venezuela.

Now, I have just named three very unstable parts of the world that could, at any moment, cut off that production. So maybe America is finally waking up to the fact that, lo and behold, we have to be concerned about our energy sources and not depend so much on foreign production.

The mantra ''drill, baby, drill'' implies that if we just continue to drill—in places where we can drill domestically—that is going to solve our problem. But that ignores the fact that it takes about 10 years to take an oilfield and get it into production. So that doesn't solve our problem now as we are facing these high gas prices. That is what I want to talk about, the high gas prices.

We ought to drill where we should. A lot of people do not know that of the 37 million acres that are leased in the Gulf of Mexico only 7 million are drilled. There are 37 million acres leased in the Gulf of Mexico, but only 7 million of those 37 million acres are drilled. So let's do drill, baby, drill. Let's drill on all those leases, those 30 million acres in the gulf and elsewhere that are existing leases and that haven't been drilled.

But it is not the world oil market and the U.S. consumption that is causing these gas prices to go up. There are other factors, and I want to talk about that as well. It is true there are new demands on oil consumption from burgeoning countries such as China and India, and that causes more oil to be consumed from the world marketplace. But remember what I just cited; that the United States is lowering its consumption of imported oil. So that is clearly not a factor affecting the price of oil worldwide or the price at the pump we pay for the refined gasoline.

No, there is another reason. That reason happens to be the speculators who are out there running up the price on commodity exchanges for oil futures contracts. Those prices run up until they are ready to dump them, and then suddenly they go down.

I want to call the attention of the Senate to a New York Times story from May 24—just a couple of days ago—entitled ''U.S. Suit Sees Manipulation of Oil Trades.'' Let me quote from the article.

The suit says that in early 2008 they tried to hoard nearly two-thirds of the available supply of a crucial American market for crude oil, then abruptly dumped it and improperly pocketed $50 million.

So the Federal commodities regulators filed a civil lawsuit against two obscure traders in Australia and California and three American and international firms. This was in the context of 3 years ago, in 2008, when oil prices had surged past $100 a barrel. There were those suspicions then that traders had manipulated the market, and that ultimately has led to a number of commentaries and investigations.

Well, the regulators at the Commodity Futures Trading Commission have now filed this suit, and they are looking into the fraud being utilized in these oil and gas markets, particularly the commodity futures markets.

In the past months, I have come to the Senate floor several times to discuss the net result of all of this, which is what we pay at the pump, and how it directly links to these oil speculators and the game they play in running up the price of oil. Using the data from the Commodity Futures Trading Commission and price data from the Energy Information Administration, we have shown on this floor in speech after speech—until I am blue in the face—the direct link between the rising level of speculators and their speculation in our energy markets and the skyrocketing oil and gas prices.

When the top executives of the five largest oil companies in the United States testified a week ago in our Senate Finance Committee on what role speculation played in the oil markets, I asked them to please explain why gas prices are remaining so high when oil prices have begun to fall. Madam President, you should have heard the mumbling around that followed. The truth is, speculators, whether they are active traders or passive investors, have hijacked our oil markets in recent years, and the American people are the ones who are suffering the consequences because the price of that gas goes up when we pump it into our cars.

Oil prices are set in futures markets, such as those regulated by the Commodity Futures Trading Commission. Futures contracts—meaning we buy a contract of oil at a specified price to be delivered at a future date—allow oil producers to lock in prices on their future output. Those contracts also allow large consumers of fuel, such as airlines, to lock in a price as a hedge against inflation and that future price swinging way up.

The futures markets were intended to bring actual producers and real consumers of oil together, and, in doing so, the supply would match the demand. Speculators then were allowed to play a limited role to ensure there was sufficient liquidity in the market. But then here is what happens—and this is what happened back in 2008 when the price of gas went so high. Speculators constitute now anywhere from two-thirds to 80 percent of the market. They are no longer a bit player, they are the main player, and this is what we need to end.

In last year's financial reform bill, we directed the Commodity Futures Trading Commission to set hard limits on the speculative positions. We gave them a deadline of last January 21. Now we are here months past the deadline, but the CFTC has not yet finalized a rule.

Why should they do this? If you are a legitimate user of oil—say, an airline—you have every reason to want to hedge against the price of that oil going way up, so you buy a contract for delivery of oil at a specified price at a future date. But if you are a speculator—buying and selling oil futures contracts, having no intention to use the oil, having only to put as a downpayment a bare percentage of the total contract price—you can manipulate that price upwards by buying and selling those contracts. This is exactly what happened back in 2008. It is what is happening again, as we have seen the price of a barrel of oil go up and up.

We passed the law last year. The Commission has the authority. We should not have to pass another law that requires them to do it, but if the CFTC cannot get the job done, then we are going to have to. That is the bottom line.

The American people are outraged. Here America is lowering its consumption of oil, here America is lowering its imports of oil, here we are getting more energy conscious, and yet the price of gas keeps going up. It is time to put an end to this.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

Mr. President, in a few minutes my colleague from Maryland, Senator CARDIN, will be introducing a bill which I am a cosponsor of, along with a large bipartisan group of our colleagues. I wish to emphasize at the outset that some may characterize this legislation as anti-Russian. In fact, I believe it is pro-Russian. It is pro the people of Russia. It is pro the people who stand up for human rights and democracy in that country which, unfortunately, seems to be sadly deprived of.

This legislation, as my colleague and friend Senator CARDIN will describe, requires the Secretary of State, in consultation with the Secretary of the Treasury, to publish a list of each person whom our government has reason

to believe was responsible for the detention, abuse, or death of Sergei Magnitsky; participated in efforts to conceal the legal liability for these crimes; committed those acts of fraud that Magnitsky uncovered; is responsible for extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking to expose illegal activities in Russia or exercise other universally recognized human rights.

Second, the individuals on that list would become the target of an array of penalties, among them, ineligibility to receive a visa to travel. They would have their current visas revoked, their assets would be frozen that are under U.S. jurisdiction, and U.S. financial institutions would be required to audit themselves to ensure that none of these individuals are able to bank excess funds and move money in the U.S. financial system.

I guess the first question many people will be asking is who was Sergei Magnitsky? Who was this individual who has aroused such outrage and anger throughout the world? He was a tax attorney. He was a tax attorney working for an international company called Hermitage Capital that had invested in Russia. He didn't spend his life as a human rights activist or an outspoken critic of the Russian Government. He was an ordinary man. But he became an extraordinary champion of justice, fairness, and the rule of law in Russia where those principles, frankly, have lost meaning.

What Sergei Magnitsky did was he uncovered a collection of Russian Government officials and criminals who were associated with the Russian Government officials who colluded to defraud the Russian state of $230 million. The Russian Government in turn blamed the crime on Heritage Capital and threw Magnitsky in prison in 2008.

Magnitsky was detained for 11 months without trial. Russian officials, especially from the Interior Ministry, pressured Magnitsky to deny what he had uncovered—to lie and to recant. He refused. He was sickened by what his government had done and he refused to surrender principle to brute power.

As a result, he was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and water. He was denied basic medical care as his health worsened. In fact, he was placed in even worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

Sergei Magnitsky's torture and murder—let's call it what it really was—is an extreme example of a problem that is unfortunately all too common and widespread in Russia today: the flagrant violations of the rule of law and basic human rights committed by the Russian Government itself, along with its allies.

I note the presence of my colleague and lead sponsor of this important legislation. I hope in his remarks perhaps my friend from Maryland would mention the latest in the last few days which was the affirmation of the incredible sentence on Mr. Mikhail Khodorkovsky and his associate which is, in many ways, tantamount to a death sentence; again, one of these blatant abuses of justice and an example of the corruption that exists at the highest level of government.

I wish to say again I appreciate the advocacy of my colleague from Maryland and his steadfast efforts on behalf of human rights in Russia, Belarus, and other countries. It has been a great honor to work with him and for him in bringing this important resolution to the floor of the Senate.

I ask unanimous consent that at the appropriate time, the Senator from Maryland and I be allowed to engage in a colloquy.

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

The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator MCCAIN, not just for taking time for this colloquy concerning Mr. Magnitsky but for his longstanding commitment to justice issues, human rights issues, and the values the United States represents internationally.

We have had a long, proud, bipartisan, and, most importantly, successful record of promoting basic American values such as democratic governance and the rule of law around the world. Engaging the countries of the Eastern Bloc in matters such as respect for human rights was critical to winning the cold war. We will never know how many lives were improved and even saved due to instruments such as the Helsinki Final Act and the Jackson-Vanik amendment. These measures defined an era of human rights activism that ultimately pried open the Iron Curtain and brought down the Wall. Thankfully, the cold war is over and we have a stronger relationship, both at the governmental and societal levels, with countries in Eastern Europe. But, sadly, internationally recognized rights and freedoms continue to be trampled and, in many cases, with absolute impunity.

With the possibility of Russia's accession to the World Trade Organization, and the Presidents of the United States and Russia meeting in France, ours is a timely discussion.

Last week, I joined my distinguished colleague, the Senator from Arizona, and 14 other Senators from both parties to introduce the Sergei Magnitsky Rule of Law Accountability Act—a broad bill to address what the respected watchdog Transparency International dubbed a ''systematically corrupted country'' and to create consequences for those who are currently getting away with murder.

Actions always speak louder than words. The diplomatic manner of dealing with human rights abuses has frequently been to condemn the abusers, often publicly, with the hope that these statements will be all they need to do. They say oh, yes, we are against these human rights violations. We are for the rule of law. We are for people being able to come forward and tell us about problems and be able to correct things. They condemn the abusers, but they take no action. They think their words will be enough. Well, we know differently. We know what is happening today in Russia.

We know the tragedy of Sergei Magnitsky was not an isolated episode. This is not the only time this has happened. My colleague from Arizona mentioned the Mikhail Khodorkovsky case. Mr. Khodorkovsky is today in prison with even a longer sentence. Why? Because he had the courage to stand up and oppose the corrupt system in Russia and something should be done about it. That is why he is in prison, and that is wrong.

So it is time we do something about this and that we make it clear that action is needed. For too long, the leaders in Russia have said we are going to investigate what happened to Sergei Magnitsky. We think it is terrible he died in prison without getting adequate medical care. As Senator MCCAIN pointed out, here is a person whose only crime was to bring to the proper attention of officials public corruption within Russia. As a result of his whistleblowing, he was arrested and thrown in jail and died in jail. He was tortured. That cannot be allowed, to just say, Oh, that is terrible. We know the people who were responsible. In some cases they have been promoted in their public positions. Well, it is time for us to take action. That is why we have introduced this legislation.

While this bill goes far beyond the tragic experiences of Sergei Magnitsky, it does bear his name, so let me refresh everyone's recollection with some of the circumstances concerning his death. I mention this because some might say, why are we talking about one person? But as the Soviet dictator Joseph Stalin said, ''One death is a tragedy; one million is a statistic.'' I rarely agree with Dictator Stalin, but we have to put a human face on the issue. People have to understand that these are real people and real lives that have been ruined forever as a result of the abuses within Russia.

Sergei was a skilled tax lawyer who was well known in Moscow among many Western companies, large and small. In fact, he even did some accounting for the National Conference on Soviet Jewry. Working at the American law firm of Firestone Duncan, Sergei uncovered the largest known tax fraud in modern Russian history and blew the whistle on the swindling of his fellow citizens by corrupt officials. For that he was promptly arrested by the subordinates of those he implicated in the crime. He was held under torturous conditions in detention for nearly a year without trial or

visits from family. He developed severe medical complications which went deliberately untreated, and he died on November 16, 2009, alone in an isolation cell while prison doctors waited outside his door. Sergei was 37 years old. He left behind a wife, two sons, a dependent mother, and so many friends.

Shortly after his death, Philip Pan of the Washington Post wrote:

> Magnitsky's complaints, made public by his attorneys as he composed them, went unanswered while he lived. But in a nation where millions perished in the Soviet gulag, the words of the 37-year-old tax lawyer struck a nerve after he died . . . his descriptions of the squalid conditions he endured have been splashed on the front pages of newspapers and discussed on radio and television across the country, part of an outcry even his supporters never expected.

I think Senator MCCAIN and I would agree, there is a thirst for democracy around the world. People in Russia want more. They want freedom. They want accountability. They want honest government officials. They are outraged by what happened to Sergei Magnitsky.

I would point out just last week I met with a leader of the Russian business community who came here and traveled at some risk, I might say. Just visiting me was a risk. We have people from Russia who are being questioned because they come and talk to us. But he said to me that what happened here needs to be answered by the Russian authorities. He understands why we are introducing this legislation.

A year after his death, and with no one held accountable, and some of those implicated even promoted and decorated, The Economist noted:

> At the time, few people outside the small world of Russian investors and a few human-rights activists had heard of Mr. Magnitsky. A year later, his death has become a symbol of the mind-boggling corruption and injustice perpetrated by the Russian system, and the inability of the Kremlin to change it.

Regrettably, we know Sergei's case, egregious as it is, is not isolated. Human rights abuses continue unpunished and often unknown across Russia today.

To make this point more clear, let's look at another example far outside the financial districts of Moscow and St. Petersburg in the North Caucasus in southern Russia where Chechen leader, Ramzan Kadyrov, condones and oversees massive violations of human rights, including violations of religious freedom and the rights of women. His militia also violates international humanitarian laws. As of this April, the European Court of Human Rights has ruled against Russia in 186 cases concerning Chechnya, most involving civilians.

So Sergei Magnitsky's case is not an isolated case of abuse by the Russian authorities. There has been a systematic effort made to deny people their basic human rights, including one individual, Natalia Estemirova, who personally visited my office at the Helsinki Commission. She was a courageous human rights defender who was brutally assassinated.

So it is time for Russia to take action. But we cannot wait; we need to take action.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. CARDIN. I yield back to my colleague.

Mr. MCCAIN. First, I thank my colleague from Maryland for a very eloquent and, I think, very strong statement, to which I can add very little. But isn't it true, I ask my friend, that this Magnitsky case and the Khodorkovsky case, which I would like for us to talk a little bit more about, are not isolated incidents?

In other words, this is the face of the problem in Russia today. As the Senator mentioned, in its annual index of perceptions of corruption, Transparency International ranked Russia 154th out of 178 countries—perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. One of those countries is Georgia, which the World Bank ranks as the 12th best country to do business.

In other words, isn't it true in the Magnitsky case, it is what has been taking place all across Russia, including this incredible story of Khodorkovsky, who was one of the wealthiest men in Russia, one of the wealthiest oligarchs who rebelled against this corruption because he saw the long-term consequences of this kind of corruption and was brought to trial, convicted, and then, when his sentence was completed, they charged him again?

Talk about a corrupt system, isn't it true that Vladimir Putin said he should ''sit in jail,'' and we now know that the whole trial was rigged, as revealed by people who were part of the whole trial? In other words, isn't it true, I would ask my friend from Maryland, that what we are talking about is one human tragedy, but it is a tragedy that is unfolding throughout Russia that we do not really have any knowledge of? And if we allow this kind of abuse to go on unresponded to, then, obviously, we are abrogating our responsibilities to the world; isn't that true?

Mr. CARDIN. I say to Senator MCCAIN, you are absolutely right. This is not isolated. Magnitsky is not an isolated case of a lawyer doing his job on behalf of a client and being abused by the authorities. We have a lot of examples of lawyers trying to do their jobs and being intimidated and their rights violated.

But in Mr. Khodorkovsy's case, we have a business leader who was treated the same way just because he was a successful business leader. Even worse, he happened to be an opponent of the powers in the Kremlin.

So we are now seeing, in Russia, where they want to quell opposition by arresting people who are just speaking their minds, doing their business legally, putting them in prison, trying them, and in the Khodorkovsky case actually increasing their sentences the more they speak out against the regime.

That is how authoritarian they want to be and how oppressive they are to human rights. But I could go further. If one is a journalist in Russia, and they try to do any form of independent journalism, they are in danger of being beaten, being imprisoned, being murdered. It is very intimidating. The list goes on and on.

Mr. MCCAIN. Could I ask my colleague, what implications, if any, does the Senator from Maryland believe this should have on the Russian entry into the World Trade Organization?

Mr. CARDIN. Well, it is very interesting, I say to Senator MCCAIN. I just came from a Senate Finance Committee hearing, and we were talking about a free-trade agreement. I am for free-trade agreements. I think it makes sense. It is funny, when a country wants to do trade with the United States, they all of a sudden understand they have to look at their human rights issues.

I think all of us would like to see Russia part of the international trade community. I would like to see Russia, which is already a member of a lot of international organizations, live up to the commitments they have made in joining these international organizations.

But it is clear to me that Russia needs to reform. If we are going to have business leaders traveling to Russia in order to do business, I want to make sure they are safe in Russia. I want to make sure they are going to get the protection of the rule of law in Russia. I want to make sure there are basic rights that the businesspeople in Russia and the United States can depend upon.

So, yes, I understand that Russia would like to get into the WTO. We have, of course, the Jackson-Vanik amendment that still applies. I understand the origin of that law, and I understand what needs to change in order for Russia to be able to join the World Trade Organization.

But I will tell you this: The best thing that Russia can do in order to be able to enter the international trade regime is to clean up its abuses in its own country, to make clear it respects the rule of law; that businesspeople will be protected under the rule of law and certainly not imprisoned and tortured, as in the cases of Mr. Khodorkovsky and Mr. Magnitsky. We do not want to see that type of conduct.

If Russia would do that, if they would reform their systems, then I think we would be a long way toward that type of integration and trade.

Mr. MCCAIN. I thank my colleague from Maryland for an eloquent statement about the situation as regards

Russia. I thank him, and I can assure my colleague from Maryland that, as we speak, this will provide—and this legislation which he has introduced, will provide—some encouragement to people who in Russia now, in some cases, have lost almost all hope because of the corruption of the judicial system, as well as other aspects of the Russian nation.

We all know that no democracy can function without the rule of law; and if there are ever two examples of the corruption of the rule of law, it is the tragedy of Sergei Magnitsky and, of course, Mr. Khodorkovsky, who still languishes in prison; who, in his words, believes he—by the extension of his prison sentence—may have been given a death sentence.

So I thank my colleague from Maryland.

Mr. CARDIN. Will my colleague yield for just one final comment?

I think the Senator is right on target as to what he has said. I appreciate the Senator bringing this to the attention of our colleagues in the Senate.

I will respond to one other point because I am sure my colleague heard this. Some Russian officials say: Why are we concerned with the internal affairs of another country? I just want to remind these Russian officials, I want to remind my colleagues here, that Russia has signed on to the Helsinki Final Act. They did that in 1975, and they have agreed to the consensus document that was issued in Moscow in 1991 and reaffirmed just last year with the heads of state meeting in Astana, Kazakhstan, just this past December. I am going to quote from that document:

The participating States—

Which Russia is a participating state—

emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of international order. They categorically and irrevocably declared that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States—

The United States is a participating state—

and do not belong exclusively to the internal affairs of the State concerned.

Mr. MCCAIN. That was a statement by the Government of Russia?

Mr. CARDIN. That was a statement made by the 56 states of the OSCE at a meeting of the Heads of State, which happens about every 10 years. It just happened to have happened last year. Russia participated in drafting this statement. Russia was there, signed on to it, and said: We agree on this. It is a reaffirmation as to what they agreed to in 1991 in Moscow where we acknowledged that it is of international interest, and we have an obligation and right to question when a member state violates those basic human dimension commitments. Russia clearly has done that. We have not only the right but the obligation to raise that, and I just wanted to underscore that to my colleagues.

I say to Senator MCCAIN, your comments on the Senate floor are so much on point. I think people understand it. They understand the basic human aspect to this. But sometimes they ask: Well, why should America be concerned? Do we have a legitimate right to question this? Russia signed the document that acknowledges our right to challenge this and raise these issues.

I thank my colleague for yielding.

Mr. MCCAIN. I thank my colleague from Maryland, and I hope we would get, very rapidly, another 98 cosponsors.

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. REED. Madam 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. REED. Madam President, we have been engaged in a very important debate on our budget over the last few days, and this debate will continue over the next several weeks, indeed, for probably several months. It is not a new debate. Like past debates, at the heart of it are important programs to middle-income Americans, such as Medicare, Medicaid, and Social Security. In some quarters, they are under attack. This does not have to be the case.

In the 1990s, Democratic majorities in the House and the Senate, with a Democratic President, were able to deal with this issue of deficits while preserving these programs and strengthening, indeed, in many cases, these programs. We were able to also provide the kind of economic growth that generated job creation, not just increased GDP or increased profits on Wall Street, but jobs on Main Street.

Much of these efforts were, frankly, undone, beginning in 2000 with tax cuts that did not, as advertised, produce the kind of private employment growth that was necessary for our economy, that shifted the burden to middle-income taxpayers, while giving the wealthiest Americans extraordinary relief and unfunded entitlement programs, such as Medicare Part D and two major conflicts, none of which were paid for.

So now we, once again, face a situation where we have a significant deficit, and we need to address it. President Obama has begun that process with the same commitment to maintaining Medicare, Medicaid, and Social Security, not without reforms and strengthening, but making sure that middle-income Americans and all Americans can have access to these vital programs.

We have taken significant steps in the long run to reform our health care system with the Affordable Care Act.

We hope that act is implemented efficiently and effectively so we can begin to realize long-term savings to bend the proverbial cost curve of our health programs, not just our Federal health care programs but our health care costs across the board that are borne by private insurers as well as private programs.

In fact, ironically, it seems to me that one of the major accelerators of the Medicare Program is the fact that so many Americans—about 40 million—do not have access to consistent quality health care now. Yet, when they turn 65, by right they have access to a panoply of services. I have had discussions with doctors, and they will tell me that they say several times a day to their new Medicare patients: I wish I saw you 10 years ago because I would not have to apply the expensive diagnostic and treatment. I could have done something much easier, much less costly if you had coverage and access.

So that is one of the long-term efforts we have underway, but we have to do a lot more to go ahead and deal with the issues before us.

We have seen Republican budget proposals, but frankly I do not think they strengthen the middle class here in the United States, nor do they provide the kind of sensible investment that will lead to job creation and provide the opportunities that are necessary for succeeding generations in America. I think they are more dedicated to an ideological commitment to simply reduce taxes, and that is something that has to be tested and should be tested in the history of the last several years. That was the same argument that was made in 2001, that such tax cuts would generate huge growth in private employment, unleash huge economic forces here in the United States, and frankly, over the last 10 years, that has not been the case.

So I think we have to be sensible. I think we have to address the tax reforms and tax reductions to middle-income Americans, not continue to favor the richest Americans, when it comes to tax proposals. So much of what the Republican budget seems to do is continue what they started in 2001—huge relief for the wealthiest Americans. But it is increasingly putting the burden on Middle America. In fact, it has been estimated that under the Republican budget, individuals making over $1 million would receive an average tax cut of $125,000 a year. That is a huge cut relative to whatever a working, middle-income American might receive.

One of the other aspects of this budget is the impact it would have on Medicare. Medicare is central to every family in the country. In fact, look around at not just someone who is earning a wage hour by hour, but look at the small businessperson, a man or a woman. Their retirement plan rests on the assumption that they will have access to Medicare. The Republican's proposal, as I understand it, essentially

ends that for individuals who are about 55 years old or younger. Well, in the next 10-plus years or so, they are going to have to come up with a lot of money to pay for the Medicare they assumed they would receive automatically when they retire at 65. That is not just the wage earner, the hourly worker who goes in there; that is the small businessperson whose postretirement plan rests fundamentally on Medicare and them being able to buy a supplemental health care plan to that.

So these are fundamental and, in fact, earth-shattering proposals, in my view.

Currently, seniors on traditional Medicare pay approximately $1,700 in annual premiums. They are charged a limited amount for every hospital stay, have a reasonable deductible for every major procedure and treatment, and pay copays for services and prescription drugs. They are even able to buy, as I alluded to, these Medigap plans so they can supplement what Medicare provides with additional resources, and these supplemental plans are very affordable. On average, Medicare then spends $11,762 on every senior, and that is just an average.

But this would all change, and it would inject a huge amount of uncertainty if the budget that is proposed by Republicans, that is still being debated by the Republicans, that is still being supported in many cases by Republicans is in any way enacted.

In the year 2022, under the proposal, if the Republican budget were enacted, every senior who becomes eligible for what we now call Medicare would be given $8,000 to address all their health care needs and then sent to the marketplace to buy health care private insurance.

Now, I guess I have reached a point in my life where I can reflect and remember that as a youngster in the 1950s, there was, in practically every one of my friends' homes, a grandparent who was there because they didn't have access to Medicare or Medicaid.

They were in a hospital bed in the living room or in some other room. They were being cared for by typically the mother, who was also trying to care for youngsters such as myself and my contemporaries. The reason was, regardless of how much money you have, at some point, insurance companies will not sell you insurance. You are old. You had health experiences prior to that. You are a bad risk, and they are not in the business of insuring bad risks. That was, as much as anything, the genesis of Medicare—the recognition that the private health care market would not, regardless of the ability to pay, provide adequate coverage. And I think we have forgotten that.

When the Congressional Budget Office, a nonpartisan organization, looked at the proposal, they essentially concluded that with this $8,000 transfer to a senior in lieu of traditional Medicare, the senior would be on the hook for an additional $12,500 in health care costs. In fact, it would likely result in some seniors not even getting health care insurance at all, not being able to afford it or at some point, particularly as they aged, getting to the point where no one would write them health care insurance because of the obvious health risks they were.

So this is a plan that I don't think comports with the reality of Americans who have already planned to have access to Medicare and also the reality that what is proposed—an $8,000 transfer payment to an insurance company—would be inadequate to provide the kind of minimum coverage we should be providing to our seniors.

We have had examples before where particular Republicans would propose that they had a new, novel way to provide private health care insurance in lieu of traditional Medicare. When Medicare Advantage was established in 2003, seniors had the option of enrolling in private health insurance plans that were argued by their advocates as being cost-effective, as putting pressure on the public health care plan known as Medicaid. Madam President, 60,000 seniors in my State of Rhode Island enrolled. Private Medicare Advantage plans sell consumers on additional benefits and smaller copays. They went out—very selectively, I suspect—recruiting seniors in a way that they hoped attracted the healthiest seniors, not the sickest seniors, to lower their costs. However, in reality, most of these plans tended to cost more than traditional Medicare as the smaller copays were largely offset by higher monthly premiums.

So there are those who are still seriously proposing this Republican approach to Medicare. I think it will be a mistake. I think it would reduce access to health care coverage for seniors. I do not think the private market will jump up with $8,000. I do not think you will see that Congresses in the future will escalate the cost of these vouchers or transfers to private insurance companies in any way that would be commensurate to the real cost seniors would face.

As a result, I think this proposal will do serious harm to health care and particularly to the middle-income American who, regardless of whether they are running a small business or working for an hourly wage, will now face the prospect of the great uncertainty, the great unknown of no adequate health care coverage when they reach 65. We will go back in time to the period of my youth where, quite frankly, seniors did not have the kind of health care coverage they have today and I believe the kind of health care coverage they deserve.

With respect to Medicaid, there are also proposals here and the thought that Medicaid is just a program for children and poor Americans. But, frankly, if you look at the statistics, there are 26,000 seniors in my State who are on Medicaid, principally because of nursing home care. And we have to ask ourselves, if these plans to provide block grants to States are enacted under the Republican proposal, whether those seniors still can maintain themselves in these nursing facilities, whether the costs will be so great on the States that they will be unable to keep up the level of effort, the level of support they are today.

What seems to be inherent in all of those proposals is not savings but shifting costs, not reforming the system to be more efficient and more effective but simply shifting the cost onto seniors, shifting the cost onto particularly middle-income Americans.

So, I am pleased that we did not accept these Republican budget proposals, which are the wrong way to address our budget issues.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Indiana.

Mr. COATS. Mr. President, I wish to thank the Senator from North Dakota for allowing me to go first. I will be relatively brief.

I have spoken on the floor on a number of occasions regarding my frustration about the Senate not spending enough time debating what I think is the key, essential issue and challenge facing us, probably greater than any other challenge facing this body in a long time. My frustration only grew yesterday as we voted down four budget proposals.

You know, it has been 757 days since we have passed a budget in this body, and so far, no budget has been proposed this year out of the Budget Committee for us to examine. The President offered up a budget earlier this year that would have spent more, taxed more and borrowed more. It was voted down last night in what I think probably was a historic vote. I did not go back and check the records, but I am not aware of any budget that has ever been presented by the executive branch to the Congress for approval that has not received at least some votes.

The vote last evening was 97 to 0 against the President's budget. It is almost unthinkable that a President—the executive branch—would send a budget to the floor to be debated and voted upon and not achieve one vote. I think what it tells us is that, obviously, that budget was not designed to gain any kind of bipartisan support. But it didn't even obtain any partisan support.

It was not taken seriously, at a time when we need to have in front of us a serious budget to debate and vote on. As I said, there have been 757 days without a budget before us. You cannot run a company, a family, or run anything, unless you prepare a budget and avoid going into debt. That is where we are today.

Republicans did come forward with three proposals. Unfortunately, all of those were voted down. You can argue that none of those three were sufficient

to garner enough support. All three received a significant level of support—particularly two of them. Yet there were not enough votes to pass this body. So while the House has passed a budget, which we voted on yesterday, but unfortunately fell short, these are the only proposals we have had in front of us to debate. These are the only proposals we have had to vote on and set the structure for how we are going to spend the taxpayers' money.

So here we are now approaching the month of June, 5 months into the current calendar year, and 9 months into the fiscal year, and we still don't have a handle on how we are going to spend the taxpayers' money, what restrictions and restraints we will put on that, and how we can live within our means.

This is the debate this Congress should undertake, and it has not been undertaken. Many of us have come to the floor in situations such as this where we have asked for some time to speak, but the issue itself has not been put before us. We know there are negotiations going on relative to how to put a plan into place, but we are a long way from that.

I am here once again to try to urge my colleagues to work together and try to achieve a result—or at least a product on which we can have serious debate to determine the future of how we are going to spend the taxpayers' dollars in a responsible way. The most important factor we have to address is the need, in my opinion, to rein in Washington's excessive spending. The bottom line is that government spending is out of control. The public understands this. I think the response in 2010 to those of us who were running in all the elections sent an unmistakable, long, loud, easily understood signal: We have too much government, we cannot afford the government we have, and we cannot continue to add even more government, which pushes us deeper into debt.

Nearly $1.4 trillion of our spending is discretionary spending that requires us to borrow money. That borrowed money increases our debt obligation reinforcing the need to rein in our spending. This is something we should debate, something that is part of the responsibility of the Congress and Senate. When we are talking about addressing a national debt of over $14 trillion, we need to get serious. A little nick here, a little nick there in spending reductions will not solve the problem. We need to look at the larger picture. We are staring down $14.3 trillion in debt. Credit ratings by Standard & Poor's have downgraded the outlook for the U.S. debt, with a negative warning. Economic growth is sputtering across the country. Unemployment remains high, and States are dipping deeper into the red, zeroing in on billions—which is a lot of money, but it is only a minuscule amount compared to the trillions we are saddled with in debt that we ought to be addressing. It is time for Congress and the administration to stop ignoring the obvious. The rapid growth of mandatory spending is endangering our financial future.

I point to this chart on my left. It simply points out the dramatic growth that has occurred and will continue to occur over the years in the future. It doesn't take a mathematician—although the math is pretty simple—when you spend $3.7 trillion a year and take in $2.2 trillion, that leaves you with a big deficit. But it doesn't take a mathematician or anybody with any sophistication in economics to understand that if we stay on the current path, we are going to continue to see this line escalate. This red on here is red ink. It is net interest we will owe. What does that mean? It means that to continue borrowing in order to finance what we are doing, we are going to have to pay larger and larger rates of interest to the lenders because of the risks associated with our potential inability to pay back the loans we have taken.

This flow of red ink, this red tide—if we don't address this, it is going to make it difficult for Americans to buy cars, pay their mortgages, purchase homes, and buy groceries. The prices of products will go higher because the interest rates will go higher. We are running ourselves into a desperate situation. I think everyone understands that. I think it has been made clear to the American people.

We don't have to spin this whole message here in order to convince the American people we don't have a problem. We do, and they understand that. That is what 2010 was all about. We cannot continue to go forward in 2011 without providing any basis of a real solution to assure the financial world and the people that we are taking steps in order to address this.

I think there is a consensus—and if anybody doesn't understand this, they haven't looked at the problem—that we could tax Americans to death, we can cut discretionary spending by massive amounts, and we won't begin to address the problem we have, unless we address the massive amount of spending on mandatory programs. We don't have control over mandatory programs in terms of budgeting; they are simply there, and if you are eligible, you get to draw from the program. All of that is fine, if you have money to do it. But we are running out of money to pay those recipients who are continuing to receive benefits from these entitlement programs. Unless we address those, we are not going to solve the problem.

Let's take a couple of these, and let's look at Medicare. Everybody says this is a political nonstarter. If you dare talk about it, you are going to get zinged in the next election, and you will be characterized as taking away benefits from the elderly, when the plans that have been put forward don't do anything of the sort. Nevertheless, it is important to understand the dimensions of the problem we are facing from this one entitlement. Over the next 10 years, Medicare spending—spending on this one entitlement—is expected to double.

A few weeks ago, the Medicare trustees announced that the hospital trust fund would be exhausted by 2024—5 years earlier than estimated in last year's report. Who knows what next year's report is going to tell us.

The bottom line is this program is going to go broke. Failing to restructure Medicare jeopardizes the medical benefits of present and future elderly Americans. So rather than terminating Medicare, as has been charged but is not true, rather than destroying Medicare, which has been charged but is not true, what we are trying to do is find a way to restructure it in a way that Medicare will be viable and solvent so benefits will be available for future retirees.

When Medicare was first enacted in 1967, the program cost $2.5 billion. At that time, Congress predicted that the program would cost $12 billion by 1990. That wasn't the case. We underestimated it just a bit—by $86 billion, which is more than just a bit. When it starts at $2.5 billion, and you project it will be $12 billion, and you ended up being off on that estimate by $86 billion, you have to start asking yourself some questions. You have to start thinking that maybe we got this formula wrong, or maybe our assumptions didn't turn out as we thought they were going to on the cost of Medicare.

Today, Medicare is roughly $494 billion, with approximately $89.3 trillion in total unfunded liabilities. These are staggering numbers. They are numbers beyond our ability to comprehend. These numbers are beyond our ability to sustain.

There is no possible way on Earth, no matter how fast or how hard we grow, that we can reach solvency in the Medicare Program without any action. Why? Because after World War II, soldiers came home, and people had deferred having families, and the so-called baby boom generation was born. It has moved through our entire history, over the last 60 years or so, like a pig moves through a python. Early on, there was a rush to provide housing for soldiers and their families. There was a massive infusion of money into baby cribs and the need for hospitals and doctors and nurses to deliver children.

A few years later, all of a sudden, we had to build a massive number of new elementary schools. As this baby boom has moved through their lifespan, we have seen dramatic impacts on the economy—many of them positive. But the colleges that had to be expanded and built, and universities and training facilities, and the education that had to be provided, the employment that needed to be provided—all of this has had a dramatic impact on our economy. We have known for decades that eventually the pig moving through the python was going to reach the point of

retirement, and when it reached the point of retirement, it was going to have an enormous impact on our finances.

Instead of anticipating this coming and putting into place structural plans that would accommodate the needs, legitimate needs of those for retirement income and benefits, we have instead ignored this reality. We have pushed it down the road. Nobody wanted to touch it. Election after election, it was said we better postpone that debate for the next election because it is too hot to deal with now. Well, it is all coming undone. We are at the point almost of no return.

The proposals that have been put forward—you may not agree with every portion of them, and I don't. But the House brought to us a budget plan. You have to give PAUL RYAN a great deal of credit for the extraordinary amount of work and effort he put into it. Maybe you don't like all of it, but it is at least a plan to debate, modify, and adjust; it is something that gives us an opportunity to start down the path of paying off our debt, of maintaining solvency for the Medicare Program.

That is what we ought to be debating instead of saying we are into another cycle of ''gotcha,'' and you have touched the third rail. You made the decision to put Medicare in play and go to the public and tell them we are going to take away their health care benefits when they retire. The opposite is true. We are trying to save that for those who are retiring. We are trying to look at ways to restructure the program so it doesn't break Medicare, or break our entire economy.

Today, the average man is living into his 70s, and an average woman into her 80s, or even 90s. As a result, more elderly Americans are on Medicare than originally anticipated. The Federal Government can no longer continue with business as usual. It is time for some honesty for the American people. Washington is promising to deliver benefits it can't afford. We can no longer nickel and dime doctors and hospitals and force them to pay for the care Washington promised elderly Americans. More and more doctors are forced to turn away Medicare patients. The American Medical Association revealed that 17 percent of the more than 9,000 doctors surveyed are forced to limit the number of Medicare patients they accept. And among primary care physicians, this rate is 31 percent. Why? Because we don't have the money to reimburse them for the cost it takes to provide that care.

The American Osteopathic Association said 15 percent of its members refused Medicare and 19 percent declined to accept new Medicare patients. Physicians and hospitals in my home State of Indiana are feeling the pain from the Congress's inaction as well. Hospitals such as Deaconess Clinic in Evansville, IN, say one-third of their patients are on Medicare. When hospitals and doctors are not receiving the necessary compensation for services conducted on one-third of their patients, it has a devastating impact on their businesses.

If we don't reform Medicare, we lose Medicare. Let me repeat that. If we don't take steps to reform Medicare, we lose Medicare. If we don't restructure the program, more patients will lose the care they desperately need.

Mr. President, a very prominent figure—a leader of this country—made this statement:

> Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our Federal debt. And if we don't get control over that we can't get control over our Federal budget.

That defines, in a very basic statement, exactly the challenge that is before us. It gives us the warning we need to heed, and it should spur us into action.

Let me repeat that statement once again.

> Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our Federal debt. And if we don't get control over that we can't get control of our Federal budget.

That statement was made by President Barack Obama. It was not made by a Republican. It was not made by an editorial piece in the Wall Street Journal. It was not made by a tea party leader or advocate. It was made by our current President. Our President has said we cannot sustain what we are doing, and we have to address it or it is going to take down our whole budget.

I think that is true—it has been backed up by analysts who have looked at this whole situation, left, right, nonpolitical, political, whatever. Why then are we not going forward with addressing this very question? That is what people sent us here to do in 2010. That is what they are asking us to do now. Yet we are acting as if this statement by the President of the United States has nothing to do with what we need to do, that we can simply ignore this and go forward and just cut a little here and cut a little there but we can't touch the entitlements—we can't touch Medicare.

The papers are full today with headlines saying that the results of the New York special congressional race was because the people have been scared—well, they didn't say ''scared,'' but that it was people saying ''don't cut our Medicare.'' What it should have said is, those people who are saying ''don't cut our Medicare'' are basically saying ''keep mine going until this thing runs out. I am afraid I might live too long, and then I won't have benefits at the end.'' But for sure our kids won't have it, for sure our grandchildren won't have it because at its current rate, as the President of the United States has acknowledged, it is unsustainable.

So we have two options here. We can continue with the status quo—we can quibble over how much to cut from our discretionary spending, or that portion of the budget which we have control of—and continue ignoring the entitlement programs or we can make a commitment and have the political will to fulfill that commitment by saving those programs through some sound restructuring. This does not mean current recipients of Medicare are going to be knee-capped or have their benefits dropped. This does not mean that even those nearing retirement are going to face that prospect. What it does mean is, if we don't put the structural reforms in now to address the future problems, we are going to lose the whole program. The gravest threat to Medicare is doing nothing. If we do nothing, not only will Medicare collapse but so will our fiscal house.

In the papers today, a former President—another Democrat, Bill Clinton—has urged his fellow Democrats not to ''tippy-toe around'' Medicare. Continuing that quote, he said the program ''is part of a whole health-care system that has a toxic effect on inflation.'' He went on to say, ''We've got to deal with these things.''

Mr. President, I am here not to criticize the Democrats for putting us in this situation. I think we all bear some responsibility. The country does not want us to point fingers at each other, and they do not want us to use this as a political advantage for the 2012 election. They want us to do the right thing, which they all know needs to be done, and I believe they will reward us and recognize us for at least having the courage to step forward and address a real problem that I think everyone now understands and recognizes.

So whether it is the Paul Ryan plan coming out of the House, whether it is a Democratic budget plan coming out of the Budget Committee, whether it is some other plan coming out between the negotiations that are going on—or should go on—between the executive branch and the congressional branch, this is something we have to do. We have simply got to put aside our partisanship and concerns and worry about the 2012 elections and rise above politics. We did that in 1983 when we restructured Social Security. We had a Republican President, a Democratic House leader, and members of the Democratic congressional committee and Senate committee—the political people—all stood together and said: This rises above the election. It is too important not to address it.

We can just take this one issue and say: Let's take this out of politics. Let's stand together as Republicans and Democrats, along with the President, and do what is right for the country.

The bottom line is that no matter what we do here, if the President doesn't support us in this effort, it will not succeed. He has the veto pen, and he has the ability to lead or not lead. So I guess, as I have before, I am calling on the President and saying this important issue can only be successful

if he will engage and lead us and be part of this effort to solve a problem that affects every living American and those yet to be born in this country. It dramatically affects our future but sooner than any of us, I believe, think. It affects our economy and our ability to grow.

All of this has to be coupled with progrowth policies. We can't cut our way out of all this. We can help restructure, we can help make cuts where necessary, and we can help our economy grow by putting policies in place that will stimulate the economy. That combination, put together in a package, is what we need to support. And I am hoping we will put politics aside for this one issue that is so important to the future of our country.

Mr. President, I have probably said more than I needed to say at this particular point in time. I appreciate the opportunity and again thank the Senator from North Dakota for agreeing to let me go forward here. As chairman of the Budget Committee, I know he is fully cognizant and aware of these issues and is working to try to address them also. I hope we can work together to find a solution to this very urgent problem.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank the Senator from Indiana for his thoughtful presentation. There are parts of it with which I disagree, but the overall theme of what he has said is undeniably true.

I believe our country is in deep trouble. At the end of this year, we will have a debt that is 100 percent of the gross domestic product of the United States. We have had two of the leading economists in this country tell us, after a review of 200 years of economic history, that when a country reaches a gross debt of more than 90 percent of its GDP, its future economic prospects are diminished. And that is where we are. So I agree with the Senator from Indiana that this is the time. We must find a way to come together to craft a plan that deals with this debt threat.

Five years ago, the ranking Republican on the Budget Committee, Senator Gregg, and I came up with the concept of a commission. That effort led to the commission that was in place last year, and it came up with a recommendation to reduce the debt $4 trillion over the next 10 years, and 11 of 18 commissioners supported it. Senator Gregg and I both supported it. We had five Democrats, five Republicans, and one Independent. That is the only bipartisan plan that has emerged from anywhere. But we needed 14 of 18 to agree for it to come to a vote in Congress.

There were many parts of that plan I didn't like. I would have gone further than that plan. I proposed to the commission that we have a $6 trillion plan of debt reduction because we could balance the budget in 10 years with that kind of plan. But it was a step in the right direction. It was a big step in the right direction. So I supported it, along with the other 10 commissioners who did.

I want to say to the Senator from Indiana that I respect the presentation he just made because, in larger terms, it says what has to be said. We all have to be truth-tellers. However uncomfortable the truth is, we have to be truth-tellers. I believe the truth is that when the revenue is the lowest it has been in 60 years as a share of GDP and spending is the highest it has been in 60 years as a share of GDP, we have to work both sides of the equation. We are going to have to cut spending, and I believe we are going to have to raise revenue.

None of it is very popular. If you ask the American people, they will say to you: Well, yes, get the deficit and debt under control, but don't touch Social Security, don't touch Medicare, and don't touch defense. And by the way, just those three are about 80 percent of Federal spending if you add up all the mandatory programs and add up defense. That is about 80 percent of Federal spending. And if you ask the American people, they say: Don't touch any of them. On the revenue side, they say: Don't touch that. Well, do you know what is left? Twenty percent of Federal spending.

If you start asking them questions about the elements of that 20 percent, they reject every one except one—foreign aid. They say: Yes, cut foreign aid. A majority supports that. The problem is that is only 1 percent of the budget. Here we are borrowing 40 cents of every dollar we spend, and even if we eliminate all foreign aid, it does not make a material difference.

The other thing the American people support by a majority—the only other thing—is taxing the wealthy. Let me just say that I believe the wealthy are going to have to pay somewhat more. But that won't solve our problem because to solve the problem, you would have to have a top rate of 70 to 80 percent on corporations and individuals. What would that do to the competitive position of the United States?

So I believe we all are going to have to be truth-tellers, and before we are done, we are going to have to find a way to come together. I was part of that effort on the commission. I was part of that effort in this group of six, which is now a group of five because one of our members left. And there is this other effort under way that is a leadership effort with the White House being involved. At the end of the day, the White House has to be at the table.

What Senator Gregg and I had recommended was that the Secretary of the Treasury be the chairman of the commission and the head of OMB be one of the 18 members. That wasn't adopted by the Congress. We got 53 votes in the Senate for our proposal, but 53 votes doesn't pass things around here. You have to have 60. You have to have a supermajority. So here we are.

Let me just say again that I thank the Senator for his thoughtful presentation because that is what it is going to take. We are going to have to be brave. We are going to have to show some political courage here to do what is right for our country. So I appreciate the thoughtful remarks of the Senator from Indiana.

Let me make a brief review in response to some of what I have heard this morning because I have heard some things with which I strenuously disagree that I believe require a response. We all agree we are on an unsustainable path. We are borrowing 40 cents of every dollar. That cannot be continued.

As I indicated earlier, this is a 60-year look at the spending and revenue of the United States. We can see the spending line is the red line; the green line is the revenue line. The spending of the United States as a share of national income is the highest it has been in 60 years. The revenue is the lowest it has been in 60 years.

Some of our colleagues say it is just a spending problem. Factually, I reject that. The facts show it is not just a spending problem—although it is clear we do have a spending problem. When spending is the highest it has been in 60 years, clearly we have a spending problem. But as this chart reveals, revenue is the lowest it has been in 60 years. So, clearly, we have a revenue problem as well.

Yesterday we voted on the package that came from the House of Representatives. The package that came from the House Budget Committee was passed by the House of Representatives. Even though that package was defeated overwhelmingly and on a bipartisan basis here yesterday, again this morning we had colleagues come and talk about what a great package it was. I do not believe it was a great package. I think it was a terrible package, and here is why—and now I am quoting former economic adviser to President Reagan, one of President Reagan's economic advisers, Mr. Bartlett. He said, about the House Republican plan, the following:

> Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairytale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the tea party. A real act of courage would have been for him to admit, as all serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

This is a former economic adviser to President Reagan commenting on the House Republican plan that we rejected on a bipartisan basis here yesterday.

Why does he say it is a monstrosity? He says it because even though revenue is the lowest it has been in 60 years,

the first thing the Republican budget from the House did was cut taxes further, an overwhelming tax cut for the wealthiest among us after they already enjoyed very significant tax reductions over the last decade.

In fact, the plan that came from the Republican House would have given those who have over $1 million of income a year on average a tax cut of over $192,000. For those who are as fortunate as to earn over $10 million a year, the plan they sent over here would have given them on average a tax cut of $1,450,000. That is a fact. That is just a fact.

Does that make any sense at all when the revenue of this country is the lowest it has been in 60 years, that the first thing you do is dig the hole deeper, give another $1 trillion of tax cuts going to the wealthiest among us? It makes no sense.

It did not end there because the plan from the House also would permit a scam that is occurring to continue. The scam I am referring to relates to this little building down in the Cayman Islands, Ugland House. This little five-story building down in the Cayman Islands claims to be the home of 18,857 companies. Really, 18,000 companies are doing business out of this little five-story building down in the Cayman Islands? Please. Mr. President, 18,000 companies are not doing business out of this little five-story building down in the Cayman Islands. The only business that is going on is monkey business, and the monkey business that is going on is avoiding the taxes they legitimately owe to the United States.

You wonder why big companies making billions of dollars a year can announce they owed no taxes to the United States—none? It is because they are operating out of Ugland House down in the Cayman Islands where there are no taxes, and they show their profits in their companies down in the Cayman Islands.

When I was tax commissioner in my State I found a company that reported all of their earnings down in the Cayman Islands. They did business all across the country, but amazingly enough none of those companies showed any profits in the United States. They showed all their profits in the Cayman Islands where, happily, there are no taxes.

The Republican budget plan said: That is fine. Keep doing it.

That is not fine. It is not fair. We know from our own Permanent Committee on Investigations in the Senate that these offshore tax havens are proliferating. Here is a quote from our Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year, including $40 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.

The Republican plan from the House says: No problem. Keep on doing it. In fact, we will go you one more. We will give you more tax cuts for the wealthiest among us.

I tell you, that plan cannot stand scrutiny. At the same time it says: You know, because we have the lowest revenue in 60 years, and because we are going to give even more tax preferences, more tax credits, more tax schemes to the wealthiest among us, we are not going to be able to keep Medicare.

I have heard colleagues say that these Draconian cuts to Medicare that are in the House plan are a way of saving Medicare. You don't save Medicare by destroying it. That is what the House plan does, make no mistake. It ends Medicare as we know it. Why do I say that? Let me just show you what it does.

Right now, under traditional Medicare, the individual pays 25 percent of their health care costs. That is how it works today. You pay about 25 percent. A senior citizen eligible for Medicare pays about 25 percent of their costs. Under the House Republican budget plan that they passed and sent to the Senate that we defeated yesterday by a bipartisan vote, they would increase what the individual pays from 25 percent to 68 percent, and they claim they are saving Medicare. It doesn't look to me like they are saving it. It looks to me like they are completely undoing it.

When we add it all up, what is most striking is that the House Republican plan, although it gives massive tax cuts to the wealthiest among us, another $1 trillion of tax cuts, even though it shreds Medicare and completely undermines Medicaid, which would mean another 34 million people do not have health care coverage in this country because they completely undo the coverage for health care passed last year so 34 million people are not going to have health care as a result of their plan—even with all of that and the other dramatic cuts—by the way, they cut support for energy programs to reduce our dependence on foreign energy, they cut that 57 percent; they cut education almost 20 percent—even after all that you would think at least they got the debt under control? No.

Amazingly enough their plan, according to their own numbers, would add $8 trillion to the debt. Wow. They shred Medicare, they cut education dramatically, they cut almost 60 percent of the funding for energy to reduce our dependence on foreign energy—they cut that 57 percent, and they still add $8 trillion to the debt. That is a good plan? I don't think so. I don't think that is a plan that can stand much scrutiny.

We also heard a lot of complaints from the other side that we have not gone to markup on the budget in the Senate. That is true. The reason we have not is because something is going on in this town that is very unusual. There are high-level bipartisan talks going on with the White House on what the budget plan should be to deal with our debt. This is something I have encouraged for years.

This year I have repeatedly called for a summit to deal with our debt, to get a plan in place to cut spending, and, yes, to raise revenue—hopefully without raising taxes but by eliminating tax expenditures, tax loopholes, this kind of scam we have just talked about of offshore tax havens and abusive tax shelters. That bipartisan leadership effort that is underway deserves a chance to succeed. If they reach a conclusion, they may need a budget resolution. They may need us to have a markup in the Budget Committee to implement their plan.

Some do not want to wait, they do not want a bipartisan agreement. But we simply must have a bipartisan agreement if there is to be any chance for success.

The House is controlled by the Republicans. The Senate is controlled by the Democrats. There is a Democrat in the White House. The only possible way that a plan is actually passed into law and implemented is if we work together. I did it for all last year on the President's commission. I have done it for months of this year with three Democrats, three Republicans, spending hundreds of hours trying to come up with a bipartisan plan to implement the recommendations of the committee. So I don't take a back seat to anybody with respect to being serious about trying to get a plan to get our debt under control because it is a fundamental threat to the economic security of the United States.

But here is what the Republican leader himself said about the effort that is underway, the bipartisan leadership effort:

> [T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden . . . that's a process that could lead to a result, a measurable result. . . . And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result. That is why we have not gone to a budget markup, because we have the patience to wait for the outcome of these bipartisan leadership talks. The top Republicans are represented in the Senate, the top Republicans in the House are represented, as are the Democrats in the Senate and the House, led by the White House.

The Republican leader said this as well about the talks:

> We now have the most important Democrat in America at the table. That's important. He is the only one of the 307 million of us who can actually sign a bill into law. And I think that's a step in the right direction. And the Biden group is the group that can actually reach a decision on a bipartisan basis. And if it reaches a decision, obviously we will be recommending it to our members.

That is the point. Why would we go to a partisan budget markup and refuse to wait for the leadership negotiation that is underway to succeed, when we know if they do succeed in all likelihood they will need us to do a budget

markup to implement what they decide?

I have the patience. I have spent 5 years working, first, with Senator Gregg, the ranking Republican on the Budget Committee, then with all 18 members of the fiscal commission, now with the group of six—three Democrats and three Republicans—trying to put together a plan to implement what the commission recommended to get our debt under control.

I have the patience to wait a few more weeks to see if the combined leadership of this country, Republican and Democrat, working with the President of the United States, can come up with a plan to get our debt under control. We should all have that patience. We should all hope they succeed. But we are not going to be sitting and waiting. While we are hoping for a successful outcome, this Senator will continue to work with Republicans and Democrats to come up with a bipartisan plan to meet our debt threat. All of us have that obligation. All of us have that responsibility.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Would the Chair inform me when I have spoken for 5 minutes.

The PRESIDING OFFICER. The Senator will be notified.

FREE TRADE

Mr. GRASSLEY. Mr. President, I have been a long-time supporter of free trade. I believe it is always a good thing when American businesses, manufacturers, and farmers have more market access for their products.

I have also been a longtime supporter of specific free trade agreements that are waiting to be acted on by the Congress: the South Korea, Colombia, and Panama agreements. We have had too many years of talking about being long-time supporters of free trade agreements. Yet we have not had an opportunity to back up our talk with votes because we can't vote until the President presents them to Congress.

The time to present these free trade agreements is long overdue. The administration needs to stop moving the goal posts every time we are about to kick the ball through.

Take the Panama agreement as an example. The United States and Panama reached an agreement in principle in December of 2006. However, congressional Democrats expressed concern regarding certain labor issues that existed in Panama at the time. The Bush administration negotiated a deal with the congressional Democrats who had newly taken over the Congress in an agreement that was announced on May 10, 2007. As a result, then-President Bush addressed the labor issues in the trade agreement that the United States signed with Panama in late June of 2007.

If there were a big news conference on May 10, 2007 that there has been an agreement reached, wouldn't one think these agreements would be passed by now? Not so 4 years later.

Despite the fact that the demands made by congressional Democrats were incorporated in the signed trade deal, congressional Democrats would not allow a vote on the agreement. Instead, they moved the goal posts by demanding more changes be made by the Panamanian Government.

After President Obama took office, the trade issue was sidelined. Along with others, I made a case that trade agreements needed to be a part of America's economic recovery effort. I got an opportunity to make the case directly to the President in December of 2009. Then in January 2010, the President said in a message to Congress that he wanted to double exports within the next 5 years. That is a very worthy goal.

Well, it is pretty hard to double exports and help employers create jobs while ignoring these trade agreements. Supporters of free trade and the jobs supported by trade average about 15 percent above the national average. We are talking about good jobs, so there are reasons to keep the pressure on.

Finally, after many months of waiting, the trade ambassador went back to work to get the Panamanian Government to agree to meet the additional demands set out by congressional Democrats in the Obama administration. The ambassador also set out to gain further commitment from South Korea and Colombia.

The Panamanian Government has addressed the additional demands by making the necessary amendments to their laws. The additional concerns the administration had with the South Korean and Colombian deals were addressed as well. Earlier this May, Ambassador Kirk indicated all three trade agreements were ready for Congress to consider. But the Obama administration decided to move the goal posts once again. Instead of moving these agreements forward for swift approval to help the economy move along and the swift approval which I believe they will receive when they get a vote, the administration now has another requirement: approval of trade adjustment assistance.

While U.S. manufacturers and businesses and farmers risk losing more and more market share in these countries, Democrats keep coming up with reasons for holding up these trade agreements by moving the goal posts. There is simply no reason to keep on moving the goal posts. The administration has said these three trade agreements are ready. One of the best things we can do right now for U.S. businesses, farmers, and workers is to implement these trade agreements which will give a much-needed boost to our economy.

I am not suggesting we do nothing on trade adjustment assistance, because I support that 40-year-old program, but reaching an agreement on that program should not be used as another excuse for moving the goal posts. All three of the pending trade agreements need to be sent to Congress without further delay.

I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is preparing to pass another 4-year extension of the USA PATRIOT Act. I have served on the Intelligence Committee for over a decade and I wish to deliver a warning this afternoon. When the American people find out how their government has secretly interpreted the PATRIOT Act, they are going to be stunned and they are going to be angry. They are going to ask Senators: Did you know what this law actually permits? Why didn't you know before you voted on it? The fact is anyone can read the plain text of the PATRIOT Act. Yet many Members of Congress have no idea how the law is being secretly interpreted by the executive branch because that interpretation is classified. It is almost as if there are two PATRIOT Acts, and many Members of Congress have not read the one that matters.

Our constituents, of course, are totally in the dark. Members of the public have no access to the secret legal interpretations, so they have no idea what their government believes the law actually means.

I am going to bring up several historical examples to try to demonstrate what this has meant over the years. Before I begin, I wish to be clear I am not claiming any of the specific activities I discuss today are happening now. I am bringing them up because I believe they are a reminder of how the American people react when they learn about domestic surveillance activities that are not consistent with what they believe the law allows. When Americans learn about intelligence activities that are consistent with their understanding of the law, they look to the news media, they follow these activities with interest, and often admiration. But when people learn about intelligence activities that are outside the lines of what is generally thought to be the law, the reaction can get negative and get negative in a hurry.

Here is my first example. The CIA was established by the National Security Act of 1947 and the law stated that the agency was ''forbidden to have law enforcement powers or internal security functions.'' Members of the Congress and legal experts interpreted that language as a clear prohibition against any internal security function under any circumstances. A group of CIA officials had a different interpretation. They decided that the 1947 law contained legal gray areas that allowed the CIA to monitor American citizens for possible contact with foreign agents. They believed this meant they could secretly tap Americans' phones, open their mail, and plant listening devices in their homes, among other

things. This secret legal interpretation led the CIA to maintain intelligence files on more than 10,000 American citizens, including reporters, Members of Congress, and a host of antiwar activists.

This small group of CIA officials kept the program and their ''gray area'' justification to the program a secret from the American people and most of the government because, they argued, revealing it would violate the agency's responsibility to protect intelligence sources and methods from unauthorized disclosure. Did the program stay a secret? It didn't. On December 22, 1974, investigative reporter Seymour Hersh detailed the program on the front pages of the New York Times. The revelations and the huge public uproar that ensued led to the formation of the Church Committee. That committee spent nearly 2 years investigating questionable and illegal activity at the CIA. The Church Committee published 14 reports detailing various intelligence abuses which, in addition to illegal domestic surveillance, included programs designed to assassinate foreign leaders. The investigation led to Executive orders reining in the authority of the CIA and the creation of the House and Senate Intelligence Committees.

In 1947, President Harry Truman and his top military and legal advisers secretly approved a program named PROJECT SHAMROCK. PROJECT SHAMROCK authorized the Armed Forces Security Agency and its successor, the NSA, to monitor telegraphs coming in and out of the United States. At the outset of the program, companies were told that government agents would only read ''those telegrams related to foreign intelligence targets,'' but as the program grew, more telegrams were sent and received by Americans and they were read. During the program's 30-year run, the NSA analysts sometimes reviewed as many as 150,000 telegrams a month.

While the Ford administration said it made all pertinent information about PROJECT SHAMROCK available, the Senate Intelligence Committee and the Justice Department had kept the program secret from the public. They argued that public disclosure was both unjustified and dangerous to national security, and it avoided Congress's questions regarding the legality of the program by stating that the telegrams present somewhat different legal questions from those posed by domestic bugging and wiretapping. That program didn't stay secret either.

The newly formed Senate Intelligence Committee ultimately disclosed the PROJECT SHAMROCK program on November 6, 1975, arguing that public disclosure was needed to build support—build support—for a law governing NSA operations. The resulting public uproar led to a congressional investigation. The NSA's termination of PROJECT SHAMROCK and the passage of the Foreign Intelligence Surveillance Act of 1978, which attempted to subject domestic surveillance to a process of warrants and judicial review.

Years later, during the Reagan administration, senior members of the National Security Council secretly sold arms to Iran and used the funds to arm and train Contra militants to topple the Nicaraguan Government. Selling arms to Iran violated the official U.S. arms embargo against Iran and directly funding the Contras was illegal under the Boland amendment. That was the one Congress passed to limit U.S. Government assistance to the Contras.

But the officials at the National Security Council were convinced they knew better. They were convinced that violating the embargo and illegally supporting the Contra rebels would help free American hostages and help fight communism in Nicaragua. Instead of engaging in a public debate and trying to convince the Congress and the public they were right, they secretly launched an arms program and hid it from the Congress and the American people. How did that work out for them?

The New York Times published a story of these activities on November 25, 1987. A joint congressional committee was launched to investigate the Iran Contra affair with televised hearings for over a month. The House Foreign Affairs Committee and the House and Senate Intelligence Committees held their own hearings. The first Presidential commission investigating the National Security Council was launched. Multiple reports were published documenting the administration's illegal activities, and the Nicaraguan Government sued the United States. Dozens of court cases were filed and National Security Council officials—including two National Security Advisers—faced multiple indictments.

Finally, following the terrorist attacks of September 11, 2001, a handful of government officials made the unilateral judgment that following U.S. surveillance law, as it was commonly understood, would slow down the government's ability to track suspected terrorists. Instead of working with the Congress, instead of coming to the Congress and asking to revise or update the law, these officials secretly reinterpreted the law to justify a warrantless wiretapping program that they hid from virtually every Member of the Congress and the American people.

It is not clear how long they thought they could hide a large, controversial national security program of this nature, but they kept it so secret that even when it yielded useful intelligence, classification restrictions sometimes prevented the information from being shared with officials who could have used it.

I was a member of the Senate Intelligence Committee at this point—a relatively new member—but the program and the legal interpretations that supported it were kept secret from me and virtually all of my colleagues.

Again, did that program stay secret? The answer is no. After several years, the New York Times published a story uncovering the program. The resulting public uproar led to a divisive congressional debate and a significant number of lawsuits. In my view, the disclosure also led to an erosion of public trust that made many private companies more reluctant to cooperate with government inquiries.

As most of my colleagues will remember, Congress and the executive branch spent years trying to sort out the details of that particular program and the secret legal interpretation—the secret legal interpretation—that was used to justify it. In the process of doing so, Congress also attempted to address an actual surveillance issue. I think all my colleagues who were here for that debate would agree those issues could have been resolved far more easily, far less contentiously, if the Bush administration had simply come to the Congress in the first place and tried to work out a bipartisan solution to them rather than, in effect, trying to rewrite the law in secret.

When laws are secretly reinterpreted this way, the results frequently fail to stand up to public scrutiny. It is not surprising, if you think about it. The American law-making process is often cumbersome, it is often frustrating, and it is certainly contentious. But over the long run, this process is a pretty good way to ensure that our laws have the support of the American people, since those that do not will actually get revised or repealed by elected lawmakers who follow the will of our constituents. On the other hand, when laws are secretly reinterpreted behind closed doors by a small number of government officials—and there is no public scrutiny, no public debate—you are certainly more likely to end up with interpretations of the law that go well beyond the boundaries of what the American people are willing to accept.

Let me make clear that I think it is entirely legitimate for government agencies to keep some information secret. In a democratic society, of course, citizens rightly expect their government will not arbitrarily keep information from them, and throughout our Nation's history Americans have vigilantly guaranteed their right to know. But Americans do acknowledge certain limited exceptions to the principle of openness. We know, for example, that tax officials have information about all of us from our tax returns. But the government does not have the right or the need to share this information openly. This is essentially an exception to protect personal privacy.

Another limited exception exists for the protection of national security. The U.S. Government has an inherent responsibility to protect our people from threats. To do this effectively, it almost always requires some measure of secrecy. I do not expect General Petraeus to publicly discuss the details of every troop movement in Afghanistan any more than early Americans

expected George Washington to publish his strategy for the Battle of Yorktown. By the same token, American citizens recognize that their government may sometimes rely on secret intelligence collection methods in order to ensure national security, in order to ensure the safety of the American people, and they recognize that these methods can often be more effective when specifics are kept secret.

But while Americans recognize that government agencies sometimes rely on secret sources and methods to collect intelligence information, Americans also expect these agencies will cooperate at all times within the boundaries of publicly understood law.

I have served on the Senate Intelligence Committee for a decade, and I do not take a backseat to anybody when it comes to protecting what are essential sources and methods that are needed to keep the American people safe when intelligence is being gathered. But I do not believe the law should ever be kept secret. Voters have a right and a need to know what the law says and what their government thinks the text of the law means. That is essential so the American people can decide whether the law is appropriately written and they are in a position to ratify or reject the decisions their elected officials make on their behalf.

When it comes to most government functions, the public can directly observe the government's actions and the typical citizens can decide for themselves whether they support or agree with the things their government is doing. Certainly, in my part of the world, American citizens can visit the national forests and decide whether they think the forests are appropriately managed. When they drive on the interstate, they can decide for themselves whether those highways have been properly laid out and adequately maintained. If they see someone punished, they can decide for themselves whether the sentence was appropriate, whether it was too harsh or too lenient.

But Americans generally cannot decide for themselves whether intelligence agencies are operating within the law. That is why the U.S. intelligence community evolved over the past several decades. The Congress set up a number of watchdog and oversight mechanisms to ensure that the intelligence agencies follow the law rather than violate it. That is why the Senate and House each have a Select Intelligence Committee. It is also why the Congress created the Foreign Intelligence Surveillance Court. It is why Congress created a number of statutory inspectors general to act as independent watchdogs inside the intelligence agencies themselves. All these oversight entities were created at least in part to ensure that intelligence agencies carry out all their activities within the boundaries of publicly understood law.

But the law itself must always be public. Government officials must not be allowed to fall into the trap of secretly reinterpreting the law in a way that creates a gap between what the public believes the law says and what the government secretly claims it says. Anytime that happens, it seems to me there is going to be a violation of the public trust. Furthermore, allowing a gap of this nature to develop is simply shortsighted. Both history and logic should make it clear—and that is why I brought these examples to the floor of the Senate—that secret interpretations of the law will not stay secret forever and, in fact, often come to light pretty quickly. When the public eventually finds out that government agencies have been rewriting surveillance laws in secret, the result, as I have demonstrated, is invariably a backlash and an erosion of public confidence in these government agencies.

I believe this is a big and growing problem.

Our intelligence and national security agencies are staffed by many talented and dedicated men and women. The work they do is very important, and for the most part, they are extraordinarily professional. But when members of the public lose confidence in these agencies, it does not just undercut morale, it makes it harder for these agencies to do their jobs. If you ask the head of any intelligence agency, particularly an agency that is involved in domestic surveillance in any kind of way, he or she will tell you that public trust is the coin of the realm, it is a vital commodity, and voluntary cooperation from law-abiding Americans is critical to the effectiveness of our intelligence agencies.

If members of the public lose confidence in these government agencies because they think government officials are rewriting surveillance laws in secret, it is going to make those agencies less effective. As a member of the Intelligence Committee, I do not want to see that happen.

I wish to wrap up now with one last comment; that is, as you look at these statutes, and particularly the ones I have outlined—where you have so many hard-working lawyers and officials at these government agencies—I wish to make it clear I do not believe these officials have a malicious intent. They are working hard to protect intelligence sources and methods and for good reason. But sometimes they can lose sight of the differences between the sources and methods, which must be kept secret, and the law itself, which should not. Sometimes they even go so far as to argue that keeping their interpretation of the law secret is actually necessary because it prevents our Nation's adversaries from figuring out what our intelligence agencies are allowed to do.

I can see how it might be tempting to latch onto this ''Alice in Wonderland'' logic. But if the U.S. Government were to actually adopt it, then all our surveillance laws would be kept secret because that would, obviously, be even more useful. When Congress passed the Foreign Intelligence Surveillance Act in 1978, it would have been useful to keep that law secret from the KGB so Soviet agents would not know whether the FBI was allowed to track them. But American laws should not be public only when government officials think it is convenient. They ought to be public and public all the time. The American people ought to be able to find out what their government thinks those laws mean.

Earlier this week, I filed an amendment, along with my colleague from the Intelligence Committee, Senator MARK UDALL, and that amendment would require the Attorney General to publicly disclose the U.S. Government's official interpretation of the USA PATRIOT Act. The amendment specifically states that the Attorney General should not describe any particular intelligence collection programs or activities but that there should be a full description of ''the legal interpretation and analysis necessary to understand the . . . Government's official interpretation'' of the law.

This morning, Senator MARK UDALL and I—and we had the help of several colleagues: Senator MERKLEY, Senator TOM UDALL—reached an agreement with the chair of the Intelligence Committee, Senator FEINSTEIN. She is going to be holding hearings on this issue next month.

Senator MARK UDALL and I, as members of the committee, will be in a position to go into those hearings and the subsequent deliberations to try to amend the intelligence authorization. If we do not get results inside the committee, because of the agreement today with the distinguished chair of the Intelligence Committee, Senator FEINSTEIN, and the majority leader, Senator REID, we will be in a position to come back to this floor and offer our original amendment this fall.

We are going to keep fighting for openness and honesty. As of today, the government's official interpretation of the law is still secret—still secret—and I believe there is a growing gap, as of this afternoon, between what the public believes that law says and the secret interpretation of the Justice Department.

So I plan to vote no this afternoon on this legislation because I said some time ago that a long-term reauthorization of this legislation did require significant reforms. I believe when more Members of Congress and the American people come to understand how the PATRIOT Act has actually been interpreted in secret, I think the number of Americans who support significant reform and the end of secret law—the end of law that is kept secret from them by design—I think we will see Americans joining us in this cause to ensure that in the days ahead, as we protect our country from the dangerous threats we face, we are also doing a better job of being sensitive to individual liberty.

Those philosophies, those critical principles are what this country is all about. And we are going to stay at it, Senator UDALL and I and others, until those changes are secured.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise today in conjunction with my colleague from Oregon to discuss what is before us here on the floor, which is the extension of the PATRIOT Act.

I rise as well to express my opposition to the extension of the three most controversial provisions in the PATRIOT Act which are before us here today. The process by which we have considered these provisions has been rushed. I believe we have done a disservice to the American people by not having a fuller and more open debate about these provisions.

Along with Senator WYDEN, I want to acknowledge the difficult position the leader of the Senate, Senator REID, has been in. I want to thank him for trying to find an agreement to vote on more amendments. We were very close to reaching that agreement, but even in that context, the debate we have had on this bill has been insufficient.

If you look at what we are about to approve, it is a one-page bill which just changes the dates in the existing PATRIOT Act. This is a lost opportunity.

As a member of the Intelligence Committee, I can tell you that what most people—including many Members of Congress—believe the PATRIOT Act allows the government to do—what it allows the government to do—and what government officials privately believe the PATRIOT Act allows them to do are two different things. Senator WYDEN has been making that case. I want to make it as well.

I cannot support the extension of the provisions we are considering today without amendments to ensure there is a check on executive branch authority. I do not believe the Coloradans who sent me here to represent them would accept this extension either. Americans would be alarmed if they knew how this law is being carried out.

I appreciate the Intelligence Committee chairwoman, DIANNE FEINSTEIN, working with us to hold hearings in the committee to examine how the administration is interpreting the law. I believe that is a critical step forward. However, that addresses only the overarching concern. I still have concerns about the individual provisions we are considering today.

We just voted to invoke cloture to cut off debate on the 4-year extension of provisions that give the government wide-ranging authority to conduct wiretaps on groups and individuals or collect private citizens' records. I voted no because the debate should not be over without a real chance to improve these authorities. I recently supported a 3-month extension so the Senate could take time to debate and amend the PATRIOT Act. We were promised that debate, but that opportunity is literally slipping through our hands. I would like to stay here and continue making the case to the American people that this bill should and could be improved.

While a number of PATRIOT Act provisions are permanent and remain in place to give our intelligence community important tools to fight terrorism, the three controversial provisions we are debating, commonly known as roving wiretap, ''lone wolf,'' and business records, are ripe for abuse and threaten Americans' constitutional freedoms.

I know we must balance the principles of liberty and security. I firmly believe terrorism is a serious threat to the United States, and we must be sharply focused on protecting the American people. In fact, with my seats on the Senate Armed Services Committee and the Senate Intelligence Committee, much of my attention is centered on keeping Americans safe both here and abroad. I also recognize that despite Osama bin Laden's death, we still live in a world where terrorism is a serious threat to our country, our economy, and to American lives. Our government does need the appropriate surveillance and antiterrorism tools to achieve these important goals. However, we need to and we can strike a better balance between protecting our national security and the constitutional freedoms of our people. Let me give you an example. This debate has failed to recognize that the current surveillance programs need improved public oversight and accountability.

I know Americans believe we ought to only use PATRIOT Act powers to investigate terrorists or espionage-related targets. Yet section 215 of the PATRIOT Act, the so-called business records provision, currently allows records to be collected on law-abiding Americans without any connection to terrorism or espionage. If we cannot limit investigations to terrorism or other nefarious activities, where do they end?

Coloradans are demanding that in addition to the review of the Foreign Intelligence Surveillance Court, we place commonsense limits on government investigations and link data collection to terrorist or espionage-related activities. If—or I should say when—Congress passes this bill to extend the PATRIOT Act until 2015, it will mean that for 4 more years the Federal Government will have access to private information about Americans who have no connection to terrorism without sufficient accountability and without real public awareness about how these powers are used.

Again, I underline that we all agree the intelligence community needs effective tools to combat terrorism, but we must provide these tools in a way that protects the constitutional freedoms of our people and lives up to the standard of transparency that democracy demands.

Again, as a member of the Intelligence Committee, while I cannot say how this authority is being used, I believe it is ripe for potential abuse and must be improved to protect the constitutionally protected privacy rights of individual innocent American citizens. Toward that goal, I have worked with my colleagues to come up with commonsense fixes that can receive bipartisan support. For example, Senator WYDEN and I filed an amendment that would require the Department of Justice to disclose the official legal interpretation of the provisions of the PATRIOT Act. This would make sure the Federal Government is only using those powers in ways the American people believe they are authorizing them to.

While I believe our intelligence practices should be kept secret, I do not believe the government's official interpretation of these laws should be kept secret. This is an important part of our oversight duties, and I look forward to working with Chairwoman FEINSTEIN in the Intelligence Committee to ensure this oversight occurs.

I have also filed my own amendments to address some of the problems I see with the roving wiretap, ''lone wolf,'' and business record provisions. For example, I joined Senator WYDEN in filing an amendment designed to narrow the scope of the business records materials that can be collected under section 215 of the PATRIOT Act. And I just highlighted some of the problems with that provision. Our amendment would still allow enforcement agencies to use the PATRIOT Act to obtain investigation records, but it would also require those entities to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities.

Today, law enforcement currently can obtain any kind of records. In fact, the PATRIOT Act's only limitation states that such information has to be related to ''any tangible thing.'' That is right. As long as these business records are related to any tangible thing, the U.S. Government can require businesses to turn over information on their customers, whether or not there is a link to terrorism or espionage. I have to say that I just do not think it is unreasonable to ask that our law enforcement agencies identify a terrorism or espionage investigation before collecting the private information of law-abiding American citizens.

These amendments represent but a few of the reform ideas we could have debated this week. But without further debate on these issues, this or any other administration, whether intentionally or unintentionally, can abuse the PATRIOT Act. And because of the need to keep classified material classified, Congress cannot publicly fulfill our oversight responsibilities on behalf of the American people.

So, as I started out my remarks, I plan to vote against the reauthorization of these three expiring provisions

because we fail to implement any reforms that would sensibly restrain these overbroad provisions. In the nearly 10 years since Congress passed the PATRIOT Act, there has been very little opportunity to improve this law, and I, for one, am very disappointed that we are once again being rushed into approving policies that threaten the privacy—which, under one definition, is the freedom to be left alone—of the American people. It is a fundamental element and principle of freedom.

The bill that is before us today, in my opinion, does not live up to the balanced standard the Framers of our Constitution envisioned to protect both liberty and security, and I believe it seriously risks the constitutional freedoms of our people. By passing this unamended reauthorization, we are ensuring that Americans will live with the status quo for 4 more long years. I am disappointed and I know that many of our constituents would be disappointed if they were able to understand the implications of our inaction on these troubling issues.

As I close, I just want to say there is a gravitational pull to secrecy that I think we all have as human beings. It is hard to resist it. And the whole point of the checks and balances our Founders put in place was to ensure that power couldn't be consolidated and that power abused, again whether intentionally or unintentionally. We would all like to be king for a day. We all have ideas about how we could make the world a better place. But we know the dangers in giving that much power to one person or one small group of people.

Ben Franklin put it so well. I can't do justice to his remarks and the way he stated them, but to paraphrase him, he said that a society that would trade essential liberty for short-term security deserves neither. And our job as Senators is to ensure that we actually enjoy both of those precious qualities, security and liberty.

This is an important vote today. This is an important undertaking. I know we can, through the leadership of Senator WYDEN and many of us who care deeply about this, ensure that the PATRIOT Act keeps faith with the principles we hold dear.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. REID. I appreciate everyone's patience. We are working toward the end, but we are not there yet.

I ask unanimous consent that it be in order for Senator PAUL to offer two amendments en bloc and no other amendments be in order: Amendment No. 363, firearm records, and amendment No. 365, suspicious activity reports; that there be 60 minutes of debate prior to votes in relation to the amendments, with the time equally divided between Senator PAUL and the majority leader or their designees; that neither Paul amendment be divisible; that upon the use or yielding back of time, the majority leader or his designee be recognized for a motion to table; if there are not at least 60 votes in opposition to a motion to table the above amendments, the amendments be withdrawn; further, upon disposition of the two Paul amendments, amendment No. 348 be withdrawn; that all remaining time postcloture be yielded back and the Senate proceed to vote on adoption of the motion to concur in the House amendment to S. 990 with amendment No. 347; that no points of order or motions be in order other than those listed in this agreement and budget points of order and applicable motions to waive.

The PRESIDING OFFICER. Is there objection?

The Senator from Vermont,

Mr. LEAHY. Madam President, reserving the right to object, I ask unanimous consent that the agreement be modified to include the Leahy-Paul amendment with the same time for debate and a vote under the usual procedures.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I propounded this unanimous consent request: I would comment to my friend, the chairman of the Judiciary Committee, this amendment he has suggested has bipartisan support. He has worked very hard on this. It is an amendment that we hope sometime the content of which can be fully brought before the American people because it is something that is bipartisan and timely. I would hope we can get consent to include his amendment.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. I object to the Leahy request.

The PRESIDING OFFICER. Objection is heard.

Is there any remaining objection to the request of the leader?

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

The PRESIDING OFFICER. The Senator does not have the floor. The leader has the floor.

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

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

Mr. REID. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, I would first ask unanimous consent that an editorial in today's Washington Post in favor of my amendment be printed in the RECORD.

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

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE PATRIOT ACT

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize ''any tangible item'' deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D–Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D–Nev.) and Sen. Rand Paul (R–Ky.) over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

Mr. LEAHY. Madam President, further reserving the right to object, I find it extremely difficult—and I have

great respect for Senator PAUL as a cosponsor of my amendment—that one more time we have a case where we could have two amendments on the Republican side and we have one that is cosponsored by both Republicans and Democrats on this side, but we can't go forward with it. We have two amendments that have not gotten any committee hearings. We have one on this side that has been voted on by a bipartisan majority, Republicans and Democrats, twice out of committee, twice on the floor, and that can't go forward.

It is my inclination to object further. I realize the difficulty that would put my friend from Nevada in, so I will not object. But I do feel this ruins the chances to make the PATRIOT Act one that could have had far greater bipartisan support, and we have lost a wonderful chance. But I understand we have to do what the Republicans want in this bill, so I will withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, in this editorial to which the chairman of the Judiciary Committee refers, there are four very strong paragraphs indicating why his amendment is important and necessary. But in keeping with the kind of Senator we have in the senior Senator from Vermont—the final paragraph is also quite meaningful and it is meaningful because that is the kind of Senator we have from Vermont by the name of PAT LEAHY. This is the last paragraph:

> At this late hour, it is most important to ensure that the provisions do not lapse, which would happen as a result of a dispute between Senate Majority Leader Harry Reid and Senator Rand Paul over procedural issues.

Here is the final sentence, which demonstrates why PAT LEAHY is a friend of the United States and is a legend in the Senate:

> If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

So I appreciate very much Senator LEAHY being his usual team player.

Mr. LEAHY. Madam President, if the Senator would yield for a moment, he referred to that last line that this should be offered as a freestanding bill. I assure the leader it will be offered as a freestanding bill and I hope it is one that, because of bipartisan support, could be brought up at some point for a vote.

Mr. REID. Madam President, this is an extremely important plateau we have reached. It has been very difficult for everyone. But now this bill can go to the President of the United States if these amendments are defeated, which I hope they are. It will go to the President tonight before the deadline of this bill, so this bill will not lapse. Even though the Senator from Kentucky, Mr. PAUL, and I have had some differences, what we have done on this legislation has at least helped us understand each other, which I appreciate very much, and I appreciate his working with us. It has been most difficult for him and for me.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. PAUL. I am pleased today to come to the floor of the Senate to talk about the PATRIOT Act. I am pleased we have cracked open the door that will shed some light on the PATRIOT Act. I wish the door were open wider, the debate broader and more significant, but today we will talk a little bit about the constitutionality of the PATRIOT Act.

I was a cosponsor of Senator LEAHY's amendment, and I think it would have gone many great steps forward to make sure we have surveillance on what our government does. It would have authorized audits by the inspector general to continue to watch over and to make sure government is not invading the rights of private citizens, and I do support that wholeheartedly.

Jefferson said if we had a government of angels, we wouldn't have to care or be concerned about the power that we give to government. Unfortunately, sometimes we don't have angels in charge of our government. Sometimes we can even get a government in charge that would use the power of government in a malicious or malevolent way, to look at the banking records of people they disagree with politically, to look at the religious practices of people they disagree with. So it is important that we are always vigilant, that we are eternally vigilant of the powers of government so they do not grow to such an extent that government could be looking into our private affairs for nefarious reasons.

We have proposed two amendments that we will have votes on today. One of them concerns the second amendment. I think it is very important that we protect the rights of gun owners in our country, not only for hunting but for self-protection, and that the records of those in our country who own guns should be secret. I don't think the government, well intentioned or not well intentioned, should be sifting through millions of records of gun owners. Why? There have been times even in our history in which government has invaded our homes to take things from us. In the 1930s, government came into our households and said give us your gold. Gold was confiscated in this country in 1933. Could there conceivably be a time when government comes into our homes and says, We want your guns?

People say that is absurd. That would never happen. I hope that day never comes. I am not accusing anybody of being in favor of that, but I am worried about a government that is sifting through millions of records without asking: Are you a suspect; without asking, are you in league with foreign terrorists? Are you plotting a violent overthrow of your government? By all means, if you are, let's look at your records. Let's put you in jail. Let's prosecute you. But let's not sift through hundreds of millions of gun records to find out whether you own a gun. Let's don't leave those data banks in the hands of government where someday those could be abused.

What we are asking for are procedural protections. The Constitution gave us those protections. The second amendment gives us the right to keep and bear arms. The fourth amendment is equally important. It gives us the right to be free of unreasonable search. It gives us the right to say that government must have probable cause. There must be at least some suspicion that one is committing a crime before they come into one's house or before they go into one's records, wherever one's records are. The Constitution doesn't say that one only has protection of records that are in one's house. One should have protection of records that reside in other places. Just because one's Visa record resides with a Visa company doesn't make it any less private. If we look at a person's Visa bill, we can find out all kinds of things about them. If we look at a person's Visa bill, we can find out what doctors they go to; do they go to a psychiatrist; do they have mental illness; what type of medications do they take.

If someone looked at my Visa bill, they could tell what type of books or magazines I read. One of the provisions of the PATRIOT Act is called the library provision. They can look at the books someone checks out in the library. People say, well, still, a judge has to sign these warrants. But we changed the standard. The standard of the fourth amendment was probable cause. They had to argue, or at least convince a judge, that you were a suspect, that you were doing something wrong. Now the cause or the standard has been changed to relevance. So it could be that you went to a party with someone who was from Palestine who gives money to some group in Palestine that may well be a terrorist group. But the thing is, because I went to a party with them, because I know that person, am I now somehow connected enough to be relevant? They would say, Well, your government would never do that. They would never go to investigate people. The problem is, this is all secret. So I do not know if I have been investigated. My Visa bill sometimes has been $5,000. Sometimes we pay for them over the phone, which is a wire transfer. Have I been investigated by my government? I do not know. It is secret.

What I want is protection. I want to capture terrorists, sure. If terrorists are moving machine guns and weapons in our country, international terrorists, by all means, let's go after them. But the worst people, the people we want to lock up forever—the people all of us universally agree about: people who commit murder, people who commit rape—we want to lock them up and

throw away the book, and I am all with you. But we still have the protections of the fourth amendment.

If someone is running around in the streets of Washington tonight—at 4 in the morning—and we think they may have murdered someone, we will call a judge, and we will get a warrant. Just because we believe in procedural protections, just because we believe in the Constitution does not mean we do not want to capture terrorists. We just want to have some rules.

I will give you an analogy. Right now, you have been to the airport. Most of America has been to the airport at some point in time in the last year or two. Millions of people fly every day. But we are taking this shotgun approach. We think everyone is a terrorist, so everyone is being patted down, everyone is being strip-searched. We are putting our hands inside the pants of 6-year-old children. I mean, have we not gone too far? Are we so afraid that we are willing to give up all of our liberty in exchange for security? Franklin said: If you give up your liberty, you will have neither. If you give up your liberty in exchange for security, you may well wind up with neither.

Because we take this shotgun approach, we take this approach that everyone is a potential terrorist, I think we actually are doing less of a good job in capturing terrorists because if we spent our time going after those who were committing terrorism, maybe we would spend less time on those who are living in this country, children and otherwise, frequent business travelers, who are not a threat to our country. Instead of wasting time on these people, we could spend more time on those who would attack us.

I will give you an example—the Underwear Bomber. For goodness' sakes, his dad reported him. His dad called the U.S. Embassy and said: My son is a potential threat to your country. We did nothing. He was on a watch list. We still let him get on a plane. He had been to Nigeria. He had been to Yemen twice. For goodness' sakes, why don't we take half the people in the TSA who are patting down our children and let's have them look at the international flight manifest of those traveling from certain countries who could be attacking us? For goodness' sakes, why don't we target whom we are looking at?

My other amendment concerns banking records. Madam President, 8 million banking records have been looked at in our country—not by the government. They have empowered your bank to spy on you. Every time you go into your bank, your bank is asked to spy on you. If you make a transaction of more than $5,000, the bank is encouraged to report you. If the bank does not report you, they get a large fine, to the tune of $100,000 or more. They could get 5 years in prison. They are overencouraged. The incentive is for the bank to report everyone. So once upon a time, these suspicious-activity reports were maybe 10,000 in a year. There are now over 1 million of these suspicious-activity reports.

Do I want to capture terrorists? Yes. Do I want to capture terrorists who are transferring large amounts of money? Yes. But you know what. When we are wasting time on 8 million transactions—the vast majority of these transactions being by law-abiding U.S. citizens—we are not targeting the people who would attack us.

Let's do police work. If there are terrorist groups in the Middle East and we know who they are, let's investigate them. If they have money in the United States or they are transferring it between banks, by all means, let's investigate them. But let's have some constitutional protections. Let's have some protections that say you must ask a judge for a warrant.

Some have said: How would we get these people? Would we capture those who are transferring weapons? We would investigate. We have all kinds of tools, and we have been using those tools.

Others have said: Well, we have captured these people through the PATRIOT Act, and we never could have gotten them. The problem with that argument is that it is unprovable. You can tell me you captured people through the PATRIOT Act and I can believe you captured them and you have prosecuted them, but you cannot prove to me you would not have captured them had you asked for a judge.

We have a special court. It is called the FISA Court. The FISA Court has been around since the late 1970s. Not one warrant was ever turned down before the PATRIOT Act. But they say: We need more power. We need more power given to these agencies, and we do not need any constitutional restraint anymore.

But my question is, the fourth amendment said you had to have probable cause. You had to name the person and the place. Well, how do we change, get rid of probable cause and change it to a standard of relevance? How do we do that and amend the Constitution without actually amending the Constitution? These are important constitutional questions. But when the PATRIOT Act came up, we were so frightened by 9/11 that it just flew through here. There were not enough copies to be read. There was one copy at the time. No Senator read the PATRIOT Act. It did not go through the standard procedure.

Let's look at what is happening now. Ten years later, you would think the fear and hysteria would have gotten to such a level that we could go through the committee process. Senator LEAHY's bill went to committee. It was deliberated upon. It was discussed. It was debated. It was passed out with bipartisan support. It came to the floor with bipartisan support. But do you know why it is not getting a vote now? Because they have backed us up against a deadline.

There have been people who have implied in print that if I hold up the PATRIOT Act and they attack us tonight, then I am responsible for the attack. There have been people who have implied that if some terrorist gets a gun, then I am somehow responsible. It is sort of the analogy of saying that because I believe you should get a warrant before you go into a potential or alleged murderer's house, somehow I am in favor of murder.

I am in favor of having constitutional protections. These arose out of hundreds of years of common law. They were codified in our Constitution because we were worried. We were incredibly concerned about what the King had done. We were concerned about what a far distant Parliament was doing to us without our approval. We were concerned about what James Otis called writs of assistance. Writs of assistance were pieces of paper that were warrants that were written by soldiers. They were telling us we had to house the British soldiers in our houses, and they were giving general warrants which meant: We are just going to search you willy-nilly. We are not going to name the person or the place. We are not going to name the crime you are accused of.

If a government were comprised of angels, we would not need the fourth amendment. What I argue for here now is protections for us all should we get a despot, should we someday elect somebody who does not have respect for rights. We should obey rules and laws.

Is this an isolated episode we are here talking about, the PATRIOT Act, and that there is an insufficient time, that it is a deadline: Hurry, hurry; we must act. It is not an isolated time.

We have had no sufficient debate on the war with Libya. We are now encountered in a war in Libya, so we now have a war in which there has been no congressional debate and no congressional vote. But do you know what they argue. They say it is just a little war. But you know what. It is a big principle. It is the principle that we as a country elect people. It is a principle that we are restrained by the Constitution, that you are protected by the Constitution, and that if I ask the young men and women here today to go to war and say we are going to go to war, there darn well should be a debate in this body. We are abdicating those responsibilities.

We are not debating the PATRIOT Act sufficiently. We are not having an open amendment process. It took me 3 days of sitting down here filibustering, but I am going to get two amendment votes. I am very happy and I am pleased we came together to do that. I wish we would do more. I wish Senator LEAHY's bill was being voted on here on the floor. I wish there were a week's worth of debate.

The thing is, we come here to Washington expecting these grand debates. I have been here 4 months. I expected

that the important questions of the day would be debated back and forth. Instead, what happens so often is the votes are counted and recounted and laboriously counted. When they know they can beat me or when they know they can beat somebody else, then they allow the vote to come to the floor. But some, like Senator LEAHY's bill—I am suspicious that it is not going to be voted on because they may not be able to beat it. I support it.

So the question is, Should we have some more debate in our country? We have important issues pressing on us. I have been here for 4 months, and I am concerned about the future of our country because of the debt burden, because of this enormous debt we are accumulating. But are we debating it fully? Are we talking about ways we could come together, how Republicans and Democrats, right and left, could come together to figure out this crisis of debt? No. I think we are so afraid of debate but particularly with the PATRIOT Act.

The thing with the PATRIOT Act is that it is so emotional because anyone who stands up, like myself, and says we need to have protections for our people, that we should not sift through the records of every gun owner in America, looking and just trolling through records—interestingly, we have looked at 28 million electronic records, when the inspector general looked at this—28 million electronic records. We have looked at 1,600,000 texts. If you said to me: Well, they asked a judge, and they thought these were terrorists, I do not have a problem. The judge gives them a warrant, and they look at these text messages or electronic records. But do you want them trolling through your Facebook? Do you want them trolling through your e-mails? Do you want a government that is unrestrained by law?

This ultimately boils down to whether we believe in the rule of law. So often we give lipservice to it on our side and the other side, and everybody says: We believe in the Constitution and the rule of law. When you need to protect the rule of law is when it is most unpopular. When everybody tells you that you are unpatriotic or you are for terrorism because you believe in the Constitution, that is when it is most precious, that is when it is that you need to stand up and say no.

We can fight. We can preserve our freedoms. We are who we are because of our freedoms and our individual liberty. If we give that up, we are no different from those whom we oppose. Those who wish to destroy our country want to see us dissolved from within. We dissolve from within when we give up our liberties. We need to stand and be proud of the fact that in our country it is none of your darn business what we are reading. It is none of your business where we go to see a doctor, what movie we see, or what our magazines are. It is nobody's business here in Washington what we are doing. If they think it is the business of law enforcement, get a warrant. Prove to somebody—at least have one step that says that person is doing something suspicious.

The thing is, these suspicious-activity reports—8 million of them have been filed in the last 8 years. The government does not have to ask for this; it is sort of like they have deputized the banks. The banks have now become sort of like police agencies. The banks are expected to know what is in the Bank Secrecy Act. They are expected to know thousands of pages of regulations. But do you know what they tell your bank. If you do not report everybody, if you do not report these transactions, we will fine you, we will put you in jail, or we will put you out of business.

That is a problem. It is a real problem that that is what has come of this. I think we need to have procedural protections.

Madam President, if at this point there is a request from the Senator from Illinois to yield for a question or a comment, I would be happy to, if it is about the PATRIOT Act.

OK. The amendments I will be proposing will be about two things, and we will have votes on them. We have been given the time to debate, which I am glad we fought for. We will basically be given a virtually insurmountable hurdle. This will be maybe the first time in recent history I remember seeing this, but they will move to table my amendments. In order for me to defeat the tabling motion, I will have to have 60 votes. It is similar to the votes we have when you have to overcome a cloture vote or you have to overcome a filibuster. But we really are not having any vote where there is a possibility of me winning. There is really a forgone conclusion. The votes are counted in advance.

I am proud of the fact that I fought for, though, and we got some debate on the floor and that maybe in bringing this fight, the country will consider and reconsider the PATRIOT Act. But we need to have more debate. Senator LEAHY's bill needs to be fully debated and needs to come out. Maybe when there is not a deadline, maybe it will come forward. Maybe we can have some discussion.

But I guess most of my message is that we should not be fearful. We should not be fearful of freedom. We should not be fearful of individual liberty. And they are not mutually exclusive. You do not have to give up your liberty to catch criminals. You can catch criminals and terrorists and protect your liberty at the same time. There is a balancing act. But what we did in our hysteria after 9/11 was we did not do any kind of balancing act. We just said: Come and get it. Here is our freedom, come and get it. We do not care whether there is review in Congress. We do not care whether there is to be an inspector general looking at this.

One of my colleagues today reported: Well, there is no evidence those 8 million banking investigations are bothering or doing anything to innocent people. Well, there is a reason for there being no evidence: They are secret. You are not told if your bank has been spying on you. If your bank has put in a suspicious-activity report, you are not informed of that.

So the bottom line is, just because there is no complaint does not mean there have not been abuses. There is something called national security letters. These are written by officers of the law, by FBI agents. There is no review by judges. There have been 200,000 of these. There has been an explosion of these national security letters, and we do not know whether they are being abused because they are a secret.

In fact, here is how deep the secret goes. When the PATRIOT Act was originally passed, you were not allowed to tell your lawyer. If the government came to you with an FBI agent's request, you could not even tell your lawyer. This, is very disturbing. They finally got around to changing that. But you know what. If I had an Internet service, if I am a server and they come to me with a policeman's request, and they say: Give us your records—if I tell anyone other than my attorney, I can go to jail for 5 years.

What we have is a veil of secrecy. So even if the government is abusing the powers, we will never know. How much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. PAUL. Does the Senator from Illinois wish to interject?

Mr. DURBIN. I understand there is time on the other side as well.

The PRESIDING OFFICER. There is 28 minutes on the majority side.

Mr. DURBIN. I would like to speak on the majority's time.

Mr. PAUL. I will finish up then. As we go forward on these, I would hope there would be some deliberation and that the vote, as it goes forward, people will think about that we need to balance our freedoms with our security. I think we all want security. Nobody wants what happened on 9/11 to happen again.

But I think we do not need to simplify the debate to such an extent that we simply say we have to give up our liberties. For example, I cannot tell you how many times people have come up to me in Washington, unelected officials, and said: We could have gotten Moussaoui, the 19th hijacker, if we had the PATRIOT Act.

The truth is, we did not capture Moussaoui because we had poor police work. Ask yourself: Did we fire anybody after 9/11? We gave people gold medals. We gave them medals of honor for their intelligence work after 9/11. To my knowledge, not one person was fired.

Do you think we were doing a good job before 9/11? We had the 19th hijacker in prison, in custody for a

month before 9/11. We had his computer. When they looked at Moussaoui's computer 4 days after 9/11 or the day after 9/11, they connected all of the dots to most of the hijackers and to people in Pakistan.

Why did we not look at his computer? Was it because we did not have the prerogative? They did not ask. An FBI agent in Minnesota wrote 70 letters to his superiors saying: Ask for a warrant. His superiors did not ask for a warrant. Do you think we should have done something about that after 9/11?

We gave everybody in the FBI and the CIA medals. We gave the leaders medals for meritorious service, and no one blinked an eye. What did we do? We passed the PATRIOT Act and said: Come and take our liberties. Make us safe. But to make us safe, we should not give up our rights to protect what we read, to protect what we view, to protect where we go and who we associate with. We should not allow governments to troll willy-nilly through millions of records.

You have heard of wireless wiretaps. A lot of these things are unknown because they are so secret that nobody knows. Even many of us do not even know the extent of these things. But I can tell you, there is a great deal of evidence that we were looking at millions of records and that millions of innocent U.S. citizens are having their records looked at.

Now, are we doing anything? Are we imprisoning innocent folks? No, I do not think we are doing that. I think they are good people. I think the people I have met in the FBI, the people I have met in our government want to do the right thing. But what I am fearful of is that there comes a time when we have given up these powers—for example, the constitutional discussion over war.

If we say: Well, Libya is just a small war. We do not care. We say Congress has no say in this. What happens when we get a President who decides to send 1 million troops into war and we simply say: Who cares. You know, we let the President do whatever he has to do because he has unlimited powers.

We fought a war, we fought long and hard to restrict—we wanted an Executive that was bound by the chains of the Constitution. We wanted a Presidency, an executive branch that was bound by the checks and balances. That is what our Constitution is about. It is about debate. Debate is important. Amendments are important. Bringing forward something from committee that would have reformed the PATRIOT Act is incredibly important, to have those debates on the floor of the Senate.

That is why there is a certain amount of disappointment to having arrived in Washington and to see the fear of debate of the Constitution, and that we need to be debating these things. We need to have full amendments.

Can there be any excuse why the inspector general should not be reviewing other agencies of government to find out if our rights are being trampled upon.

So I would ask, in conclusion, as these amendments come forward, that people think about it. Think about our constitutional protections. But do not go out and say the Senator from Kentucky does not want to capture terrorists or the Senator from Kentucky wants people to have guns and to attack us because the thing is, we can have reasonable philosophical debates about this, but we need to be having an open debate process. We need to talk about the constitutional protections, the provisions that protect us all, and we need to be aware of that.

I tell people: You cannot protect the second amendment if you do not believe in the fourth amendment. You cannot protect the second amendment if you do not believe in the first amendment. It is all incredibly important.

I hope as we go forward on this vote, and even though I will likely fail, because of the way the rules are set up on the vote, I hope as we go forward that at least somebody will begin to discuss this, somebody will begin to discuss where we should have some constitutional restraint; that Senator LEAHY will have a chance to bring his bill forward, and that there will be a full and open debate.

I hope we have cracked the door open and I have been a small part of that.

I yield back my time.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that we have a consent that will allow Senator PAUL to offer two amendments, and then we will go to final passage on this reauthorization of the PATRIOT Act.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I will oppose the amendments offered by Senator PAUL, and then oppose the reauthorization of the PATRIOT Act. I would like to explain in my remarks why.

I voted for the PATRIOT Act in the year 2001. In fact, there was only one Senator on the floor—who no longer serves—who voted against it. It was a moment of national crisis. We were told then by the Bush administration they needed new authorities to make certain that America would be safe and never attacked again.

I want to salute Senator PATRICK LEAHY, as well as his counterparts on both sides of the aisle, who worked night and day to put together a bipartisan version of this PATRIOT Act and had the good sense to include in it a sunset. We knew we were writing a law with high emotion over what had happened to our country. We wanted to make sure it was a good law, but we made certain it would be temporary in nature, for the most part, and we would return and take another look at it. I cannot vote for an extension, a long-term extension, of the PATRIOT Act without additional protections included for the constitutional rights of our American citizens.

It is worth taking a moment to review the history. The PATRIOT Act was passed 10 years ago—almost 10 years ago—while Ground Zero was still burning. Congress responded and passed it with an overwhelming bipartisan vote. It was a unique moment in our history. But even then we were concerned enough to put a sunset and to do our best to review it in the future to determine whether it went too far when it came to our freedoms. I voted for it, but I soon realized that it gave too much power to government without enough judicial and congressional oversight.

So 2 years after the PATRIOT Act became law, I joined a bipartisan group of Senators in introducing the SAFE Act, legislation to reform the PATRIOT Act. The SAFE Act was supported by advocates from the left and right, from the ACLU to the American Conservatives Union. Progressive Democrats and very conservative Republicans came together across the partisan divide understanding Americans can be both safe and free.

We wanted to retain the expanded powers of the PATRIOT Act but place some reasonable limits to protect constitutional rights. When he joined the Senate in 2005, Senator Barack Obama became a cosponsor of our SAFE Act. Here is what he said as a Senator:

> We don't have to settle for a PATRIOT Act that sacrifices our liberties or our safety. We can have one that secures both.

I agree with then-Senator Obama. In 2006, the first time Congress reauthorized the PATRIOT Act, some reforms from the SAFE Act were included in the bill, and I supported it. However, many key protections from the SAFE Act were not included, so there are still significant problems.

The FBI is still permitted to obtain a John Doe roving wiretap that does not identify the person or the phone that will be wiretapped. In other words, the FBI can obtain a wiretap without telling a court who they want to wiretap or where they want to wiretap.

In garden variety criminal cases, the FBI is still permitted to conduct sneak-and-peak searches of a home without notifying the homeowner about the search until a later time. We now know the vast majority of sneak-and-peak searches take place in cases that do not involve terrorism in any way.

A national security letter, or NSL, is a form of administrative subpoena issued by the FBI. We often hear NSLs compared to grand jury subpoenas. But unlike a grand jury subpoena, a national security letter is issued without the approval of a grand jury or even a prosecutor. And unlike the grand jury subpoena, the recipient of an NSL is subjected to a gag order at the FBI's discretion.

The PATRIOT Act also greatly expanded the FBI's authority to issue

NSLs. An NSL now allows the FBI to obtain sensitive personal information about innocent American citizens, including library records, medical records, gun records, and phone records even when there is no connection whatsoever to a suspected terrorist or spy.

The Justice Department's inspector general concluded that this standard ''can be easily satisfied.'' This could lead to government fishing expeditions that target innocent people.

For years we have been told there is no reason to be concerned about this broad grant of power to the FBI. In 2003, then-Attorney General Ashcroft testified to our committee that librarians raising concerns about the PATRIOT Act were ''hysterics'' and that ''the Department of Justice has neither the staffing, the time, nor the inclination to monitor the reading habits of Americans.'' But we now know the FBI has, in fact, issued national security letters for the library records of innocent people.

For years we were told the FBI was not abusing this broad grant of power. But in 2007, the Justice Department's own inspector general has concluded the FBI was guilty of ''widespread and serious misuse'' of the national security letter's authority and failed to report these abuses to Congress and the White House.

The inspector general reported that the number of national security letter requests has increased exponentially from about 8,500 the year before enactment of the PATRIOT Act to an average of more than 47,000 per year, and even these numbers were significantly understated.

We can be safe and free. I think it is important that the measure that passed the Senate Judiciary Committee should have been on the Senate floor. It included an amendment which I offered with Senator LEAHY and other provisions which I think are an improvement over the current bill before us.

I will say one quick word about the amendment by Senator PAUL. I do not believe it is in our Nation's best interests to exempt gun records from terrorist investigations. For goodness' sake, when we are dealing with people—terrorists using guns—searching the records to make certain that we know the source of those guns and whether there are any other threats to this Nation is reasonable to do.

These should not be so sacred and sacrosanct that we do not ask the hard questions when our Nation's security is at risk. I would agree with him that we ought to make certain there is a connection between that request for gun record information and a suspected terrorist or spy. But to say these records cannot be asked for under the PATRIOT Act goes too far. That is why I will oppose his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise to speak in opposition to Amendment No. 365, Senator PAUL's amendment concerning suspicious activity reports, or what is referred to as SARS.

This amendment would prevent the Department of Treasury from requiring any financial institution to submit a suspicious activity report unless law enforcement first requests the report. If this amendment should become law, it will effectively take away one of the government's main weapons in the battle against money laundering and other financial crimes.

It will also negatively impact our efforts to detect and follow the flow of funds to and from international terrorists. It is important to remember that SARS are essentially tips from third-party financial institutions concerning suspicious transactions. Because law enforcement is not watching the financial transaction of every American on a daily basis 24/7, they often have no idea that a person is even engaged in a financial crime until they receive a suspicious activity notification from a financial institution. In a sense, SARs are not much different than the tips that law enforcement often receives from anonymous sources. These tips or leads can often form the basis for initiating investigations that can be used to neutralize criminal or terrorist activities.

The problem with this amendment is that it would require the government to look into a crystal ball in order to figure out when they should request a SAR. With this logic, we should only allow law enforcement to act on an anonymous tip unless they ask for the tip to be reported first. If a law enforcement or intelligence officer doesn't get a tip about suspicious activity, how in the world is he going to know when it occurred in the first place? The answer here is simple: They will likely never know it occurred until the criminal activity has occurred, and maybe it will even go undetected.

Look, for example, at the 9/11 hijackers. There was a minimum of 12 to 13 of those individuals who came into and out of the United States over a period of time. Money was transferred to and from those individuals over a period of time. Under the requirements pre-PATRIOT Act, there was no suspicious activity detected. But after the enactment of the PATRIOT Act, there would be reason now for any financial institution to suspect the potential for suspicious activity from those transfers of moneys.

That is exactly why we did what we did in the PATRIOT Act, and that is one of the reasons why we have not seen a subsequent direct attack on U.S. soil from individuals who had been in the United States and have received money through transfers, or whatever it may be. Let's don't forget that section 215 business records cannot be obtained in an arbitrary manner. There has to be, first of all, a determination that there is some international connection between the individual whose account has been deemed suspicious by the financial institution, and also there has to be some follow-on procedure to determine that there is reason for the government to get hold of the financial records of this individual.

In my mind, this amendment would put law enforcement in an unacceptable and unreasonable position. At the same time we are asking them to pursue swindlers and money launderers more aggressively, we need to preserve the requirement that financial institutions report suspicious activities. We need to follow up on these leads not just from a criminal law enforcement perspective but from a national security perspective as well.

Since 9/11, I have been involved with the Intelligence Committee all of those years. We do extensive oversight on this particular provision in the PATRIOT Act, as well as other provisions. We have hearings on this from time to time, and we require the law enforcement officials to come in and talk to us about what they are doing. To my knowledge, there has never been one complaint or abuse that has been shown from the use of this particular provision. This particular provision is working exactly the way we intended it to work. It is a valuable tool for our law enforcement.

Let me speak also about amendment No. 363, which is Senator PAUL's amendment concerning firearms records. Simply put, this amendment would make it more difficult for national security investigators to prevent an act of terrorism inside the United States. The amendment would prohibit the use of a FISA business records court order to obtain firearms records in the possession of a licensed firearms importer, manufacturer, or dealer. Instead, national security investigators could only obtain such records through a Federal grand jury subpoena during the course of a criminal investigation or with a search warrant issued by a Federal magistrate upon a showing of reasonable cause to believe that a violation of Federal firearms laws has occurred. That might not always be possible.

For example, before MAJ Nidal Hasan began his deadly assault against innocent military and civilian personnel at Fort Hood, TX, in November 2009, there was no evidence that he had violated any criminal or Federal firearms laws. Thus, the FBI could not have relied on title 18 to obtain information about Hasan's purchase of the firearms used in the attack.

As we have since learned, however, there was likely enough intelligence information to open a preliminary investigation on Hasan because of his contacts with a known al-Qaida member in Yemen, and seek a section 215 order for information about his gun purchases. I don't understand why we would take this tool away from national security investigators, especially, here again, where there has been no indication of any abuse of this authority with respect to firearms or other sensitive records.

Congress has conducted extensive oversight of the PATRIOT Act and FISA authority, and there have been no reports of any widespread abuse or misuse, and no reports that the government has ever used these authorities to violate second amendment rights.

Moreover, the protections detailed in section 215 ensure that second amendment rights are fully respected in the use of this authority. Unlike in criminal investigations where a Federal grand jury may issue a subpoena for firearms records, any request for records under section 215 must first be approved by the Foreign Intelligence Surveillance Court. As with all other section 215 records, the court must find that such records are relevant to an authorized national security investigation. This means the FBI cannot use this authority in a domestic terrorism investigation, nor can the FBI randomly decide to see whether an ordinary citizen or even a vocal advocate of the second amendment owns a firearm.

There are two additional oversight safeguards that are built into the section 215 process. First, each request for these sensitive records by the FBI can only be approved by one of three high-level FBI officials—the Director, the Deputy Director, or the Executive Assistant Director for National Security.

Second, there are also specific reporting requirements that are designed to keep Congress informed about the number of orders issued for these types of sensitive records.

One of the big lessons we learned after the 9/11 terrorist attacks was that we needed to make sure national security investigators had access to investigative tools similar to those that have long been available to law enforcement. Section 215 of the PATRIOT Act addresses that need. It provides an alternative way to obtain business records, including firearms records, in situations where there may be a national security threat but not yet a criminal investigation or violation.

I have long been a strong supporter of the second amendment. There is nobody in this body who has a better voting record on the second amendment than I do. Probably nobody here owns as many guns as I own, but I use them for legal and lawful purposes. I will work with the National Rifle Association and any citizen group to make sure that neither this law nor any Federal law is misused to infringe on the second amendment rights of any law-abiding citizen. But this particular amendment would harm legitimate national security investigations.

I want to take a minute to read a letter I received from Chris Cox, executive director of the National Rifle Association:

DEAR SENATOR CHAMBLISS: Thank you for asking about the National Rifle Association's position on a motion to table amendment No. 363 to the PATRIOT Act. The NRA takes a back seat to no one when it comes to protecting gun owners' rights against government abuse. Over the past three decades, we fought successfully to block unnecessary and intrusive compilation of firearms-related records by several Federal agencies, and will continue to protect the privacy of our members and all American gun owners.

While well-intentioned, the language of this amendment, as currently drafted, raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant, or judicial oversight of any kind. Based on these concerns, and the fact that the NRA does not ordinarily take positions on procedural votes, we have no position on a motion to table amendment No. 363.

For those reasons, I intend to vote against both of these amendments. While I appreciate the intent and the emotion with which my friend Senator PAUL comes to the floor to advocate, we need to make sure we get these extensions in place immediately, so we have no gap in the coverage available to our intelligence community, and that we continue to give them the tools they need to protect America and protect Americans.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. COONS. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1114, a short-term one-month PATRIOT Act sunset extension bill, which is currently at the desk; that the bill be read the third time, and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COONS. I am disappointed my unanimous consent request was not agreed to. I wish to explain my action here today. The comments I am about to give are an explanation of a vote I intended to take later today.

As Senator CHAMBLISS said just before me, the powers of the PATRIOT Act are too important for us to risk their expiration as this body considers whether to amend them or revise them. I could not agree more.

I offered a 1-month extension in order that this body may take the time that is needed and deserved to seriously debate and conduct oversight over the PATRIOT Act. This is a significant piece of national security legislation that I believe is worthy of further consideration and debate.

Law enforcement agencies—Federal, State, and local—work day in and day out to protect all of us from real threats that go largely unknown and unnoticed by most Americans. I want law enforcement to have all the appropriate tools in their toolbox to accomplish this goal.

Unfortunately, there are also, in my view, legitimate concerns about the legislation on which we are about to vote—concerns that my colleagues and I, including the occupant of the chair, on the Judiciary Committee, reviewed and addressed in detail, and in a bill ultimately passed, S. 193, which forms the core of the Leahy-Paul amendment of which I am a cosponsor. We put those provisions before this Chamber. I am disappointed we don't have consent to move forward in order to have time to debate these reforms to the PATRIOT Act. As Americans, the choice between liberty and safety is not one or the other. We expect and demand both. Balancing the two responsibly requires careful consideration to each.

We must be cognizant of our Nation's very real enemies who intend to do us harm, just as they did on September 11. It was awareness of this danger in the world that motivated this Congress, as we have heard in previous speeches, to enact the PATRIOT Act, nearly 10 years ago now, in the wake of those attacks. A grave new threat called for bold new authorities. Though I was not then in the Senate, I likely too would have voted for its passage.

But this body's passage of that act did not amount to a permanent choice of security over liberty. Because of the broad scope of the new authorities in the PATRIOT Act, the bipartisan drafters of the bill insisted upon placing key sunset provisions in the bill to ensure that Congress periodically reviewed how they were being used and assessed whether they were still essential to our security.

Even in the unnerving weeks after 9/11—an extraordinary time in the history of this Congress and this Nation—the authors of the PATRIOT Act knew that the powers they were granting needed to be monitored.

Sunsets are critical to ensuring that the PATRIOT authorities are not abused by the government. They are critical.

It's because of sunsets that every 4 years, the FBI must return to Congress and justify its use of the PATRIOT Act overall and three provisions in particular: the roving wiretap, the lone wolf authority, and §215 orders, which allow the government to demand virtually any document or other evidence pertaining to an individual from a third party.

Sunsets only work, however, if we in Congress have the innate courage to ask the difficult questions when they arise. If, instead, Congress shies away from the tough debate and simply extends the sunsets for another 4 years, we surrender our responsibility to consider whether specific provisions should be amended, reauthorized, or allowed to expire.

If the proposed 4-year extension passes without amendment, it will have been 9 years before Congress votes on reforms to PATRIOT—9 years.

What is the point of having sunsets in this bill if we are going to ignore our oversight responsibilities?

Regretfully, I cannot support any measure that extends controversial and searching PATRIOT authorities until 2015 if this body does not first consider whether the act is in need of amendment. And so I must.

The Judiciary Committee did exactly what it is supposed to do and has worked for months on improving the PATRIOT Act ahead of this deadline. It was a difficult, bipartisan debate but the bill we produced is strong and deserved to be considered by the full body. Chairman LEAHY deserves credit for crafting a set of commonsense, responsible amendments.

In each of the last two Congresses, the Judiciary Committee reported a bipartisan PATRIOT reauthorization bill. In each case, the bills would have made important revisions to PATRIOT without compromising national security. Also in each case, the bills were reported out in plenty of time for this full body to consider them. In each case, no floor action was taken until such a late hour that meaningful debate over the expiring provisions has been precluded.

The Judiciary-reported bill, S. 193, which forms the basis of the Leahy-Paul amendment, deserves consideration. It deserves consideration because our serious consideration of reforms sends the strong message that the PATRIOT authorities are not a blank check, that we in Congress are watching closely to make sure that the use of PATRIOT is consistent with our shared national respect for individual liberty and freedom.

The Leahy-Paul amendment also deserves consideration because the last 5 years have shown us that substantive revisions to PATRIOT are called-for and, indeed, necessary. I would like to speak briefly about just one necessary change, those to the national security letter program.

National security letters, or NSLs are administrative subpoenas that allow the government to demand subscriber information from third parties without even having to go to a judge. These orders are also extraordinary in that they prohibit recipients from telling anyone of their existence.

In 2007 and 2008, the Department of Justice inspector general found massive abuses in the NSL Program, with tens of thousands of NSLs issued for purposes that had nothing to do with national security. Further, in 2008, a court found that the gag order in each NSL was unconstitutional.

Plainly, NSLs are in need of revision, both to bring them in line with the Constitution and to guard against abuses that have nothing to do with national security. I support legislation that would require that DOJ maintain sufficient internal guidelines to ensure that NSLs are only issued when the agents issuing them state facts that show relevance to national security. I also favor amending the gag order so that any recipient can immediately challenge it in court.

These simple reforms as well as the others contained in the Leahy-Paul amendment, do not make our Nation more vulnerable to attack. That is why, in 2010, the Attorney General and the Director of National Intelligence sent a letter to Congress expressing the view that legislation almost identical to Leahy-Paul ''strikes the right balance by both reauthorizing these essential national security tools and enhancing statutory protections for civil liberties and privacy in the exercise of these and related authorities.''

These reforms make our Nation more secure because they strengthen our place in the world as the cradle of liberty.

I don't want to repeal the PATRIOT Act, but at this moment we have a choice, and a chance—our last chance for 4 years—we can push forward with a bill that does nothing to improve PATRIOT—nothing to factor in everything that is changed in the last 5 years, or we can vote down this long-term extension, vote for a short-term extension and move to debate of the reforms that the Judiciary Committee has already worked up.

The PATRIOT Act is important to our national security, but I cannot support the abdication of Congress's role in strengthening it.

If I might, in summation, simply say this: If we were today to pass a 4-year extension, without amendment or revision, it will have been 9 years that Congress does not act in any substantive way on the amendments. I join Senator LEAHY in intending to vote ''no'' today, not because I believe the PATRIOT Act is fundamentally flawed or because I believe the United States doesn't face real enemies, but because I think this Congress has not taken seriously its very real oversight responsibilities, its need to strike that balance. The Judiciary Committee did that hard work. For this Congress to not amend this bill with the simple balanced and reasonable amendment offered in the Leahy-Paul amendment, I believe I am compelled to strike the balance between security and liberty on the side of liberty today, by saying this body has failed to act and to appropriately conduct thorough oversight of this bill before we send it 4 years into the future.

I yield the floor.

Mr. LEVIN. Madam President, how much time is left?

The PRESIDING OFFICER. There is 5½ minutes.

Mr. LEVIN. I thank the Chair.

Madam President, I rise in opposition to the amendment of Senator PAUL, No. 365. This amendment would effectively wipe out a critical tool used against terrorists and drug traffickers. I want to explain exactly what these suspicious activities reports are and why they are so essential to the FBI and other law enforcement people.

First of all, who uses them? FBI, organized crime units, drug trafficking task forces, border security, Secret Service, State and local police, and the intelligence community all use these SARs. Second, what are they used for? There was a report from the GAO in 2009 which said the following: How are SARs used? They gave a number of examples:

The FBI includes SAR data in its Investigative Data Warehouse to identify:

financial patterns associated with money laundering, bank fraud, and other aberrant financial activities.

Second, Organized Crime Drug Enforcement Task Force's Fusion Center combines SAR data with other data to:

produce comprehensive integrated intelligence products and charts.

Third, the IRS uses SARs to identify:

financial crimes, including individual and corporate tax frauds and terrorist activities.

We received a letter just today from the Attorney General of the United States strongly opposing this amendment of Senator PAUL, and this is what the Attorney General says:

SARs are a critical tool for our national security and law enforcement professionals. SARs are used to alert intelligence and law enforcement personnel to issues that warrant further investigation and scrutiny. The purpose of the SAR regime is to require financial institutions to report on suspicious activities based on information that is solely within their possession. Prior to the filing of a SAR, our law enforcement and intelligence analysts often are not aware that a particular bank account or individual may be associated with criminal activity or may be engaged in activities that pose a threat to national security, such as the funding of terrorist activities.

Then the Attorney General goes on:

Conditioning the filing of SARs upon a request from law enforcement would undermine this purpose. By definition, SARs are designed to alert law enforcement to information not otherwise within its possession.

The Paul amendment, No. 365, is very short, but what it does is say you must have a request of an appropriate law enforcement agency for the report before there is a requirement to file a suspicious activity report. As the Attorney General points out in his letter, that would totally undermine the purpose of the SAR requirement.

Finally, the Attorney General points out the following:

How much time do I have remaining, Madam President?

The PRESIDING OFFICER. The Senator has 2 minutes 12 seconds.

Mr. LEVIN. I thank the Chair.

The Attorney General further points out:

It is also important to note that SARs themselves are confidential under law (i.e., not available to the public) and cannot be used as evidence. They contain information that, if used by law enforcement personnel, must be further investigated and proven before adverse action is taken. The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of Federal law.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the Attorney General.

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

OFFICE OF THE
ATTORNEY GENERAL,
Washington, DC, May 26, 2011.

Hon. HARRY REID,
Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: I understand that Senator Paul may offer an amendment today to S. 990 which would modify Section 5318(g)(1) of Title 31, United States Code, to allow for the issuance of Suspicious Activity Reports (''SARs'') by financial institutions ''only upon request of an appropriate law enforcement agency. . . .'' I write to express the Department's serious concerns about such an amendment.

SARs are a critical tool for our national security and law enforcement professionals. SARs are used to alert intelligence and law enforcement personnel to issues that warrant further investigation and scrutiny. The purpose of the SAR regime is to require financial institutions to report on suspicious activities based on information that is solely within their possession. Prior to the filing of a SAR, our law enforcement and intelligence analysts often are not aware that a particular bank account or individual may be associated with criminal activity or may be engaged in activities that pose a threat to national security, such as the funding of terrorist activities.

Conditioning the filing of SARs upon a request from law enforcement would undermine this purpose. By definition, SARs are designed to alert law enforcement to information not otherwise within its possession. By placing the onus on law enforcement to request information—about which it is unaware—this amendment would take away from law enforcement a critical building block of financial investigations and terrorist financing intelligence. In this way, the proposed amendment would severely undermine the usefulness of the SAR regime, and eliminate an effective tool in the fight against financial fraud and, critically, terrorism.

It is also important to note that SARs themselves are confidential under law (i.e., not available to the public) and cannot be used as evidence. They contain information that, if used by law enforcement personnel, must be further investigated and proven before adverse action is taken. The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of Federal law.

In sum, the current SARs regime is critical to our national security and law enforcement activities, while also respectful of the privacy interests of Americans.

For these reasons, I urge that the amendment not be adopted.

Sincerely,

ERIC H. HOLDER, Jr.,
Attorney General.

Mr. LEVIN. Madam President, the Paul amendment would throw out the window a legitimate and useful law enforcement tool. It has worked effectively. Three courts have said it is constitutional. I hope the Paul amendment is tabled, and I thank the Presiding Officer.

Mr. JOHNSON of South Dakota. Madam President, suspicious activity reports, or SARs, are just what they seem—reports by banks and other financial institutions when they come across obviously suspicious activity by one of their customers. They have been, and continue to be, valuable lead information for law enforcement in investigating and prosecuting terrorism, major money laundering offenses, and other serious crimes.

The Bank Secrecy Act authorizes Treasury to require financial institutions to report suspicious activity to law enforcement. In response, the Treasury Department has created an extensive and effective system for banks, casinos, securities firms, money service businesses, and other financial institutions to file SARs that are regularly reviewed by law enforcement.

SARs are used by the FBI, organized crime units, drug trafficking task forces, border security, Secret Service, State and local police, and more. They have enabled the prosecution of a great number of serious crimes over the years.

Law enforcement agencies use SAR data daily to fight terrorist financing, money laundering, drug trafficking, corruption, financial fraud, mortgage fraud, and illicit money flows of all types. A 2009 GAO report gave these examples of how SARs are used:

FBI includes SAR data in its Investigative Data Warehouse to identify ''financial patterns associated with money laundering, bank fraud, and other aberrant financial activities.'' It uses SAR data to investigate ''criminal, terrorist, and intelligence networks.''

The Organized Crime Drug Enforcement Task Force's Fusion Center combines SAR data with other data to ''produce comprehensive integrated intelligence products and charts.''

The IRS uses SARs to identify ''financial crimes, including individual and corporate tax frauds, and terrorist activity.''

The Secret Service uses SAR data to ''map and track trends in financial crimes.''

Sharply restricting current law and longstanding practice, this amendment would only authorize the reporting of SARs after a law enforcement agency makes a specific request of a bank, money service business, or other entity, which would in turn require a demonstration that suspicious activity already exists, rendering a SARS filing moot.

It would basically turn SARs reporting upside down by requiring law enforcement to establish the basis for an investigation before requesting a SAR, rather than relying upon a SAR to initiate or supplement an investigation that would then lead to a search warrant or subpoena.

So instead of being used as leads, flagging drug or terrorism-related or money laundering activity for law enforcement, under the amendment SARSs would simply confirm suspicious activity. That would severely degrade their value, which is to make law enforcement aware of potential criminal activity.

If the United States were to disable its SAR reporting system by requiring individual requests for SAR reports, it would invite the worst of criminals to misuse U.S. financial institutions for their schemes, knowing their activities would not automatically be reported to law enforcement. It makes no sense, especially in a context where there is no serious claim that these legal authorities have been misused.

How does the system work now, as a practical matter? Let's say a drug dealer comes into a bank with $9,000 in cash and the cash reeks of marijuana. Under current law, the teller is trained to flag that transaction, and compliance officers in the bank's back office would assess it and likely file a SAR, to be examined by law enforcement.

Let's say that the same person does this in four or five banks in town that same afternoon, with the same amounts, structured to be just below reporting limits, reeking of marijuana. Now he is effectively laundered almost $50,000 in one day. I would say we at least want to know about that, and the system now enables that. Under this amendment, that would all go by the boards.

Let's say the person is a terrorist conspirator or arms proliferator. Same scenario, only this time with a twist—a series of large structured cash deposits in a series of banks here on the same day, that are then the next day wired to the same overseas account in Pakistan or Afghanistan or Iraq, withdrawn by a coconspirator there, and used to buy IEDs to hit U.S. troops.

Would we not want those transactions at least flagged by responsible bank officials and assessed for patterns? I think so, and I think my colleagues will agree.

If the thresholds in this amendment were implemented, very few SARs would be filed because there would be no reason for law enforcement to request that SARs be filed after identifying suspicious activity by other means. Law enforcement would instead obtain a search warrant to obtain all relevant information—i.e., the underlying bank records—from the financial institution.

The amendment would also cause the United States to be in noncompliance with international anti-money laundering and terrorist financing standards—for instance, the recommendations of the Financial Action Task Force, FATF, which require suspicious activity reporting when a financial institution has reasonable grounds to suspect criminal activity.

This is a very serious problem. For years other countries have looked to us for guidance and best practices on these issues. This amendment would make the United States an outlier bank secrecy jurisdiction.

SARs themselves do not unreasonably impinge on personal privacy. The reports are confidential and cannot be used as evidence. They contain allegations that must be further investigated and proven before adverse action is taken by law enforcement.

The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of the Federal Privacy Act.

I urge my colleagues to oppose this unwise and ill-conceived amendment.

Mr. UDALL of New Mexico. Mr. President, today's vote to extend expiring provisions of the so-called PATRIOT Act is not the first time Congress has extended the sunset provisions, nor will it be the last. In 2006, the USA PATRIOT Improvement and Reauthorization Act was passed and, among other things, extended until December 2009 the three provisions we are discussing today. When those provisions were set to expire, a 3-month extension was included in the Department of Defense Appropriations Act. Three months later, Congress passed a 1-year extension until February 2011. As that deadline loomed, and without sufficient time to have a real debate, we passed the extension that expires at midnight tonight.

Immediately after the terrorist attacks of 9/11, it may have been understandable that our emotions made it unlikely that we would have a rationale and deliberative debate about the PATRIOT Act. But at the time, as I voted against the bill, I said on the House floor that ''the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.''

But that hasn't happened. Each time a sunset date nears, we hear a lot of highly charged rhetoric from Members in both parties and in both Chambers of Congress about how devastating it will be to our national security if we let the PATRIOT Act expire. I find this to be deeply disturbing because it demonstrates that 10 years after the attacks on 9/11 we are still using fear to prevent an open and honest debate.

Let's put this rhetoric aside and discuss the facts. First, the PATRIOT Act is not about to expire. Three provisions of the law are set to expire, but the vast majority of the authorities contained in the law will remain unchanged.

Two of the expiring provisions were enacted as part of the PATRIOT Act. Section 206 of the act amended FISA to permit multipoint, or ''roving,'' wiretaps. Section 215 enlarged the scope of materials that could be sought under FISA to include ''any tangible thing.'' It also lowered the standard required before a court order may be issued to compel their production. The third provision was enacted in 2004 as part of the Intelligence Reform and Terrorism Prevention Act, IRTPA. This provision changed the rules regarding the types of individuals who may be targets of FISA-authorized searches. Also known as the ''lone wolf'' provision, it permits surveillance of non-U.S. persons engaged in international terrorism without requiring evidence linking those persons to an identifiable foreign power or terrorist organization.

Let's also be clear about what would happen if these provisions did expire. The two provisions from the PATRIOT Act that amended FISA authorities would read as they did before the PATRIOT Act was passed in 2001. That means they would not be revoked completely but instead would be more limited in scope. And what would happen if the ''lone wolf'' provision expired? Not much. In the 7 years since its enactment, it is never been used.

Even if the provisions expire, they contain exceptions for ongoing investigations, and the government can continue to use those provisions beyond the sunset date. This is what a recent CRS report says about this:

> A grandfather clause applies to each of the three provisions. The grandfather clauses authorize the continued effect of the amendments with respect to investigations that began, or potential offenses that took place, before the provision's sunset date. Thus, for example, if a non-U.S. person were engaged in international terrorism before the sunset date of May 27, 2011, he would still be considered a ''lone wolf'' for FISA court orders sought after the provision has expired. Similarly, if an individual is engaged in international terrorism before that date, he may be the target of a roving wiretap under FISA even after authority for new roving wiretaps has expired.

Those are pretty broad exceptions, and I am fairly confident that our ability to protect the Nation would continue even if the three provisions expire. So let's put the hyperbole aside and not stoke irrational fears for political expediency.

I am very disappointed that we couldn't have a candid debate and an opportunity to vote on several amendments. With a decade of hindsight, more voices from very different places on the political spectrum agree that the entire law bears scrutiny and debate. We should no longer neglect our duty to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

Mr. GRASSLEY. Madam President, I support a clean reauthorization of the expiring provisions of the USA PATRIOT Act and against Senator PAUL's amendment on firearms records. Over the years, I have always supported and defended the second amendment. I have consistently voted to ensure that the Federal Government does not limit the constitutional rights of the millions of American gun owners. I cannot support the amendment offered today by Senator PAUL because it will damage the prospects of ensuring that critical national security laws are not reauthorized and could potentially hurt the second amendment rights of American citizens. In fact, the National Rifle Association said today in a vote alert, ''While well-intentioned, the language of this amendment as currently drafted raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant or judicial oversight of any kind.''

Senator PAUL's amendment actually removes protections from firearms owners. Currently, under the PATRIOT Act, in order to obtain firearms records, investigators must first go through a rigorous application process and then seek a Federal judge's approval. Senator PAUL's amendment would remove this judicial review.

If Senator PAUL's amendment became law and removed judicial review, investigators would then use a grand jury subpoena in order to obtain the records. A grand jury subpoena is a process that has neither a rigorous approval process, nor judicial review. Thus, Senator PAUL's amendment, while intending to protect second amendment rights, actually backfires in that effort.

First, let's talk about the rigorous approval process that controls whether firearms records can be obtained under the PATRIOT Act. And remember, this process does not exist under criminal law when using a grand jury subpoena. To obtain gun records under the PATRIOT Act, a section 215 order is used. The use of section 215 orders has been reviewed by the Department of Justice Office of Inspector General, which issued a report in March 2007 that outlined the existing process; that is, the 10 layers of review before it is even sent to a Federal judge are as follows:

No. 1, the FBI field agent.

No. 2, the FBI field office supervisor.

No. 3, the field office's Special Agent in Charge.

No. 4, the field office's District Counsel.

No. 5, it is then forwarded to FBI headquarters, where it is reviewed by a National Security Law Branch lawyer.

No. 6, the National Security Law Branch Supervisor.

No. 7, the request is then sent to the Department of Justice's Office of Intelligence for review by a lawyer.

No. 8, if the request survives these seven approvals, the request is sent back to the field office for an accuracy review.

No. 9, the request is then approved by an Office of Intelligence supervisor.

No. 10, then one of the three highest ranking officials in the FBI must personally approve the request, either the Director, the Deputy Director, or the Executive Assistant Director for National Security.

After approval by the field office, the FBI's National Security Law Branch, the DOJ's Office of Intelligence, the field office again, and finally by one of the three highest officials of the FBI, then an Office of Intelligence lawyer presents the application package to the court for approval.

A federally appointed district judge, serving on the Foreign Intelligence Surveillance Court, FISA, reviews the request and holds a hearing. At this hearing, the court can ask questions and make any changes the independent judge deems appropriate. If approved, the signed order is then returned to the FBI field office to be served by the agent.

This is a very long process, and it takes, on average, over 140 days to get

a section 215 order. It requires 11 separate approvals before any records could be obtained. Yet Senator PAUL's amendment will completely eliminate this investigative tool. A section 215 order provides greater protections of second amendment rights than the alternative, which is a grand jury subpoena as part of a criminal investigation.

The alternative method of obtaining firearms records is a grand jury subpoena. It is rarely used as an alternative in the national security context. First, investigators must have a criminal nexus before it can seek a grand jury subpoena. This means there must be either criminal activity or a Federal firearms violation. Sometimes, when investigating terrorism, no criminal nexus exists. Senator PAUL's amendment would prevent obtaining gun records in foreign intelligence investigations that have no criminal nexus.

More often, a suspected terrorist comes across our radar long before he ever does anything that would rise to the level of a criminal violation. Senator PAUL's amendment would mean that the FBI could not get information that a suspected terrorist is legally buying firearms until after he actually takes the shot or does something else criminal. At this point, it is too late to prevent an act of terrorism from occurring.

It does not make any sense to allow criminal investigators access to firearms records but prohibit terrorism investigators the same access. That scenario is why we in Congress acted to amend the law following 9/11. This is simply another attempt to rebuild ''the wall'' between intelligence and criminal law that caused the failure connecting the dots prior to 9/11.

Remember, these sorts of records are crucial to the early stages of a terror investigation. It allows the government to connect the dots. This authority can only be used with prior approval from a Senate-confirmed, lifetime-appointed, independent, article 3, Federal district court judge. I am not sure how many more times I need to repeat the fact, that records are only provided after judicial review.

Those who claim that there are no controls have not read or have not understood the law.

I trust an independent judge who can, and will, say no if legal requirements are not met, if a request appears to over-reach, or if the law does not allow it.

Judicial review is one very important safeguard in place every time a section 215 order is requested, which is the tool to request firearms records. This safeguard is over and above those that exist in criminal cases. A vote for the Paul amendment is a vote to take away this judicial review.

No judge reviews a grand jury subpoena before it is issued. Yet, in more serious, national security cases, to obtain firearms records, a judge must approve the request and issue an order. That means it is more difficult to obtain records with a section 215 order in a national security case than it is in a less serious criminal case with a grand jury subpoena.

I don't know why we insist on making it harder to investigate acts of terrorism than to investigate fraud and illegal drugs.

Section 215 orders offer more protection than what the Constitution requires. The Supreme Court, in U.S. v. Miller, has held that business records, such as banking deposit slips or car rental records or firearms records, are not subject to fourth amendment protections because the customer has no reasonable expectation of privacy in documents that are in the possession of third parties.

The constitutional argument that a section 215 order is an unreasonable search in violation of the fourth amendment is completely contrary to what the Supreme Court has been saying for over 35 years. Thus, section 215 orders offer greater protection than what the Constitution requires.

There are no reported abuses of section 215 orders. And if this tool was being abused, people know that I would be eager to hold investigators accountable.

In fact, I will pledge to work with all groups and supporters of the second amendment, such as the National Rifle Association, to ensure that PATRIOT Act authorities are not used to circumvent existing prohibitions on obtaining U.S. citizen gun records. I support the goal Senator PAUL is trying to achieve, namely protecting the constitutional rights of all gun owners. However, his amendment goes too far.

I urge my colleagues to oppose amendment 363 and support a clean extension of the expiring PATRIOT Act authorities.

Mr. REID. Madam President, although the PATRIOT Act is not a perfect law, it provides our intelligence and law enforcement communities with crucial tools to keep our homeland safe and thwart terrorism. While I am disappointed we were not able to include any of the sensible oversight and civil liberties protections included in the bill reported by the Judiciary Committee with bipartisan support, I strongly support the Senate's effort to ensure that these important authorities do not expire.

The raid that killed Osama bin Laden also yielded an enormous amount of new information that has spurred dozens of investigations yielding new leads every day. Without the PATRIOT Act, investigators would not have the tools they need to follow these new leads and disrupt terrorist plots, putting our national security at risk.

Finally, we have worked expeditiously to pass this legislation to reauthorize these critical intelligence tools. If for some reason this bill is not enacted before May 27 and there is a brief lapse in the authorities, there should be no doubt that it is Congress's intent that this bill reauthorizes the authorities in their current form and does so until June 2015.

How much time remains, Madam President?

The PRESIDING OFFICER. There is 1 minute 22 seconds.

Mr. REID. Who controls that time?

The PRESIDING OFFICER. The time is controlled by the majority, and the Senator from Kentucky controls 2 minutes 22 seconds.

Mr. PAUL. Madam President, I am happy to yield back the remainder of my time.

Mr. REID. I yield back the majority time.

AMENDMENTS NOS. 363 AND 365 TO AMENDMENT NO. 347

Mr. REID. Madam President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes en bloc amendments numbered 363 and 365.

The amendments are as follows:

AMENDMENT NO. 363

(Purpose: To clarify that the authority to obtain information under the USA PATRIOT Act and subsequent reauthorizations does not include authority to obtain certain firearms records)

At the appropriate place, insert the following:

SEC. ___. FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107–56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109–178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code

AMENDMENT NO. 365

(Purpose: To limit suspicious activity reporting requirements to requests from law enforcement agencies, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: '', but only upon request of an appropriate law enforcement agency to such institution or person for such report''.

Mr. REID. Madam President, I move to table amendment No. 363 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

Mr. REID. Madam President, I am not sure I was heard earlier. I ask unanimous consent that this vote be 15 minutes and the rest 10 minutes.

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

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—85

Akaka	Gillibrand	Merkley
Alexander	Graham	Mikulski
Ayotte	Grassley	Murkowski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Hatch	Nelson (FL)
Blunt	Hoeven	Portman
Boozman	Hutchison	Pryor
Boxer	Inhofe	Reed
Brown (MA)	Inouye	Reid
Brown (OH)	Isakson	Risch
Burr	Johanns	Rockefeller
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Sessions
Carper	Kerry	Shaheen
Casey	Kirk	Snowe
Chambliss	Klobuchar	Stabenow
Coats	Kohl	Thune
Coburn	Kyl	Toomey
Cochran	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Coons	Levin	Warner
Corker	Lieberman	Webb
Cornyn	Lugar	Whitehouse
Crapo	Manchin	Wicker
Durbin	McCain	Wyden
Feinstein	McCaskill	
Franken	McConnell	

NAYS—10

Barrasso	Heller	Shelby
Baucus	Lee	Tester
DeMint	Moran	
Enzi	Paul	

NOT VOTING—5

Blumenthal	Roberts	Schumer
Menendez	Rubio	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 10. Under the previous order, 60 votes not having been cast in opposition to the motion to table, the amendment is withdrawn.

The majority leader.

AMENDMENT NO. 365

Mr. REID. Is amendment No. 365 pending?

The PRESIDING OFFICER. That is the pending amendment.

Mr. REID. Madam President, I move to table the pending Paul amendment No. 365, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—91

Akaka	Franken	Mikulski
Alexander	Gillibrand	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Portman
Bingaman	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inhofe	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Sanders
Burr	Johnson (SD)	Sessions
Cantwell	Johnson (WI)	Shaheen
Cardin	Kerry	Shelby
Carper	Kirk	Snowe
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coats	Kyl	Thune
Coburn	Landrieu	Toomey
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Coons	Lieberman	Warner
Corker	Lugar	Webb
Cornyn	Manchin	Whitehouse
Crapo	McCain	Wicker
Durbin	McCaskill	Wyden
Enzi	McConnell	
Feinstein	Merkley	

NAYS—4

DeMint	Lee
Heller	Paul

NOT VOTING—5

Blumenthal	Roberts	Schumer
Menendez	Rubio	

The PRESIDING OFFICER. Under the previous order, 60 votes not having been cast in opposition to the motion to table, the amendment is withdrawn.

Under the previous order, amendment No. 348 is withdrawn.

All postcloture time is yielded back.

The question is on agreeing to the motion to concur with amendment No. 347 to the House amendment to S. 990.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—72

Alexander	Gillibrand	McCaskill
Ayotte	Graham	McConnell
Barrasso	Grassley	Mikulski
Bennet	Hagan	Moran
Blunt	Hatch	Nelson (NE)
Boozman	Hoeven	Nelson (FL)
Boxer	Hutchison	Portman
Brown (MA)	Inhofe	Pryor
Burr	Inouye	Reed
Cardin	Isakson	Reid
Carper	Johanns	Risch
Casey	Johnson (SD)	Rockefeller
Chambliss	Johnson (WI)	Sessions
Coats	Kerry	Shaheen
Coburn	Kirk	Shelby
Cochran	Klobuchar	Snowe
Collins	Kohl	Stabenow
Conrad	Kyl	Thune
Corker	Landrieu	Toomey
Cornyn	Levin	Vitter
Crapo	Lieberman	Warner
DeMint	Lugar	Webb
Enzi	Manchin	Whitehouse
Feinstein	McCain	Wicker

NAYS—23

Akaka	Franken	Murray
Baucus	Harkin	Paul
Begich	Heller	Sanders
Bingaman	Lautenberg	Tester
Brown (OH)	Leahy	Udall (CO)
Cantwell	Lee	Udall (NM)
Coons	Merkley	Wyden
Durbin	Murkowski	

NOT VOTING—5

Blumenthal	Roberts	Schumer
Menendez	Rubio	

The motion was agreed to.

VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 82, a vote on the motion to table the Paul amendment No. 363 related to firearm records. Had I been present, I would have voted ''yea'' to the motion to table the amendment.

Mr. President, I was also unavoidably detained for rollcall vote No. 83, a vote on the motion to table the Paul amendment No. 365 related to suspicious activity reports. Had I been present, I would have voted ''yea'' to the motion to table the amendment.

Mr. President, further I was unavoidably detained for rollcall vote No. 84, adoption of the motion to concur in the House amendment to S. 990 with the Reid amendment #347, PATRIOT Act extension. Had I been present, I would have voted ''yea.''

Mr. BLUMENTHAL. Mr. President, I was unavoidably absent during today's vote to extend three expiring provisions of the PATRIOT ACT, due to my son's college graduation. I voted to extend these provisions earlier this year when this legislation was before the Senate Judiciary Committee. Had I been able to attend today's vote, I would have voted again with the majority to extend these provisions.

Additionally, I would have voted to table amendment No. 363, which would have prohibited the use of any PATRIOT Act authorities to investigate or procure records relating to firearms. I would also have voted to table

amendment No. 365, which would have sharply curtailed existing rules that help the Treasury track the financial activities of terrorists.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, there will be no more votes today. That was the last vote for this week. We will have a vote on the Monday we get back in the evening at around 5 o'clock.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 8 p.m. tonight, with Senators permitted to speak for up to 10 minutes each; further, that Senator MURRAY now be recognized to speak for 4 minutes, and following her remarks, Senator INHOFE be recognized until 6:15 p.m., Senator DURBIN then be recognized for up to 10 minutes, and following that Senator COBURN be recognized for up to 45 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I think that may get us past 8 o'clock. I have not done the math but however long that takes.

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

The Senator from Washington.

MEMORIAL DAY

Mrs. MURRAY. Mr. President, I come to the floor to honor and commemorate the men and women who died fighting for our great country.

Memorial Day is a day to honor those American heroes who made the ultimate sacrifice for our Nation. It is because of their sacrifice that we can safely enjoy the freedoms our great country offers. It is because of their unmatched commitment that America can remain a beacon for democracy and freedom throughout the world.

Memorial Day is a day of remembrance, but it is also a day of reflection. When our brave men and women volunteered to protect our Nation, we promised them we would take care of them and their families when they return home.

On this Memorial Day, we need to ask ourselves: Are we doing enough for our Nation's veterans? Making sure our veterans can find jobs when they come back home is an area where we must do more.

For too long, we have been investing billions of dollars training our young men and women to protect our Nation, only to ignore them when they come home. For too long, we have patted them on the back and pushed them into the job market with no support. That is simply unacceptable, and it does not meet the promise we made to our servicemembers.

Our hands-off approach has left us with an unemployment rate of over 27 percent among young veterans coming home from Iraq and Afghanistan. That is 1 in 5 of our Nation's heroes who cannot find a job to support their family and who do not have an income to provide the stability that is so critical to their transition home.

That is exactly why earlier this month I introduced the Hiring Heroes Act of 2011, which is now cosponsored by 17 Senators and has garnered bipartisan support. This legislation will rethink the way we support our men and women in uniform when they come home to look for a job.

I introduced this critical legislation because I have heard firsthand from so many veterans that we have not done enough to provide them with the support they need to find work.

I have heard from medics who return home from treating battlefield wounds who cannot get certification to be an EMT or drive an ambulance. I have heard from veterans who tell me they no longer write that they are a veteran on their resume because they fear the stigma they believe employers attach to the invisible wounds of war.

These stories are heartbreaking and they are frustrating. But more than anything, they are a reminder that we have to act now.

My legislation will allow our servicemembers to capitalize on their service. For the first time, it will require broad job skills training for anyone leaving the military as part of the military's Transition Assistance Program. Today, over one-third of those leaving the Army do not get any of that training.

My bill will also require the Department of Labor to take a hard look at what military skills and training should be translatable into the civilian sector and will work to make it simpler to get those licenses and certifications our veterans need.

All of these are real, substantial steps to put our veterans to work. All of them come at a pivotal time for our economic recovery and our veterans.

I grew up with the Vietnam war. I have dedicated much of my Senate career helping to care for the veterans we left behind that time. The mistakes we made then cost our Nation and our veterans dearly. Today, we risk repeating those mistakes. We cannot let that happen again.

Our Nation's veterans are disciplined, they are team players who have proven they can deliver under pressure like no one else. So let's not let another year and another Memorial Day go by without us delivering for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that my time that would expire at 6:15 be extended to 6:30, and other times adjusted accordingly.

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

ISRAEL'S BORDERS

Mr. INHOFE. Mr. President, a few weeks ago I had the opportunity to visit with one of my true heroes, Benjamin Netanyahu, who was here and graced us with his presence this week. Last March, I was in Jerusalem, had some quality time with him, and we kind of relived the experiences we have had in the past when he was Prime Minister before. That was back in the middle 1990s. I had a chance to talk to him. As I recall, his concern at that time—what he said at that time—two major concerns. One is, what is happening in Iran, and then, of course, making sure that the land in Israel right now will stay there.

Recently, I had a chance to visit with him again. I was quite surprised when he came here and he was met with this suggestion that things are going to change and that maybe we would encourage Israel to go back to their 1967 borders.

I can assure you that we will do everything we can to keep that from happening. I want to make sure we get the message out there, that this may be President Obama talking, it is not the majority of people in America, as was witnessed by the 30 standing ovations that Prime Minister Netanyahu got in his joint speech.

It sounded familiar when we are talking about this, about the land. I remembered that it was 10 years ago—10 years ago right now, 2001—that I made a speech, and it jogged my memory when I heard the President talking about going back to the 1967 borders. So I dug up that speech. I found it, and I found that it is so appropriate today.

This was a speech, by the way—the research done for this speech was done by a guy named Willie George. He was a preacher, a pastor, but a historian. I want to put the same perspective on this we did 10 years ago and see how that applies today.

First of all, I am going to do something that is unusual on the floor of the Senate; that is, I am going quote Ephesians 6. Listen carefully. It says: For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against spirit wickedness in high places.

It is significant that we look at that, because make no mistake about it, the war that was started 10 years ago and the war we are in right now, that we are fighting now, is first and foremost a spiritual war, not a political war—never has been a political war. It is not about politics. It is a spiritual war. It has its roots in spiritual conflict. It is a war to destroy the very fabric of our society and the very things for which we stand.

Many of the wars in history are wars where people are trying to take over something another country has. That is not what this is about. Not about getting mineral deposits, not about getting land from other countries. This is a different war.

It is not simple greed that motivates these people to kill. One may ask, what is it about our Nation that makes

them—here I am talking about some of the Hamas, Hezbollah, the terrorists—hate us so much? I suggest there are three things. First, in our country we have the freedom and the right to choose the kind of worship we want. I happen to be a Jesus guy, a born-again Christian, all that. I believe the way to the Lord God is through his Son.

While I believe that, I believe every American has the right to choose whether he or she wants to believe that. Some people have the notion that if you are a Christian who believes in the Bible, you are totally intolerant, you do not allow other people to have a choice. Nothing can be further from the truth.

The nations of this world where Christianity is the dominant way of worship, we also find Jewish synagogues, we find Islamic mosques, we find freedom of worship. You will not find the same kind of things in the militant Islamic nations of this world. They do not allow Christian churches. They do not allow synagogues to open freely. They do not allow people the freedom. They persecute people. So one of the reasons America is hated so much is that we have allowed people through the years to choose what they are going to do. It is their choice.

The second reason we are hated so much is we have opened the door for people to achieve their God-given place on this Earth. We have not restrained people. We have allowed people freedom of expression, the freedom to pursue dreams, the freedom to pursue goals. This is not true in other places in the world. These freedoms are not found in every nation. America is great because we have magnified the rights of individuals, protected the rights of individuals in our culture. We are careful to allow people to have expressions in our society, and we are hated for it.

The third reason we are hated by these people is because we are a nation of laws. We are a people ruled by laws. Lest one think that is common, go around the world and look at these other countries in the world. Most of the world's countries do not have a 200-year-old Constitution. They are ruled by dictators. They are ruled by the whims of those leaders or by political parties as they change. The rule of law is what makes civilization possible. The rule of law is what makes an orderly society work. If there is no rule of law, the strongest, toughest bully on the block is the one who is running the country. America is a country of law and order. Because of this philosophy of the people who founded our Nation, they believed in the rule of law because of what they knew from the Bible. Our Constitution and the constitutions of most governments around the world, similar to ours, are, indeed, based on the Ten Commandments. Our fathers knew the Ten Commandments and the laws of God should be a basis for all laws. They understood the concept of absolute right and absolute wrong. There were not many who believed in what we call today situational ethics or where things change according to our needs. They believed in absolute right and absolute wrong. That is the reason we are hated so much as a nation.

We are hated because we are a beacon of light, a beacon of freedom all the way around the world. We know contemporarily what that means. One of the greatest speeches of all time that I remember is a speech that was made by Ronald Reagan. It is called a Rendezvous with Destiny. In this speech he talked about—this was back when Castro had first taken over Cuba. He talked about the atrocities in Communist Cuba, and people were trying to escape. One man escaped in a small boat, as many others did. He lived and reached the coast of Florida. As his boat floated up on the coast, he started telling the people who were there about the atrocities in Communist Cuba. A lady responded and said: Well, I guess we in this country do not know how lucky we are. He said: No. It is how lucky we are, because we had a place to escape to.

What he was saying is we were that beacon of freedom. And we are hated because we are a beacon of freedom. That is the third reason for the rest of the world. We are hated because in America we have the freedom of choice, the freedom of worship; we have freedom of expression; we are a nation of laws.

Why was America attacked on September 11? Why did they single us out? America was attacked because of our system of values. It is a spiritual war, not just because we are Israel's best friend. We are Israel's best friend in the world because of the character we have as a nation. One of the reasons God has blessed our country is because we have honored His people.

Right up on there on your desk, Mr. President, you have a Bible. Look up Genesis 12:3. It says, ''I will bless them that bless you and curse him that curses you.''

He was talking about Israel. One of the reasons America has been blessed abundantly over the years is because we as a society have opened our doors to the Jewish people. The Jewish people have been blessed in the United States of America.

When the tiny state of Israel was founded in 1948, we stood in beginning with Israel. We were the first country to stand for Israel. And because we took a stand, other nations in the world took a stand. They followed quickly. The United States made it possible for there to be an Israel. We stood with Israel again and again in its fight to survive. Make no mistake about it, it is not just because of our support of Israel, it is what we believe as a nation that caused us to come under attack.

Israel is under attack in the Middle East because it is the only true democracy that exists in the Middle East. There are more than 20 Arab countries that are in northern Africa and in the Middle East, and nearly every one of those is run by a dictator. Israel is the only true democracy that exists in the Middle East.

Did you know, if you are an Arab in Israel, and you are an Israeli citizen as an Arab, you can vote in the elections? In fact, in the Knesset—that is their Congress—they have a political party that is for Arabs. They have their own party in the Knesset.

Israel is the only true democracy that exists in the Middle East. It has a Western form of government based on the laws we see in the Bible. The laws of God our country is based on are the same laws from which Israel gets its laws—it represents the laws of God. That is the reason it is under attack.

We ought to be Israel's best friend. If we cannot stand for Israel today, can we ever again be counted on as a beacon, a beacon of freedom for the oppressed nations? You may ask, what does this have to do with the attack on America that happened 10 years ago. We are under attack because of our character, and because we have supported the tiny little nation in the Middle East. That is why we are under attack. If we do not stand for this tiny country today, when do we start standing for tiny little countries in the world?

Many years ago, Yasser Arafat and others did not recognize Israel's right to the land, very much like our President Obama. Even today, many do not recognize Israel's right to exist. There are seven reasons I consider to be indisputable and incontrovertible evidence and grounds to Israel's right to the land. You have heard this before, because you heard it from me 10 years ago. It was similar. It is in the RECORD now. I kept it.

Most know this, that they are going to be hit by skeptics who are going to say we are being attacked all because of our support for Israel, and if we get out of the Middle East, all of the problems will go away. That is not so. It is not true. We all know in our hearts it is not true. If we withdraw, it would come to our door. It would not go away.

I have some observations to make about that in a minute. But first, I am going to tell you the seven reasons that Israel has the right to the land. I am saying this because I am still in shock over what happened this last week. But I am relieved from the response we got from this great man, Prime Minister Netanyahu.

Israel has the right to the land—reason No. 1—because of all of the archeological evidence. This is reason No. 1. It supports it. Every time there is a dig in Israel, it does nothing but support the fact that Israelis have had a presence there in that land for over 3,000 years, the coins, the cities, the pottery, the culture. There are other people and other groups there, but there is no mistaking the fact that the Israelis have been present for 3,000 years. It predates

any claim any other people in the region might have. Ancient Philistines are extinct. They are not around anymore. Many other ancient people are extinct. They do not have an unbroken line to this day that the Israelis have.

Even the Egyptians of today are not racial Egyptians of 2,000 years ago. They are primarily an Arab people. The land is called Egypt, but they are not the same racial and ethnic stock as old Egyptians of the ancient world. The Israelis are, in fact, descended from the original Israelites. The first proof then is the archeological proof.

The second proof of Israel's right to the land is the historic one. History supports it totally, completely. We know there has been an Israel up until the time of the Roman Empire. The Romans conquered the land. Israel had no homeland. Although Jews were allowed to live there, they were driven from the land and dispersed in 70 AD and 135 AD. But there was always a Jewish presence in the land. The Turks who took over about 700 years ago and ruled the land up until about World War I had control. Then the land was conquered by the British. The Turks entered World War I on the side of Germany. The British knew they had to do something to punish the Turks and also to break up the empire that was going to be a part of the whole effort of Germany in World War I. So the British sent troops against the Turks in the Holy Land. This is a good one.

Of the generals who led the British into the Holy Land was a guy named Allenby. He was a general. He was a Bible-believing Christian. He carried a Bible with him everywhere he went. He knew the significance of Jerusalem. The flight before the attack against Jerusalem, to drive out the Turks, Allenby prayed that God would allow him to capture the city without doing damage to the holy places.

That day Allenby—this is World War I now, keep in mind. He sent a bunch of biplanes into the Holy Land as a reconnaissance mission. You have to understand, these Turks had never seen a biplane. They had never seen any kind of airplane. They looked up and they saw these cute little machines flying around. They are terrified.

Then they were told that they were being opposed by a man named Allenby. This is a true story. History supports it. Allenby—in their language—means ''man sent from God'' or ''prophet from God.'' They dared not fight against a prophet from God. So the next morning, when Allenby went into Jerusalem, he went in, he captured it without firing a shot. And that is history. That is actually what happened. That is the history we are talking about.

Out of gratitude to the Jews, and out of gratitude to the Jewish bankers and the financiers and others who lent the financial help on the homeland, the Jewish people—the homeland that is now Israel, and all of what was then the nation of Jordan, was given to the Jewish people.

The homeland that Britain said it would set aside consisted of what is now Israel and what then was Jordan, the whole thing. That was what the British promised the Jews in 1917. In the beginning, there was some Arab population there and some Arab support for this gift. There was not a huge Arab population in the land at the time. There was a reason for that. The land wasn't able to sustain any kind of a large population. The people didn't have the development needed to handle any kind of population of the land. It wasn't wanted by anyone at that time. Can you believe it wasn't wanted at that time by anyone?

You remember Mark Twain—Samuel Clemens—who wrote ''Huckleberry Finn'' and ''Tom Sawyer.'' He took a tour of the Holy Land in 1867. This is what he said about Israel:

> A desolate country whose soil is rich enough but is given over wholly to weeds, a silent mournful expanse. We never saw a human being on the whole route. There was hardly a tree or a shrub anywhere. Even the olive and the cactus, those fast friends of worthless soil, had almost deserted the country.

Where was this great Palestine at that time? It wasn't there. The Palestinians weren't there. Palestine didn't exist. Palestine was a region named by the Romans, but at the time it was under the control of the Turks. There was no population there because the land would not support it. There was the Palestinian Royal Commission that was created by the British. It quotes an account of the conditions on the coastal plain along with the Mediterranean Sea in 1913. This is what they said about Israel at that time:

> The road leading from Gaza to the north was only a summer track, suitable for transport by camels or carts. No orange groves, orchards, or vineyards were to be seen until one reached the Yavnev village. Houses were mud. Schools did not exist. The western part toward the sea was almost desert. The villages were few and thinly populated. Many villages were deserted by their inhabitants.

The French author Voltaire described Palestine as ''a hopeless, dreary place.''

In short, under the Turks, the land suffered from neglect and low population. It is a historical fact. The nation became populated with both Jews and Arabs. The land came to prosper when Jews came back and began to reclaim it. Historically, they began to reclaim it. Even if there had never been any archeological evidence to support the rights of the Israelis to the territory, it is important to recognize that other nations in the area have no longstanding claim to the country either.

This may surprise you. I will say that Saudi Arabia was not created until 1913, Lebanon, in 1920, and Iraq didn't exist as a nation until 1932, Syria until 1941. The borders of Jordan were established in 1946 and Kuwait in 1961.

Any of these nations that would say Israel is only a recent arrival would have to deny their own rights, as they were recent arrivals as well. They didn't exist as countries. They were all under the control of the Turks. Historically, the land was given to the Israelis in 1917, and then, of course, we know Israel gained its independence in 1948.

So we have the archeological reasons. We have seven reasons. Here is the third reason. The third reason the land belongs to Israel is because of the practical value of the Israelis being there. Israel today is a modern marvel of agriculture. Israel is able to bring more food out of a desert environment than any other country in the world. The Arab nations ought to make Israel their friend and import technology from Israel that would allow all the Middle East, not just Israel, to be exporters of food. So Israel, unarguably, has success in agriculture. They have been able to develop when nobody else has.

The fourth reason I believe Israel has a right to the land is on the grounds of humanitarian concerns. There were 6 million Jews slaughtered in Europe in World War II. The persecution against the Jews was very strong in Russia since the advent of communism. Persecution was against the Jews even before that time under the czars.

These people have a right to their homeland. If we are not going to allow them a homeland in the Middle East, then where? What other nation on Earth is going to cede territory? They are not asking for a great deal. The whole nation of Israel fits into my State of Oklahoma seven times. So on humanitarian grounds alone, Israel ought to have the land.

The fifth reason I disagree with President Obama and think Israel should have the right to the land, without any changes and not going back to 1967, is because it is a strategic ally to the United States. Whether we realize it, Israel is a detriment, an impediment to certain groups hostile to democracies and to those things we believe in, hostile to the very things that make us the greatest Nation in the history of the world. Israel has kept them from taking complete control of the Middle East. If it were not for Israel, they would overrun the region. Israel is our only strategic ally.

It is good to know we have a friend in the Middle East we can count on. They vote with us in the U.N. more than England, Germany, Canada, and France—more than any other country in the world. So they have been our consistent ally for strategic reasons.

The sixth reason Israel should be entitled to the land is that Israel is a roadblock to terrorism. The war we are now facing is not a war against a sovereign nation, it is a fluid group of terrorists moving from one country to another. They are almost invisible. That is whom we are fighting against. We need every ally we can get. If we do not stop terrorism in the Middle East, it will be on our shores. I have said this and said this and said this.

One of the reasons I believe that spiritual door was opened for an attack against the United States is because

the policy of our government has been to ask the Israelis, and demand with pressure, that they not retaliate against the terrorist attacks that have been launched against them.

Since its independence in 1948, Israel has fought four wars, and they were not the aggressor in any of them. Some people may argue that they were the first ones there with Egypt. Everybody knew what was going to happen in Egypt. Israel was attacked in all four cases. Israel won all four wars against the impossible odds. They are great warriors. I have spent some time over there. They consider it a level playing field when they are outnumbered 2 to 1. They are great people.

There were 39 Scud missiles that landed on Israeli soil during the gulf war. Our President asked Israel not to respond. Our policy was trying to get them not to respond. We asked them not to respond. In order to have the Arab nations on board, we asked Israel not even to participate in the war. They showed incredible restraint, and they did not. We asked them to stand back and not do anything over these attacks.

We have criticized them. They have been criticized in our media, local people in television and radio offer criticisms of Israel not knowing the true issues. We need to be informed.

Years ago, I was so thrilled when I heard a reporter pose a question to our former Secretary of State, Colin Powell, during the gulf war. He said:

> Mr. Powell, the United States has advocated a policy of restraint in the Middle East. We have discouraged Israel from retaliation again and again and again, because we have said that it leads to continued escalation—that it escalates the violence.

He said:

> Are we [the United States] going to follow that preaching ourselves?

Mr. Powell indicated we would strike back. In other words, we can tell Israel not to do it, but when it hits us, we are going to do it. That is one of the reasons I believe the door was opened—because we held back our tiny little friend. We have not allowed them to go to the heart of the problem. This was a mistake.

Terrorism is not going to go away. If Israel were driven into the sea tomorrow, if every Jew in the Middle East were killed, terrorism would not end. You know that in your heart. Terrorism would continue.

It is not just a matter of Israel in the Middle East; it is the heart of the very people who are perpetuating this stuff. Should they be successful in overrunning Israel—they will not be—but should they be, it would not be enough. They would never be satisfied. We learned that at Camp David.

The seventh reason—and this will upset some people, but I have to say it, and it is printed up there—that Israel has a right to the land—and this is the most important reason—because God said so. As I said a minute ago, look it up in the book of Genesis. In Genesis 13, verse 14, 15 and 17, the Bible says:

> The Lord said to Abram, ''Lift up now your eyes, and look from the place where you are northward, and southward, eastward, and westward: for all the land which you see, to you will I give it, and to your seed forever. . . . Arise, walk through the land in the length of it and in the breadth of it; for I will give it to thee.

That is God talking about Israel.

The Bible says that Abram removed his tent and came and dwelt in the plain of Mamre, which is what we call the Hebron, and built there an altar before the Lord. Hebron is in the West Bank, right here on the map. It is this place where God appeared to Abram and said: ''I am giving you this land,'' the West Bank.

Everybody will yell and scream because I am quoting the Bible, but that is their problem, not mine.

This is not a political battle at all; it is a contest over whether the Word of God is true.

The seven reasons, I am convinced, clearly establish that Israel has a right to the land.

Years ago on the lawn of the White House, Yitzhak Rabin shook hands with PLO Chairman Yasir Arafat. It was a historic occasion. It was a tragic occasion.

At the time, the official policy of the government of Israel began to be ''let us appease the terrorists. Let us begin to trade the land for peace.'' They tried. This process continued unabated. Here in our own Nation, at Camp David in the summer of 2000—I remember it so well—then-Prime Minister Ehud Barak offered the most generous concessions to Yasir Arafat that had ever been laid on the table.

He offered him more than 90 percent of all of the West Bank territory, sovereign control of it. There were some parts he didn't want to offer, but in exchange for that, he said he would give up land in Israel proper that the PLO was not even asking for. He also did the unthinkable—we cannot imagine it today. He even talked about dividing Jerusalem and allowing the Palestinians to have their capital in the east. Arafat stormed out of the meeting. Why would he do that? Everything he asked for was offered to him.

A couple months later, there began to be riots and terrorism. The riots began when Ariel Sharon went to the Temple Mount—and we remember this. This was used as the thing that lit the fire and caused the explosion. This is the excuse the terrorists used.

Did you know Sharon did not go to the Temple Mount unannounced? He contacted the Islamic authorities before he went. He secured their permission. He had permission to be there. It was no surprise. Their response was carefully calculated. They knew they would not pay attention to the details. So they would portray this in the Arab world as an attack on the holy mosque. They would portray it as an attack on that mosque and use it as an excuse to riot. We know what happened since that time. Over the following years, during the time of the peace process, where the Israeli public has pressured its leaders to give up land for peace because they are tired of fighting, there has been increased terror.

It hasn't helped, hasn't worked. Nothing worked. It has been greater than at any other time in Israel's history. Showing restraint and giving in hasn't produced any kind of peace. It is so much so that the leftist peace movement in Israel didn't exist because the people felt they were deceived.

They did offer a hand of peace, and it was not taken. That is why the politics of Israel have changed drastically. The Israelis have come to see that ''no matter what we do, these people do not want to deal with us. They want to destroy us.'' That is why even yet today the stationery of the PLO has upon it a map of the entire State of Israel, not just the tiny part they call the West Bank. They want it all.

The unwavering loyalty we have received from our only consistent friend in the Middle East has to be respected and appreciated by us. No longer should foreign policy in the Middle East be one of appeasement. As Hiram Mann said:

> No man survives when freedom falls. The best men rot in filthy jails and those who cried ''appease, appease'' are hanged by those they tried to please.

Islamic fundamentalist terrorism came to America on 9/11. We have to use all our friends and assets, all our resources, to defeat the satanic evil.

Patrick Henry said:

> We will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends who will fight our battles with us.

He said:

> We are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Listen to this:

> We will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends who will fight our battles with us.

He was talking about all of our friends, including Israel. That is what is happening. I thank God Israel is in the battle by our side. It is time for our policy of appeasement in the Middle East and appeasement to the terrorists to be over. With our partners, our victory must and will be absolute.

I mentioned that a few weeks ago I was with Prime Minister Netanyahu in Israel. At that time, he had this growing concern for the land. We did not know what was coming. We did not know what was going to happen. We did not know that which did happen just a week ago was going to happen. I quote from the Associated Press. I am so proud of him. Think of the courage it took for Prime Minister Netanyahu to stand next to the most powerful man in the world and make a statement like this. He said:

[He] sat alongside President Barack Obama on Friday and declared that Israel would not withdraw to the 1967 borders to help make way for an adjacent Palestinian state. Obama had called on Israel to be willing to do just that thing a day earlier.

Prime Minister Netanyahu said his Nation could not negotiate with a newly constituted Palestinian unity government that includes the radical Hamas movement, which refuses to recognize Israel's right to exist.

And its commitment to Israel's destruction.

Those are the seven reasons I believe the land belongs to Israel. We need to respect that, and we need to declare: God bless Israel.

COTE D'IVOIRE

Mr. INHOFE. Mr. President, I know I have a couple more. I would like to cover one last topic because something is about to happen in the next week. Some people are going to be killed. It has nothing to do with Israel; nothing to do with the subject here. It is very serious.

You might recall six different times on the floor of the Senate I have talked about the problems that are taking place in a country in West Africa called Cote d'Ivoire. The fact is we had a President—his name is Laurent Gbagbo—with his wife Simone. They were ruling when an election came along. It was stolen from him by a man named Alassane Ouattara. He is in the northern part of Cote d'Ivoire.

What I have tried to show—I explained well before this all happened, before we got involved, that France and the United Nations and now our State Department are joining in with them. This picture was in yesterday's paper. This is one of Ouattara's death squads that are killing people in Abidjan, which is the capital.

I show this picture. It is one that shows this is still happening today. Reprisal attacks are still being committed by forces loyal to Alassane Ouattara of Ivory Coast 6 weeks after he came to power vowing peace and reconciliation.

It also said that Alassane Quattara, championed by the French and the United Nations during a deadly post-election conflict, has failed to condemn atrocities against real or perceived supporters of ousted President Laurent Gbagbo.

Those are the death squads of Ouattara. This is a picture of them. You can identify them. They are in there killing people. We don't know how many tens of thousands of people have been murdered in cold blood. Amnesty International came out the other day and criticized the U.N. mission for ignoring pleas for help and failing to prevent the massacre in the town of Duekoue. That is the town of Duekoue. See the charred bodies. People are saying they actually had hogs eating the bodies. This is what Ouattara did in a little town called Duekoue.

I have another picture of what is happening. It is really criminal. These are all of Ouattara's people. These are the ones our State Department supported, and it is serious. Amnesty reports that a manhunt was launched against Gbagbo loyalists in Abidjan, and several senior officials close to him were beaten in the hours after his arrest.

This is a picture of the Secretary of the Interior. We had a hearing the other day, and our State Department tried to say Ouattara is hiring a lot of the people from the Cabinet of Laurent Gbagbo. There is the Secretary of the Interior. They shot him in the face so it would take a long time to painfully die. He died.

Here is another member of the Cabinet being executed. This is what is going on. Nobody cares. Anyway, I care.

What we are looking at right now is the Ouattaras publicly.

There is a way out of this right now. What has happened is Ouattara is trying to figure out a way to kill the President and the First Lady. I will wind up by letting you know and seeing firsthand what we are talking about.

President Gbagbo is someone I have known quite well. He is a jovial guy. This is a picture as I remember him. I spent a lot of time with him. This is right after his arrest. He was beaten almost to death. We see what has happened to his face.

His wife is a beautiful lady, Simone Gbagbo. I have been with her many times. She is a beautiful lady. She is the First Lady. I first knew her 15 years ago when she was a member of Parliament before they were married. There she is. You will not find a more beautiful lady than that. There she is, after they ravaged their home—Ouattara and the United Nations in agreement with our State Department. This is what she looked like the next day. They went in and grabbed her by the hair and pulled her hair out. You can see other things happened to her.

I hesitate to put up the last photo, but this one you have to put your imagination to work. It takes a lot of imagination to see what is happening. There she is, the beautiful First Lady. You can imagine what happened with all of Ouattara's people around here.

What is the answer? All we have to do is encourage the State Department to take a different stand and say: Let's take the Gbagbos—the President and the First Lady—and allow them to have asylum. I already located a country in Sub-Saharan Africa willing to host them. That is all that needs to happen.

By the time we get back 9 days from now after this recess, both of them will be dead if we do not do something. As we speak right now, they are being tortured.

There we have it. We have an opportunity to do something. We can save not only these people but save those around them who have always loved peace in Cote d'Ivoire.

I yield the floor.

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

Mr. DURBIN. Mr. President, first, I thank my colleague from Oklahoma. He and I share a passion and interest in the continent of Africa. He has traveled there many more times than I have. We have talked about the situation on that continent. I give special accolades to him for continuing to raise questions relative to that continent and the people who live there. It is an important part of the world, and for far too long it has been exploited.

I am glad, on a bipartisan basis, we both believe the United States should focus more attention on that important continent. I thank the Senator.

DREAM ACT

Mr. DURBIN. Mr. President, it was 10 years ago I was contacted in my Chicago office by a mom, a Korean American. She had a problem. She had come to this country from Brazil with her young daughter. The family was originally from Korea, but they came to the country from Brazil. Her daughter came at the age of 2 and grew up in Chicago. She was a bright girl with a lot of talent and particularly turned out to be a musical prodigy. By the time she was ready to graduate from high school, she had offers to go to the best music schools—the Manhattan School of Music, the Julliard School of Music.

As she filled out her application forms, there was a little blank that said ''citizenship.'' She turned to her mom and said: What am I supposed to put here? Her mom said: I don't know. We never filed any papers. You were brought in here at the age of 2. We better do something.

Her daughter said: What are we going to do?

Her mom said: We are going to call Senator DURBIN.

They called my office hoping to come up with a solution. Unfortunately, I could not. The law is very clear. She not only would have been deported from America, she would have been deported back to Brazil, a place where the little girl had never lived or a language she never mastered. She was supposed to wait there for 10 years and try to get back in the United States.

It struck me that was unfair. That is when I introduced the DREAM Act. The idea behind the DREAM Act is to give young children who are now in young adulthood a chance to become legal in America. I introduced the bill 10 years ago and called it up several times on the Senate floor in the last 10 years. I think on every occasion we had a majority vote. The last time we had 55 votes of 100 in the Senate, but the filibuster rule requires 60. It fell short of passing.

What the bill says is very basic. The DREAM Act would give students a chance to become legal if they came to the United States as children; they are long-term residents of the United

States; they have good moral character; they graduate from high school; and they complete at least 2 years of college or military service in good standing. It is not too much to ask to give these young people a chance.

Two weeks ago, I reintroduced the DREAM Act with 33 of my colleagues. I am going to do everything I can to pass the legislation this year or next year. This is a matter of simple justice. There is not another situation in America where we hold children accountable for the wrongdoing of their parents except in this case. It is just not fair. These children did not have a vote or a voice in coming to America. They were brought here, and they did the right thing once they came.

They went to school. They did well. They got up every morning and pledged allegiance to the only flag they knew. They sang the National Anthem—the only one they knew. They believed they were really Americans, but a rude awakening came when they came to learn they were not. I guess they might have been viewed more as people without a country.

What will the passage of the DREAM Act bring us other than justice? It will bring us some of the most talented people in America who want to make this a better nation. These are young people who really worked hard. Their parents were immigrants to this country and most of the time had to take very difficult jobs and work extra hard so the kids could finish school. Many of these young people turned out to be excellent students—valedictorians of their classes and stars in many other respects. Now some of them just want a chance to serve in our military. That says a lot about them too, that they are willing to risk their lives for America.

Is there any question about their patriotism or their love of this country or they want to finish college so they can use their skills and education to improve their lives and make this a better nation.

We have the support of the Defense Secretary, Robert Gates, for the DREAM Act, GEN Colin Powell—a man I respect very much—Rupert Murdoch, a very conservative Republican businessman supports it, and CEOs of companies such as Microsoft and Pfizer.

Every day I hear from another one of these dreamers. They come up to me sometimes very quietly and sometimes very publicly and tell me their stories. Just the other day a young man came up to me as I was leaving a speech here in Washington, and he said: Senator, I just want to let you know I am finishing law school. I cannot be licensed in America because I am not an American citizen. I will pursue my education until you pass the DREAM Act.

I thought about it. This poor young man deserves a chance to use his education not just to continue it. That gives me more of an incentive to work on this issue.

Let me tell a story tonight in the few minutes I have about two of these dreamers. This is Juan Gomez. This handsome young man was brought to the United States from Colombia in 1990 at the age of 2. He is an academic all-star at Killian Senior High School in Miami, FL. He earned close to 2 years of college credit with high scores on 13 advanced placement exams. He scored 1410 out of 1600 on the SAT, and he finished in the top 20 percent of his class. His economics teacher nicknamed him ''President Gomez'' and said he is one of the best students ever to graduate from Killian High School.

In 2007, during his senior year in high school, he was placed in deportation proceedings. What happened next is an amazing story.

Scot Elfenbein was the student body President at Juan's high school. He was also Juan's best friend. He thought it was basically unfair that this young man would be rooted out of school and tossed back into a country he never remembered. Scott started a Facebook page devoted to stopping Juan's deportation. Here is what he wrote on the Facebook page:

> We need your help in saving Juan from being sent to Colombia—a country he doesn't even remember. For those of you who know Juan, he is the smartest and most dedicated kid you ever met. He deserves more than to just be deported. Many of us owe him. I know he helped everyone one way or another in school. It's the least we can do for him.

Thanks to Scott's initiative, 2,000 people joined Juan's Facebook page. Then Juan's friends came here on Capitol Hill to lobby for him. They persuaded Representative Lincoln Diaz-Balart and Senator Chris Dodd to introduce a bill to stop his deportation. Representative Diaz-Balart is a Republican, but he is also one of the lead sponsors of the DREAM Act in the House. My good friend and former Senator Chris Dodd is, of course, a Democrat. So it is obvious this isn't a partisan issue. Republicans and Democrats should basically come together and agree that to punish this young man because his parents came here illegally is fundamentally unfair.

After his deportation was stayed, Juan was admitted to Georgetown University on a full scholarship. He is going to graduate from Georgetown in May. And thanks to Congressman Diaz-Balart, he has a temporary work permit and has been offered a job at a top financial services firm in New York City. Can we use a person with his skill? Of course we can. Every year we import thousands of foreigners on H–1B visas. Do you know why? Because we say we need these bright minds in America. Well, if we need bright minds in America, why are we exporting those who were raised here and who can bring their skills and talents to a better life for themselves and our Nation?

Let me introduce another person to you. Her name is Ola Kaso. She was brought to the United States by her mother from Albania in 1998 when she was 5 years old. Ola is a senior in high school in Warren, MI. She is the valedictorian of her class. She has taken every advanced placement class offered by her school. She has a 4.4 grade point average—a very bright young lady. Ola is on the varsity cross-country and tennis teams, she is treasurer of the student council and treasurer of the National Honor Society at her school. She tutors students who are learning English. Ola was also a member of her homecoming court. This is a great picture of her. Here she is at her high school at homecoming.

She sent me a letter. She has been accepted into the honors program at the University of Michigan, where she will be a pre-med student. Here is what her letter said:

> I aspire to ultimately becoming a surgical oncologist, but more importantly, I intend to work for patients who cannot afford the astronomical fees accompanying lifesaving surgeries, patients that are denied the medical treatment they deserve. My goal is not to increase my bank account; my goal is to decrease preventable deaths. I wish to remain in this country to make a difference.

Do we need her? You bet we do.

Two months ago, Ola was placed in deportation proceedings. Just like Juan Gomez and many other DREAM Act students, Ola's friends decided to rally behind her. Senator LEVIN, a cosponsor of the DREAM Act, asked the Department of Homeland Security to reconsider her case. This week, the Department granted a stay of deportation to give her a chance to continue her education. That was the right thing to do. It makes no sense to send someone like Ola, who has so much to contribute to America, to a country she barely remembers.

I introduced the DREAM Act in 2001. Since then, I have met so many of these young immigrant students who are qualified for the DREAM Act. Like Juan Gomez and Ola Kaso, they are Americans in their hearts. They are willing to serve our country and to die for it if we would only give them a chance. Simple justice and fairness requires it.

I ask my colleagues to support the DREAM Act. It is the right thing to do. It will make America a stronger and better nation. One thing I am sure of is that if we give these young dreamers a chance, they won't let us down.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

HUBERT HUMPHREY CENTENNIAL

Ms. KLOBUCHAR. Mr. President, I would first like to thank the Senator from Oklahoma, Mr. COBURN, for allowing me to take a few minutes to speak about something very important in my State—the fact that tomorrow would be Hubert Humphrey's 100th birthday.

Hubert Humphrey was our ''Happy Warrior'' in Minnesota. He was the son of a smalltown South Dakota drugstore owner who lifted himself up through hard work and determination to become the mayor of Minneapolis, a U.S.

Senator representing Minnesota, and the 38th Vice President of the United States of America.

I actually have Hubert Humphrey's desk—something I requested when I got to the Senate. It somehow got in a different category, and for the first 2 years I had the desk of the former Senator from New Hampshire, Gordon Humphrey. But then, lo and behold, with the start of this last Congress, I did get Hubert Humphrey's desk.

I was a senior in high school when Hubert Humphrey passed away, and I can still remember standing in line for his funeral in St. Paul. It was January, and it was one of those days where it was below zero—freezing. Yet there we were, standing outside the State capitol, all of us in our puffy winter jackets, 40,000 people waiting to pay our respects. That is how much Hubert Humphrey was loved in our State, loved enough for people to stand outside for hours in the dead cold of a Minnesota winter.

I can honestly say that Humphrey had an enormous impact on my own views of public service. You can go down the list of landmark Federal legislation in the past 60 years, and his fingerprints are all over them—civil rights, Medicare, nuclear arms control, the Peace Corps, the list goes on and on. Hubert Humphrey's impact continues to be felt in our State.

Humphrey was a compassionate man, but he was no pushover. He never backed down from a fight worth fighting. When he was asked to speak at the Democratic National Convention in 1948, he dove headfirst into one of the most controversial topics at the time—racial inequality. It was a gutsy move, especially considering how divisive civil rights issues were for the Democratic Party. And let's not forget that as a 37-year-old mayor of Minneapolis—and the Presiding Officer can relate to this as a former mayor himself—Humphrey's political career was just getting off the ground. He had a lot to lose. But he was convinced that segregation and Jim Crow were hurting our country, and he was determined to challenge the status quo on the national stage even if it meant risking his political career. That was Hubert Humphrey.

I think the last, most important thing to point out about Hubert Humphrey is that he was above all things an optimist. To this day, the Senate, according to our colleagues, has never seen anyone quite like him—bursting with energy, idealism and hopefulness, a happy warrior.

I have a picture of the ''Happy Warrior'' hanging in my front office, and it hangs there in a visible place for a good reason. It is because I am convinced that now more than ever our Nation needs a good dose of the hope and optimism that defined Hubert Humphrey's life.

The truth is, we have to go back decades to find a time when we were confronted with so many challenges—two difficult wars, a crushing debt load, and our quest to end our dependence on foreign oil and develop our own homegrown energy. The way we choose to address these challenges will determine the course of our Nation for decades to come. History will tell us whether we are right or wrong, timid or courageous.

I believe we must choose courage, but not only that, we must also choose optimism. We must take a page from Hubert Humphrey's book and strive for that resilience he displayed in public life. I think about the inscription on his gravestone at Lakewood Cemetery in Minneapolis. It is a quote from Humphrey himself:

> I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do. And I remain an optimist with joy, without apology, about this country and about the American experiment in democracy.

These are words that resonate today, words that remind us of the amazing life and legacy of a man who did so much for the causes of justice, democracy, and accountability. America is a better place for his leadership, and that is why we honor him today.

Mr. President, I again thank my colleague from Oklahoma for allowing me to put in these good words for Senator Humphrey.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE BUDGET

Mr. COBURN. Mr. President, I wish to spend a few minutes this evening talking about where we are as a nation.

I have to say I am discouraged at the work of the Senate. If we look around and take in the whole picture here, there is nobody here, essentially, and they are not going to be here for 9 or 10 more days. The question I put forward is, If your own personal household was in trouble, financially or otherwise; if you knew you weren't going to be able to pay the bills; if you knew your credit cards were maxed out, would you just sit on the couch and do nothing or would you work to protect your family? Would you go out and do whatever you could? Would you take advantage of every opportunity to secure the future for your family?

Well, we have big problems in our country, and it doesn't matter how we got here. The fact is, we are borrowing $4.3 billion a day. The interest on our debt is $2.8 billion a day. We are at a point where if we don't start making the very difficult decisions for our country despite our fear of the political consequences, we will be like the person who, when his family was in trouble, didn't try to solve the problem.

Mr. President, we don't have a budget. Yesterday we had political votes on budgets, but it was a game. For the last 2-plus years, no budget has come through the Senate. There is a reason for that, and the American people need to know it is not because of our great budget chairman, whose name is Senator KENT CONRAD. It is not his fault there is not a budget. It is because of the leadership in the Senate. The leadership does not want the votes that come along with a budget. You see, the political thinking is, we don't want any of our members to have to be recorded on things that might affect the next election. So to hell with the country. What is more important is the next election.

What is happening in the Senate is a complete meltdown of the very purpose the Senate was created. The fact is, we had votes on four separate budgets, and let me tell you, what is most astounding is that nobody voted for President Obama's budget. The President of the United States submits a budget to the Congress, and nobody in the Senate agrees to vote for it. How disconnected could that budget be from the realities of what our country's needs are if even the people of his own party won't vote for it? I was inclined to vote for it just so we could have a debate on his budget. But the fact is, we didn't have a debate on any budget.

So as we sit here, we are borrowing $4.3 billion a day and running a $1.6 trillion deficit and mortgaging the very future of our children. The very reason we work so hard and the reason we live is to nurture and support those who come after us, and to ignore that responsibility is absolutely uncalled for. Congress deserves every recognition from the American people for being a farce. You can't have the kinds of problems we have in front of us and not attempt to address them.

I want to spend a minute talking to every Medicare patient in the country. I have practiced medicine for 25 years. I have cared for thousands of Medicare patients. I understand, at 63 years of age, with three pretty significant disease processes going on in my own body, about worrying about one's health. I worry about the security around that health. It is important enough to me to really take the medicines and to follow the diet my doctor is offering me now that I am 63. I probably wouldn't have paid attention 20 years ago, but today I am doing that.

The health care that is available to me is important to me, as I know it is to every Medicare recipient out there. But the facts are the following: Politicians want to use Medicare as a tactic to scare people into not doing what we as a nation are going to ultimately do anyway. We will have to fix Medicare. And we can fix it in a way that assures every senior who absolutely needs the help of Medicare and is dependent on Medicare will have that health care. Anybody who says something other than that either cares a whole lot more about themselves and their political career or they are absolutely dishonest, because it is absolutely impossible for us to raise the money to continue to run Medicare the way it is

today. It will change in the next 4 or 5 years no matter what the politicians say, no matter what the next election—it has to change. The good news is we can give as good care or better with fewer dollars if we will make the right changes in Medicare.

What most Medicare patients don't understand is that $1 out of every $3 spent on Medicare is not going to help you get better and isn't preventing you from getting sicker. Those are facts. They are backed up by four studies now, four long-term studies. If $1 out of every $3 is going into Medicare and it is not effective in actually helping you with health care, and that $1 out of every $3 we are borrowing from the Chinese this year to keep Medicare afloat—and that is just the hospital system, that is Part A—why would we not want to make the hard choices and fix it?

The reason you are not seeing that come forth is somebody sees an advantage in an election to game Medicare. The fact is, it is not just Medicare that is broken. The whole entire health care system is broken because we do not allow markets to allocate it in an efficient way and we do not hold physicians such as myself accountable to be very frugal with the tests we order and the treatments we order.

As we continue to think about ourselves and say I do not want any change—and that is the other point I want to make. As I get older, I find I resist change more than anything. But the one absolute that is going to happen is that Medicare is going to change and it does not matter what any politician from Washington tells you, it has to change. Otherwise we will be in an absolute depression. We will not be able to accomplish any of the things we are accomplishing now under Medicare. It will change.

If it is going to change, why don't we change it in a way that continues to guarantee the promise of Medicare and puts more of a burden on those who have more dollars with which to do that and takes care of the sickest and poorest the best and puts a greater load on those who have less of a need for Medicare?

Some would say that is not fair. Let me tell you what is not fair. What is not fair is the average American puts $138,000 into Medicare over their working career and takes $450,000 out. That is what is not fair. What is not fair is for a 5-year-old to complain about something not being fair. To quote P.J. O'Rourke: ''You were born in America. That's not fair.'' Life is not fair.

The fact is, we have a system that is getting ready to crash and we have a political dynamic that people are actually saying we do not care because we want to win the next election more than we want to fix the problem. That does not apply to everybody, but people who are gaming this issue, people who are scaring people who are on Medicare, lack the integrity and courage to talk about what the real problems are in this country.

The real problems are we have made promises without creating the revenues to pay for it. We can tax 100 percent of all the income of everybody above $100,000 in income in this country and you will not fix the deficit this year—if you took 100 percent of everything everybody earned over $100,000—that is how great the problem is. We have a $14.3 trillion debt that, if in fact the debt limit is extended, will be past $15 trillion by December. When is it going to stop? When are we going to start thinking about the future of our country and the security of our country instead of the next election and how we can look good as the media plays the game on politics?

It is amazing; today most of the stories in the newspaper were about Medicare and the effect of an election up in New York, a congressional election. I don't think that matters a twit on what is going on in this country. What was not said in the papers is that nobody voted for the President's budget. That was not the headline anywhere. It was not the headline that the Congress does not have a budget. The House has passed a budget. You don't have to agree with it but at least they passed one. But you have all this criticism of a proposed plan that came through the House that actually will solve the problem, make sure everybody on Medicare actually gets the care they want and actually will take $1 of those $3 that we are wasting, one out of every three, and put it into actually taking care of patients. But the people who are critical of that plan have no plan themselves. And, if you have a plan, the plan is the following—it is the plan that passed, what we know as ObamaCare, but what is the health care bill that was passed in the last Congress. Here is the plan, just so we understand.

According to the President's speech at Washington University, the plan is that if we have to, we have two mechanisms. He mentioned one of them. He didn't mention the other. We have the Independent Payment Advisory Board. Under the Affordable Care Act, the Independent Payment Advisory Board is mandated to control the growth of Medicare. Here is how it does it. It makes a recommendation on the cutting of payments for Medicare. That recommendation comes before Congress and we either have to accept that or do something similar to that, in terms of the total dollar amounts, to cut back on the payments for Medicare.

What is the No. 1 problem a new Medicare recipient has today? The No. 1 problem new Medicare recipients have today is finding a doctor who will care for them, who will take their Medicare. That is their No. 1 problem. If you think we can take this tremendous unfunded liability and continue to cut—I am not against, as a physician, physicians taking a 5-percent or 6-percent pay cut under Medicare today. I am not against that. But if you think we can continue to do the savings we are going to have to get out of Medicare by doing that, you will not have anybody taking care of Medicare patients because they will not be able to afford to. Those payments to the physicians are less than 30 percent of the total payments of Medicare.

Then they transfer over to the hospitals, so we are going to cut what we pay to the hospitals. Some hospitals can afford that, some cannot. What happens when the hospitals that cannot afford that close? Where do you get your hospital care? Prescription drugs—we are going to cut the price of prescription drugs. Consequently, no new drugs are coming on line because of the rate of return for the billion dollar cost that it is for any new drug just to get it through the FDA. All of a sudden the things you count on are not there.

Let me mention the second way the President would have us control. That is they have what is called an Innovation Council, under the Affordable Care Act. What is that purpose? The purpose of the Innovation Council is to decide whether Medicare can afford new innovation in medicine to be offered to Medicare patients. That is the same thing as saying: Here is a new drug, it will cure your breast cancer, but we don't think we can afford it so therefore it is not available under Medicare. One is direct rationing; the other is indirect rationing. But the fact is we cannot fix Medicare by rationing. You will not fix it that way. What you will do is limit care and limit access—similar to what we have under Medicaid.

If you look at the trustees' report on Medicare, what they are saying will have to happen is that the reimbursement rates under Medicare will end up being lower than the reimbursement rates under Medicaid. That is the answer they have right now.

That is not a good answer. No American thinks that is a good answer. My colleagues on both sides of the aisle do not think that is a good answer. But that is where we are sitting.

I make the point if we do not address Medicare and if we do not address Medicaid and if we do not fix Social Security—and it is true, if Congress had not stolen the $2.6 trillion from it and it was sitting in an account, we would be in pretty good shape. We would make it another 30 years. But there is a problem in terms of paying back that money. Congress stole the money, spent it, and it is not there. So for us to get the $2.6 trillion to keep it going until 2036 we have to borrow more money. We have to borrow that $2.6 trillion. The problem is we are at a debt limit now and we are getting very close to the time when people are going to quit loaning us money.

We can fix Social Security where it is for sure as available as it is today—actually we can make it better for the poorest Americans. We can actually make it better and we can assure that it is going to be working forever. But

that requires change. The political dynamic says don't, you can't touch Social Security.

How fair is that? How fair is not fixing Medicare, not fixing Medicaid, and not fixing Social Security to those who follow us? I am the grandfather of five great-grandkids, wonderful kids; I love them to death. I raised three daughters—actually my wife did most of that hard work and that is why they turned out well. But the fact is, the relationship with your children is a special relationship, but it does not get close to comparing to the relationship to your grandkids. There is not anything I wouldn't do for my grandkids and they kind of know it. They have not taken advantage of it yet, but they know it.

What I would ask is, anybody who is on Medicare today who is listening to this, here is what you need to know. No. 1 is there is nobody in Washington who does not want you to have a secure medical health care system. But the problems with it are so severe that it has to be fixed and it cannot wait. And that requires change. The problems of our country as a whole are so severe that we are not going to be able to borrow the money to pay back what we owe Social Security if we do not fix Medicare and Medicaid because nobody is going to loan it. They are going to say you haven't done what you need to do.

What has to happen is we have to think about our grandkids. I don't like going through change very much but I will tell you there is one group of kids that I will go through change for, I will sacrifice for, I will give something up for me. What we are asking you to give up is the comfort of what you know now, and move to the comfort of something that is going to supply the same thing to you, just in a different way. Anybody who games that will not put forward a solution to the very problems that are in front of us.

To the seniors out there who are on Medicare, nobody is proposing any impact on you today for the next 10 years. Any proposal would be for those people who are 55 and less and we are saying we have to change it so we can keep it. If we do not change it, nobody is going to have it. By the way, we are going to have trouble surviving if we don't change it because we are not going to be able to manage this tremendous amount of debt which is over $55,000 per man, woman, and child in this country today.

We have to think about our grandkids. We have to quit listening to the political shill who says somebody wants to hurt you. Everybody who has put forward ideas on Medicare has a legitimate basis with which to be critical of any other. But any politician in the Senate or the House who has not put forth their solution to get us out of the problems you should give no quarter to. You should not listen to the first word they say because what they are thinking about is the next election. They are thinking how do I take advantage, how do I scare you over the next election? Nobody wants to take away health care for our seniors. What we want to do is ensure it is there in the future, and to put forward the idea that the motivation there is to scare you into thinking that somebody wants to disrupt your care, that is just not true.

There could be a great debate, and I started this talk on the fact that there has not been any debate on the problems that are in front of us. There needs to be a great debate. People need to hear what the options are. We need to put a budget on the floor and have the hard debates on it, and take the hard votes, and then try to mix something with the House; otherwise, here is what is going to happen come September—which is not fair to any Federal employee. We are going to have another continuing resolution. That is what is coming because we refuse to have a budget that allows the people who work for you, through the Federal Government, to plan and efficiently carry out what the Congress directs. We are just going to do a continuing resolution. It is a highly inefficient way to run the Government. As a matter of fact, I will tell you that any family who does not run on a budget is set up for getting in trouble.

We are not running on a budget now. The bills are coming in and we have a continuing resolution until September 30. But we do not have a budget, we have no plan, we don't know what we need to do, what are the changes we need to make. We are not listening to the people running the program. We are not listening to the American people as we do that.

We can fix health care in this country. The problem is the cost of health care. The reason it costs so much is that the vast majority of Americans think somebody else is paying the bill.

I will end with this story. I see my colleague from Alabama is here. I have delivered thousands of babies, but there is a particular group I always enjoyed delivering for because they are unique. They were the best purchasers of health care I have ever encountered. They are from a little town called Inola and another called Chouteau, OK, and they are Amish. When they come to buy health care—they don't have health insurance, by the way. Very few of them have a college education. They work with their hands. They are into dairy or carpentry or farming or something, but they work with their hands. They have lots of good common sense.

I can tell my colleagues without a doubt that of the 500 Amish babies I delivered, they bought that service from the hospital, from me, from the radiologist, and from the labs at 40 percent less than anybody else bought it. Why is that? It is because they were great consumers of health care and the money was coming out of their pockets. They didn't think somebody else was paying for it. They knew they were paying for it, so therefore they asked for a discount. They said: I will pay you cash up front if you give me a discount. By the way, if you want to do this other test, please explain in detail why I should fork out $100 for another ultrasound. And does my wife absolutely have to have this ultrasound?

When you get questioned that way the doctor says: Well, if you understand that we may miss something but basically everything looks good, then I am fine with that as long as you are fine with that.

The average pregnancy today in the United States has four or five ultrasounds. I was trained without doing any ultrasounds, and I had the same outcomes.

So the point is that we can get better value if we reconnect the purchase of health care with some individual responsibility. If we disconnect that—and that is what we do through private insurance and low deductibles, and that is what we do through Medicare and low deductibles and supplemental policies. We do the opposite of that. Once we have met our deductible, there is no cost. So we are not prudent consumers. As we age, we worry a lot about new symptoms, so we access the health care system. Once you access, the costs just start ticking up.

So the point I make is there are a lot of things we can do better in health care if, in fact, we have market forces and transparency helping us do that. I would suggest we can have a Medicare Program that is efficient, that works, and that doesn't have $70 billion worth of fraud in it by the end of the year, by the way—$70 billion, well over 10 percent—and improper payments above 10 percent as well. So $70 billion in fraud and $70 billion in improper payments in Medicare. We could solve the problem right there if Congress would do it. But we don't because we would rather have a political game and game people's fears on health care and Medicare than fix the problem.

What I hope seniors will do over this next year, as they hear the politicians make all these wild claims about people's motivations and the damage to Medicare, is when you hear that, think about that in light of your grandchildren. Think about yourself and what you want versus what you want your grandchildren to have because there is no question that the $14.2 trillion and under the President's budget the $23 trillion we are going to have at least in 9 more years is going to be paid back by them, not you. What that really means is they are going to have a far lower standard of living than you do so you don't have to get out of your comfort zone.

I trust America a whole lot more than I trust the U.S. Congress. We have a $1 trillion deficit of common sense in Washington, and we have an excess of common sense outside of Washington. If you will trust your common sense and look at what we are doing, what you will find is we can solve our problems, we can come together as a nation, we can fix what ails us, and we

can do that without destroying the future of our children and grandchildren.

I yield the floor to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent to enter into a colloquy with Senator COBURN, if he has a moment to stay, for up to 10 minutes.

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

Mr. SESSIONS. Mr. President, Senator COBURN served on the debt commission. Senator COBURN had no burden to run for reelection. I am so glad he did. He is one of the most valuable Members of this Senate.

I have an understanding that the Senator from Oklahoma came here to try to do something about the debt this country faces. Is that fair to say?

Mr. COBURN. That is correct.

Mr. SESSIONS. The Senator believes this Congress has a responsibility to confront what Admiral Mullen calls the greatest threat to our national security, which is our debt.

The Senator also has tremendous experience as a practicing physician. The Senator practiced up until the very day he was elected. How many years ago was that?

Mr. COBURN. Seven years.

Mr. SESSIONS. Seven years ago. He continued to practice even while in the Senate until the bureaucrats made it impossible, I guess, to do so. So the Senator from Oklahoma comes here with practical experience, a brilliant mind, and a committed vision for America.

I appreciate the Senator sharing his frustration about what has occurred this week.

This is a quote that was in the Wall Street Journal by Democratic Senate strategists about this scheme and plan that was offered in four votes yesterday—votes the majority had conceived in such a way that they were guaranteed to fail and nothing was going to happen. It was a guaranteed plan to ensure nothing would happen. This is what the journal said about it:

> As a political matter, Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

The Senator is famous for telling the truth. If he would, I would like him to respond to that. What does that say about our Senate, that the Democrats say there would be little political benefit in producing a budget that might include unpopular items? Doesn't a tough budget that gets us on the right path have to have some things in it that some people might not like?

Mr. COBURN. Well, to my colleague, through the Chair, I would answer, What is our obligation? Is our obligation to win the next election or is our obligation to solve the problems in front of our country? It is not even a matter of having votes. We can't even get bills on the floor for the Members that actually would save some money right now.

Let me give an example. We had the small business bill up—the only thing we have done of significance since we have been back in this session. It took 2 weeks to get a bipartisan amendment that would save $5 billion out of the duplication that was reported by the Government Accountability Office—hundreds of billions of dollars. It took 2 weeks to finally get a vote on that. My colleague from Virginia and I cosponsored that. It won. That is one of the reasons we didn't finish the bill, is because they don't want to do that. They don't want to make the hard choices. So it is an abrogation of our responsibility to not do the hard part that comes with the job.

The job comes with a whole lot of rasping on your skin. You are going to get criticized. But the ultimate fatal criticism is to make a choice not to get—put yourself in a position to be criticized. So what we are saying is we are going to do nothing. We are not going to do what we are constitutionally supposed to do by April 15 every year; that is, have a budget. We are not going to debate the issues. We are not going to cast our votes because somebody may affect somebody's election outcome. How big of cowards are we that we can't defend the vote we make? I don't have any problem. You throw the hardest vote from the other side at me, and I will make a decision on it, whether I think it is right or wrong, and then I will defend it. But to not vote at all is an absolute abrogation of our oath, and that is the leadership we are experiencing. It is not just Democratic leadership. We have some on our side who don't want to cast hard votes either.

The point is, the American people need us to be casting hard votes now. Our problems are greater than at any time since World War II. The challenge to our country is greater than World War II. The outcome of our Republic depends on us solving the very real and urgent and difficult problems in front of us and doing so in a way that preserves the future of this country and reestablishes and reforms us to where we get our mojo back so we can start believing in ourselves again. To not do it and to not have the courage to sacrifice your own position for the betterment of this country—that is what we ought to be about, and I don't see that.

Mr. SESSIONS. Let me ask the Senator. The Senator just won an overwhelming reelection. There is not a Senator here, I don't think anybody would dispute, who has been more frank in expressing the need that all of us are going to have to rein in our spending and who shared that directly with his constituents. When they have asked for things, the Senator from Oklahoma has tried to help them, I know, but he is frank with his constituents.

Would the Senator share with us what kind of percentage he got in the last election?

Mr. COBURN. I got 71.8 percent.

Mr. SESSIONS. Seventy-one percent. Does my colleague think perhaps that some of us here in Washington are overly afraid of being frank and truthful with our constituents about the challenges America faces?

Mr. COBURN. Well, I would answer through the Chair that I think we are perplexed. We know intellectually that there is a big problem, and we have this challenge: Do I go down this path and do the best thing for the country or do I go down this path to do the best thing for me?

I look at politics differently than most of our colleagues. To the Senator from Alabama, I would say I don't really care whether I am here; I care whether America is here. But the point ought to be, how do we secure the vote and how do we establish trust with the American people?

If my colleague will go with me—and I know he knows this—look at the confidence in the Congress of the people in this country. Why is there a lack of confidence? Why is it that 80 percent of the people of the United States didn't have any confidence in Congress? I can tell my colleague why. It is because we have milked trust and credibility from those very people.

I get letters all the time from people who disagree with me. They will write me, and I actually—I am involved in every answer to every inquiry that comes into my office. I actually read them because I want to know what the people from Oklahoma say. But even though they disagree with me, they vote for me because they trust me because I am not gaming them as they have seen with the gaming on Medicare.

Our problems are real. The solutions are difficult. But America can overcome that if we come together. If we stay divided as we have seen here with no budget votes, no hard votes, and we try to game it politically, what we are doing is undermining our country's future. It doesn't matter who wins the next election; what we need to do is save America.

Mr. SESSIONS. Mr. President, the Senator has served on the debt commission. I know there has been a concerted effort to blame and exaggerate and distort the House budget, particularly as it refers to Medicare.

Again, quoting Democratic Senate strategists, this is what the Wall Street Journal said:

> Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes.

Which they would prefer as a solution.

> Senate Democrats plan to hold a vote on the Ryan plan . . .

Which they did yesterday—

> . . . hoping to force GOP Senators to cast a vote on the Medicare overhaul that could prove politically difficult.

I say to Senator COBURN, you served on the debt commission. This is what

your commission chairman said in a written statement after PAUL RYAN and the House Republicans produced their budget:

> The budget released this morning by the House Budget Committee Chairman PAUL RYAN is a serious, honest, straightforward approach to addressing our nation's enormous fiscal challenges. We applaud him for his work in putting forward a proposal which will reduce the country's deficit by approximately the same amount as the plan of the President's Fiscal Commission.

They also went on to say that if you criticize it, you have a responsibility to offer an alternative.

I say to the Senator, you served with Mr. Bowles. He was a Democratic Chief of Staff to President Clinton and was appointed by President Obama to chair this commission. That does not sound like the things we heard yesterday, attacking the House Ryan budget, does it?

Mr. COBURN. It does not. But it is interesting to note that the President's deficit commission was set up by the President and had six of his nominees on it. It had six Republicans and six Democrats. Five of the six Presidential nominees he nominated agreed with the deficit commission, three of the six Republicans agreed, and three of the Democrats—a pretty good meeting in the middle. Yet the President did not embrace the results of his own commission, did not embrace the results of the people he appointed. So what was the purpose of that exercise? Was it to make political hay or was it to solve the problems?

The fact is, I have five colleagues in the Senate who have been working hard on that over the past 5 months to try to build a bipartisan agreement out of the basis of that. That is what has to happen—except politics.

I go back and just refer to my colleague, if you look at the history of republics, the track record is not very good. The average age of the world's republics is 207 years. That is our average age. We are 27 years past the average. The question is, Can we cheat history? Can we not fall like the rest of the republics over the very same things? They all fell over fiscal issues. They let their spending get out of control, they let their debt get out of control, and then they could not afford the promises they made.

I will say to my colleague, this is not an issue of the budget chairman. This is an issue of the leadership of the Senate that does not want a budget. We ought to be very clear that the American people know that Congress is not doing its job—this body, for sure—because we are not making the hard choices we were sent up here to make. What we are doing is punting. We are going to come to a crisis, and the crisis is going to be painful, and it is going to be much more painful than had we made the hard choices today.

So I want to thank the ranking member of the Budget Committee for his leadership. We can solve any problem in front of us, Mr. Ranking Member, but we have to do it together, and we cannot deny that the problems exist.

Mr. SESSIONS. I thank Senator COBURN for his leadership. I have watched him with admiration over the years with consistency and fidelity for the national interest to work to bring our spending under control.

I see our colleague, Senator ALEXANDER, in the Chamber, and I will yield the floor. I will just follow up, before I do that, with a quote from Erskine Bowles.

When the President announced his budget not long after the deficit commission he called together had made some pretty good proposals about how to improve fiscal matters in the United States, Mr. Bowles was, obviously, deeply disappointed with what the President submitted and said this plan goes ''nowhere near where they will have to go to resolve our [country's] fiscal nightmare.''

I think there is a consensus that we are facing a fiscal nightmare. We are going to have to take some serious steps in that regard.

Mr. President, I think there are some other Members who have reserved time. If there are no other Members here who have reserved time after Senator ALEXANDER completes his remarks, I ask unanimous consent that I be recognized at that time.

Mr. ALEXANDER. Mr. President, I will not object. I say to Senator SESSIONS, I think Senator HATCH is expected to come down. That is the only one I know of.

Mr. SESSIONS. As I said, my consent would be that if anyone has reserved time, they would get it before I will speak.

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

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate Senator SESSIONS and Senator COBURN for their principled remarks about the phenomenon of Washington spending. We are borrowing 40 cents of every dollar we spend. We cannot keep spending money we do not have. And we want to save Medicare. So those two major difficult decisions are things that we need to work on together—to stop spending money we do not have and saving Medicare. We can do both if we put our minds to it.

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

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

Mr. ALEXANDER. Mr. President, if you would let me know when 1 minute remains, I would appreciate it.

JOB PROTECTION ACT AND THE NLRB

Mr. ALEXANDER. Mr. President, last month the Acting General Counsel of the National Labor Relations Board (NLRB) filed a complaint against the nation's largest exporter, the Boeing company—a company with 170,000-some employees, 150,000 of which in the United States, who sells airplanes around the world and makes them in the United States. The complaint basically said there was prima facie evidence of illegal discrimination because Boeing has decided to expand and build a production plant in South Carolina. Boeing's main operation is in Washington State, a State without a right-to-work law. In contrast, South Carolina is a State with a right-to-work law. This is notwithstanding the fact that Boeing has already added 2,000 employees in Washington State since announcing its expansion. At the same time, it has nearly finished this new plant in South Carolina, spending $1 billion, hiring 1,500 construction workers and over 500 employees to work in the facility. Then, all of a sudden, here comes this complaint.

This is not just a South Carolina matter. It affects the entire country and many of us have spoken out about it. I want to review it just for a moment.

This complaint against Boeing is just one indication of the Administration's anti-business, anti-growth, and anti-jobs agenda. That is why Senators GRAHAM, DEMINT, and I—actually there are 35 Senators who are cosponsoring this bill—have introduced the Job Protection Act, to protect right-to-work states and employers from an independent government body run amok.

Our bill preserves the Federal law's current protection of state right-to-work laws in the National Labor Relations Act and provides necessary clarity to prevent the NLRB from moving forward in its case against Boeing or attempting a similar strategy against other companies.

Now it seems the NLRB wants to change the rules governing how and when a company can relocate from one State to another. According to a May 10 internal memorandum from the NLRB General Counsel's Office, they want to give unions power over major business decisions and require companies, such as Boeing, to collectively bargain if it wants to relocate a facility.

As was explained by James Sherk, a senior policy analyst in labor economics, and Hans A. Von Spakovsky, a senior legal fellow at the Heritage Foundation, in a recent article in National Review Online:

> NLRB wants to force companies to provide detailed economic justifications (including underlying cost or benefit considerations) for relocation decisions to allow unions to bargain over them—or lose the right to make those decisions without bargaining over them. . . . Either way, businesses would have to negotiate their investment plans with union bosses.

Sherk and von Spakovsky describe this as a ''heads I win, tails you lose'' scenario for unions. These decisions belong in the corporate boardroom, not at the collective bargaining table.

The goal of this NLRB is to place the interests of organized labor over those of business, shareholders, and economic growth. Their means is to change well-

established law governing business decisions under the National Labor Relations Act.

The Supreme Court has reasoned that ''an employer must have some degree of certainty beforehand as to when it may proceed to reach decisions without fear of later evaluations labeling its conduct an unfair labor practice. Under the Dubuque Packing case and subsequent NLRB jurisprudence, a company may make a major business decision, such as relocation, outside of collective bargaining. Accordingly, the burden is initially on the NLRB's General Counsel to establish that an employer's decision to relocate work is unaccompanied by a basic change in the nature of the employer's operation, such as being part of an overarching restructuring plan.

The Dubuque test was most recently applied by the NLRB in holding that an employer, Embarq Corporation, did not violate the law by refusing to provide information about or bargain over a planned relocation of its Nevada call center to Florida. Both of those happen to be right-to-work States, as Tennessee is.

In a concurring opinion, NLRB Chairman Liebman expressed her desire to change the rules governing relocation decisions and collective bargaining. The Chairman noted her displeasure that, in her words, ''the law does not compel the production of'' information fully explaining the underlying cost or benefit considerations of a company's relocation decision. The Chairman then suggested requiring employers to provide unions with economic justification wherever there was a ''reasonable likelihood'' that labor-cost concessions might affect an impending decision to relocate.

In practice, the burden would shift to the employer, before making its relocation, to advise and explain to its union the basis for its decision, supported by detailed economic justification. Then, if it does turn on labor costs, the employer would be required to provide the union with information supporting the labor cost/savings underlying its decision. If the employer failed to provide such information and labor costs were a factor, it would be precluded from making those decisions without collective bargaining.

Following this decision against Embarq Corporation, the NLRB Associate General Counsel issued an internal memorandum on May 10 suggesting that Chairman Liebman's new test should now be examined and considered in all cases concerning relocations that come before the board.

Now, I am all for requiring employers to provide advance notice to their labor organizations and offering the economic reasons for a proposed relocation, a shutdown, or a transfer of existing or future work. Providing notice and reasoning is already required under existing law and jurisprudence. We included this in our Job Protection Act to make sure the spirit of the law was maintained. But, what the NLRB and Associate General Counsel are now proposing goes much further, changes understood law, and places an unreasonable burden on employers.

As was observed by Sherk and Spakovsky, this new test would raise the costs to businesses by dragging on collective bargaining, by preventing them from legally executing a decision that is in the best interests of their shareholders until bargaining hits an impasse, and by forcing them to provide detailed economic justification and negotiate their investment plans with union bosses before having the right to execute a relocation plan. Effectively, it would give a union a seat at the board of directors through the force of law and tip the scales of justice in their favor. If employers do not comply, then they will lose the right to later claim their relocation decision did not have to be collectively bargained under the National Labor Relations Act.

So as with the NLRB Acting General Counsel's action against Boeing, this potential new posture by the Office of the General Counsel represents a departure from well-established law. They do not like the outcome, so they want to change the rules and give unions greater leverage over their employers, who provide the jobs in the first place. They are more concerned about producing outcomes that facilitate the collective bargaining process, rather than those that foster economic growth, exports, and jobs.

Those decisions are best left to the owners, officers, shareholders, and directors of businesses, not organized labor or the Federal Government. This potential change in well-established law would be another blow to manufacturing growth and expansion in the United States and further incentive for manufacturers to expand or open a new facility in Mexico, in China, or in India to meet their growing need.

Republicans are not the only ones who are outraged by the direction the NLRB seems to be headed. William Gould, who chaired the NLRB during the Clinton administration, was recently quoted in Slate magazine expressing his unease with the board's action. Specifically, he said, ''The Boeing case is unprecedented,'' and he ''doesn't agree with what the [Acting] General Counsel has done [by] . . . trying to equate an employer's concern with strikes that disrupt production and make it difficult to meet deadlines . . . with hostility toward trade unionism.'' That is the Clinton Administration's NLRB General Counsel.

Coming back to the Boeing issue, which is set to be heard by an administrative judge on June 14, recent comments in the press from an NLRB spokeswoman shed further light on how the board's agenda flies in the face of the very concept of capitalism.

On May 19, various press outlets quoted this spokeswoman suggesting that the NLRB Acting General Counsel would drop his case against Boeing if the company agreed to build 10 planes in Washington, rather than 7. Specifically she said:

> We are not telling Boeing they can't build planes in South Carolina. We are talking about one specific piece of work: three planes a month. If they keep those three planes a month in Washington, there is no problem.

So they can build planes in South Carolina, just not the three they had planned. So now the Federal Government or the NLRB is sitting on Boeing's board and determining the means of production for American industry while the economy continues to struggle. In Tennessee, we have had 24 months of 9 percent unemployment.

Our job is to make it easier and cheaper for the private sector to create jobs. The NLRB is not acting in the best interests of American workers through its continued attempts to depart from well-established law and dictate integral business decisions to companies.

I ask unanimous consent to have printed in the RECORD a memorandum from the Associate General Counsel of NLRB, dated May 10, as well as an article from National Review Online, dated May 16.

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

OFFICE OF THE GENERAL COUNSEL,
DIVISION OF OPERATIONS-MANAGEMENT
May 10, 2011.

MEMORANDUM OM 11–58

To: All Regional Directors, Officers-in-Charge, and Resident Officers.

From: Richard A. Siegel, Associate General Counsel.

Subject: Submission to Advice of Information Cases in Relocation Situations.

In Embarq Corp., 356 NLRB No. 125 (2011), the Board held that the Employer did not violate Section 8(a)(5) by refusing to bargain with the Union over its decision to close a call center in Nevada and relocate that work to its call center in Florida. Applying Dubuque Packing Co., 303 NLRB 386 (1981), enforced in pertinent part, 1 F.3d 24 (D.C. Cir. 1993), cert. denied, 511 U.S. 1138 (1994), the Board found that, although the decision did not involve a change in the scope or direction of the enterprise, and labor costs were a factor, the relocation was nevertheless not a mandatory subject of bargaining because the Union could not have offered labor-cost concessions sufficient to alter the Employer's decision. The Board also dismissed an allegation that the Employer had violated Section 8(a)(5) by refusing to provide information relevant to its relocation decision; since the decision was not a mandatory subject of bargaining, there was no obligation to provide information about it.

In a concurring opinion, however, Chairman Liebman suggested that she would consider modifying the Dubuque Packing framework with regard to information requests if a party were to ask the Board to revisit existing law in this area. Specifically, she identified an anomaly in present law, which provides somewhat inconsistently that: (1) an employer would enhance its chances of establishing that labor-cost concessions could not have altered the decision, under the Dubuque Packing standard, ''by describing its reasons for relocating to the union, fully explaining the underlying cost or benefit considerations, and asking whether the union

could offer labor cost reductions that would enable the employer to meet its profit objectives,'' 303 NLRB at 392, and (2) a union is not entitled to such information if the Board determines in hindsight that the union could not have made sufficient concessions to change the decision and therefore that the decision was not a mandatory subject of bargaining. Chairman Liebman would consider modifying the Dubuque Packing framework by requiring employers to provide requested information about relocation decisions whenever there is a reasonable likelihood that labor-cost concessions might affect the decision. She posits that, if the employer provided the information and the union failed to offer concessions, the union would be precluded from arguing to the Board that it could have made concessions. If, on the other hand, the employer failed to provide such information where labor costs were a factor, it would be precluded from arguing that the union could not have made sufficient concessions.

The General Counsel wishes to examine the concerns raised by Chairman Liebman in Embarq, and determine whether to propose a new standard in cases involving these kinds of information requests. That determination will be made based upon a case-by-case review of submissions to the Division of Advice. Therefore, Regions should submit to Advice all cases presenting the question of whether an employer violated Section 8(a)(5) by refusing to provide information related to a relocation or other decision properly analyzed under Dubuque Packing.

Signed,

R.A.S.

___

[From the National Review Online, May 16, 2011]

THE NEW NLRB: BOEING IS JUST THE BEGINNING

(By Hans A. von Spakovsky and James Sherk)

The National Labor Relations Board (NLRB) raised a lot of eyebrows by filing a complaint against Boeing for opening a new plant in a right-to-work state. But that action is just the beginning of the board's aggressive new pro-union agenda. An internal NLRB memorandum, dated May 10, shows that the board wants to give unions much greater power over employers and their investment and management decisions.

Under current NLRB rules, companies can make major business decisions (like relocating a plant) without negotiating with their union—as long as those changes are not primarily made to reduce labor costs. For example, a business can unilaterally merge several smaller operations into one larger facility to achieve administrative efficiencies. Companies only have to negotiate working conditions, not their business plans.

The NLRB apparently intends to change that. In the internal memorandum, the board's associate general counsel, Richard Siegel, asks the NLRB's regional directors to flag such business-relocation cases. Siegel explains that the Board is considering ''whether to propose a new standard'' in these situations because the chairman of the NLRB, Wilma Liebman, has expressed her desire to ''revisit existing law in this area'' by modifying the rule established in a case called Dubuque Packing.

Apparently, Liebman did not like having to apply the Dubuque Packing rules in a recent case involving the Embarq Corporation and the AFL–CIO. The NLRB decided that under the Dubuque Packing rules, Embarq did not violate the National Labor Relations Act by refusing to bargain with the union over its decision to close its call center in Las Vegas (a right-to-work state) and relocate that work to its call center in Florida (also a right-to-work state).

Specifically, the NLRB wants to force companies to provide detailed economic justifications (including underlying cost or benefit considerations) for relocation decisions to allow unions to bargain over them—or lose the right to make those decisions without bargaining over them. It is a ''heads I win, tails you lose'' situation for unions. Either way, businesses would have to negotiate their investment plans with union bosses. In the concurrence that she wrote in the Embarq decision Liebman expressed her displeasure that ''the law does not compel the production of'' such information to unions.

What Liebman envisions would raise business costs enormously. Current labor law and the attitude of the pro-union NLRB enables unions to drag negotiations on . . . and on . . . and on. Until bargaining hits an ''impasse,'' employers could not legally make any business changes opposed by their union.

The NRLB's goal is not just to prevent companies from investing in right-to-work states. The board apparently also wants to force employers to make unions ''an equal partner in the running of the business enterprise,'' something the Supreme Court ruled in First National Maintenance Corp. v. NLRB and is specifically not required by the NLRA. But the board wants business decisions made to benefit unions, not the shareholders, owners, and other employees of a business, or the overall economy. The Boeing charges are evidently just a first step toward that goal.

EXTENSION OF MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that morning business be extended until 9 p.m. with Senators permitted to speak for up to 10 minutes each.

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

ELECTRIC VEHICLES

Mr. ALEXANDER. Mr. President, Senator CORKER and I had the privilege of being in Chattanooga, Tennessee on Monday for the opening of Volkswagen's North American plant. It was a great day for our country. Here is a major global manufacturer making in the United States what it plans to sell in the United States. We salute Volkswagen. I salute Chattanooga and Tennessee. One-third of the manufacturing jobs in our State are auto jobs. There was a new Volkswagen Passat that gets 43 miles a gallon. That is good news for Americans who are paying $4 or more a gallon for gasoline.

But as I was there at that celebration for these new fuel-efficient cars, and earlier this week at a hearing of the Energy Committee, I was thinking: What if I were to say to you or to anyone I might see, while you are worrying about $4 gasoline: Did you know that we have enough unused fuel sitting over here, that is not oil, to power 40 percent of our light cars and trucks at a lower cost?

That is right. We have enough unused power every night to power 40 percent of our light cars and trucks. Every night. We can do that by simply plugging them into the wall. I am talking about electric cars and light trucks that almost every major manufacturer is now beginning to make, and we do not have to build one new powerplant to do it.

Last week Senator MERKLEY and I appeared before the Energy Committee to talk about our legislation, the Promoting Electric Vehicles Act. I said to the Committee: The main differences between the bill this year and the one the Committee reported last year by a vote of 19 to 4, a good bipartisan vote, is that the price of gasoline is higher than it was last year and our bill costs less than it did last year.

Encouraging electric vehicles is an appropriate short-term role for the Federal Government. Our legislation establishes short-term incentives for the wide adoption of vehicles in 8 to 15 pilot communities. Our legislation advances battery research. The $1 billion that we save relative to last year's bill, we save by avoiding duplicating other research programs.

Finally, if you believe that the solution to $4 gasoline and high energy prices is finding more American energy and using less of it, as I do, electric cars and trucks are the best way to use less.

Electrifying half our cars and trucks can reduce the use of our foreign oil by one-third, saving money on how we fuel our transportation system and cutting into the billions of dollars we send overseas for foreign oil. So instead of making the speech for the rest of my time, let me tell a short story. It is a story of Ross Perot, the famous Texan, and how he made his money.

Back in the sixties, he noticed that the big banks down in Dallas were locking their doors at 5 o'clock, and the banks had all of these big computers in the back room, and they were locking them up too. They were not using them at night.

So Mr. Perot made a deal with the banks. He said: Sell me your unused computer time. And they did at cheap rates. Then he went to the States and talked to the Governors—this is before I was a Governor—and he made a deal with the States to use that cheap computer time to manage Medicaid data. He made $1 billion.

In the same way, we have an enormous amount of unused electricity at night. A conservative estimate is that we have an amount of energy that is unused at night that is equal to the output of 65 to 70 nuclear power plants between 6 p.m. and 6 a.m. If we were to use that resource to plug in cars and trucks at night, we could electrify 43 percent of our cars and trucks without building one new powerplant. It is a very ambitious goal, to imagine electrifying half our cars and trucks. It would take a long time to do it, but it is the best way to reduce our use of foreign oil.

I suspect that is the greatest unused resource in the United States. What if someone proposed building 60 or 65 nuclear powerplants. Actually, I proposed

building 100. But if we tried to build 60 or 65 more, it would take us 30 or 40 years and cost us $½ trillion. That is if we could even do it.

Another reason I think this will work is because it is easy for consumers, and I am one. For 2 years, I drove a Toyota Prius, and it had an A123 battery in it. I increased my mileage to about 80 or 90 miles a gallon. I just plugged it in at night at home. Very simple. I now have a Nissan Leaf. It is all electric. I have an apartment nearby the Capitol. I just plug it in at night. I don't even have a charger. I just plug it into the wall, and I can drive it about 2 hours every day and plug it in at night. I have not bought any gas since January, since I got my Leaf in Washington, DC.

I have had no problems, either with the modified Toyota Prius that I drove for 2 years, or with the Nissan Leaf that I have driven now for about half a year. Almost every car company is making electric cars today or will soon have them on the market.

So if the extra electricity is available—and electric vehicles are easy to use, and car companies are making them, then why do we need for the government to be involved? That is a good question. For one thing, it is the urgency of the problem: $4 gasoline is killing our economy. It is throwing a big wet blanket over it.

The only solution is find more, use less. This is the best way to use less. To my Republican colleagues, I have said before our Committee, and I would say today what we have been saying for 3 years in our caucus: Find more and use less.

We have criticized Democrats for wanting to use less without really wanting to find more, and we are subject to the same criticism if we want to find more—which I think we should—offshore, on Federal lands, and in Alaska, and then we do not have a credible way to use less. Electric cars and trucks are the best way to use less.

Another criticism is that our bill interferes with the marketplace. It does, but in a short-term and limited way. Short-term incentives for new technologies—to jump-start nuclear energy, to jump-start natural gas truck fleets, to jump-start electric cars and trucks in 4 to 5 years—I think are appropriate, given the urgency of the problem. If I am here in 5 years, I will be the first to say this should be the end of it. If I am not, I will come back and argue for its repeal.

Finally, conservative groups across the country have said national security demands that we do this. Gary Bauer, president of American Values, as well as Richard Land, president of the Ethics and Religious Liberty Commission, endorsed our bill last year, saying that national security concerns overwhelm any opposition to it, and it is the best way to displace our use of oil. That was them talking.

Can we afford it? Well, our proposal is $1 billion cheaper, it is an authorization bill, and we should be setting priorities.

There is some suggestion that this committee should also appropriate the money. I would respectfully suggest that we are in a 2-year period where we have no earmarks because authorizers didn't like appropriators authorizing. Well, let's be consistent and say to authorizers, ''You shouldn't be appropriating.'' Let's just do the job of authorizing. Senator MERKLEY and I have agreed that we will not try to pass this bill when it comes to the floor unless we can agree to do it in a way that does not add to the debt.

So, in summary, I would say it is time to address $4 gasoline and high energy prices. To do that, we need to find more American energy—offshore, on Federal lands, and in Alaska—but we also need to use less. The single best way to use less is to jump-start the use of electric cars and trucks. Electricity is just a delivery system. The fuel comes from a whole variety of things: natural gas, coal, and other things.

So we jump-start the use of that huge resource that we have just sitting there unused every single night. Our committee approved this bill once before. The problem is worse today than it was when they approved it last year. The bill costs less than it did when they approved it last year. It is an appropriate role for the Federal Government. We will work to make sure if this body were to pass it that it does not increase the debt.

I urge my colleagues to report the bill to the floor and to consider encouraging electric cars and trucks as the single best way to use less energy and reduce the use and reduce the cost of gasoline.

I thank the Senator from Alabama for his courtesy and for listening to my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

ADJOURNMENT RESOLUTION

Mr. SESSIONS. Mr. President, today the Senate declined to vote on whether to recess. Someone said the Republicans blocked the Senate from recessing. That is not correct. Republicans wrote a letter to the majority leader and said we should not recess until we have plans set forth and begin to take action to deal with the budget that we have not passed that is required by law to be passed.

That is what was done. So when it comes down to the moment to move to recess and vote to recess, as we are required to do to have a recess, a unanimous consent, or an actual vote, the majority leader chose not to vote. I guess he wanted to protect his members from having to actually be recorded voting to recess this body when we have not done our work.

The Budget Act, in the United States Code, in the Code book, the Budget Act requires that the Senate commence markup hearings in the Budget Committee by April 1 and that a budget be produced by April 15. Congress does not go to jail if it is not passed, I will acknowledge. There is no fine. Perhaps there should have been.

Congress writes laws. I guess they make sure that no consequences occur when they apply to them and they do not comply with their duties.

The majority leader decided to keep us in pro forma session through the week but to do it in a way that guarantees we will take no action on a budget. This is a sad thing. It is not a little bitty matter. Our Congress knows we are in a serious national crisis. I think we can't deny it, and we have to figure out how to respond to it.

I hope this letter—and I will make it a part of the RECORD—to the majority leader will have some impact on our colleagues and cause them to reconsider the actions that have been taken so far. This is what it says:

DEAR MAJORITY LEADER REID: Today marks the 757th day since Congress last adopted a conference report on a budget resolution. But while the Republican House has met its obligations this year, the Democrat-led Senate remains in open defiance of the law—last year the Senate did not even call up a budget for a vote and this year the Senate Budget Committee has not even marked up a resolution, as required under Sec. 300 of the Congressional Budget Act of 1974.

Despite this dubious distinction, the Senate plans to adjourn for a week-long recess on Friday to coincide with Memorial Day, a holiday that honors our men and women in uniform. As our service members put their lives on the line to defend this nation, surely the least Congress can do is produce a plan to confront the debt that is placing the whole country at risk. House Republicans put forward just such a budget weeks ago—an honest plan for prosperity to overcome this nation's dangerously rising debt, cut wasteful Washington spending, and make our economy more competitive.

But, in this time of economic danger, the Senate continues to stonewall any and all action on a FY2012 budget. For this reason, we respectfully request that you delay any adjournment of this body until you or members of your party in the Senate bring forward a budget resolution and schedule a meeting of the Budget Committee—a power which resides solely with the majority—to work on that budget.

In an interview last week, you stated, ''There's no need to have a Democratic budget in my opinion . . . It would be foolish for us to do a budget at this stage.'' We find these remarks shocking, especially given the state of our fiscal affairs: the co-chairs of President Obama's own fiscal commission recently warned that, if we do not take swift and serious action to address our rising debt, the United States faces ''the most predictable economic crisis in its history.''

The House completed its work on the FY2012 budget resolution on April 15th. But no budget can become binding until the Senate acts. In our view it would be an astounding abandonment of responsibility for the Senate to go on recess without having taken any steps to produce a budget. We hope that, as required by law and in your capacity as Majority Leader, you change course and follow the example of the Republican-led House and provide the American people with the honest leadership and the honest budget they deserve.

Until a budget plan is made public, and until that plan is scheduled for committee

action, on what basis can the Senate justify returning home for a one-week vacation and recess while our spending and debt continue to spiral dangerously out of control?

We appreciate your thoughtful consideration of this request and welcome any questions you might have.

We are out of sorts. The American people are not happy with this Congress. They say our polling numbers are the lowest they can get. In last fall's election, there was a shellacking, particularly of the big spenders, the ones who want to have more government programs and create more debt. There was an accounting and I guess there will be an accounting in the next election and we all better be sure we have tried to respond faithfully to the challenges America faces.

What has happened this week is a mockery, a sham, a joke. We had four votes yesterday. Each one of them was carefully and sophisticatedly structured to fail. The one that failed the biggest was President Obama's budget. It was voted down unanimously by this body, with zero votes. It was all designed to suggest it is impossible for the Senate to pass a budget. But the Senate doesn't even require a supermajority to pass a budget. Under the Budget Act that we have, it provides that it has a preference, has to be brought up properly, and can be passed with a simple majority.

The Democratic majority, similar to Republican majorities in the past, have to choose will they seek to pass a budget that has the broad support of both parties or will they simply use their majority and pass their budget? You should do one or the other. A good, bipartisan budget is always preferable, but sometimes we have different opinions. So if you have a different view from the other party and you can't reach an agreement, you have a majority, you can pass your budget. You know, when you do that, what happens. When you pass your budget, what happens? You lay out for the American people what you believe. It is one thing to criticize someone else, it is another thing to tell the world what you believe. The House has told the world what they think would be an effective budget for the future. What does the Senate say? Nothing. We haven't even commenced a markup in the Budget Committee.

A budget sets forth your vision for the future. It tells how much you want to cut taxes or raise taxes. It tells how much you want to raise spending or reduce spending. It says how much debt you expect to accumulate over the years to come or whether you would reach a surplus or a balanced budget. That is what a budget does. It holds you accountable. You have to defend it. You have to say what it is.

One thing I have been proud about is that the Republicans over in the House met their duty and produced a budget and they are prepared to defend it. Congressman RYAN knows what he is talking about. He worked on that budget and he is prepared to defend it. It has been terribly misrepresented, but he is prepared to defend it, explain it, and talk to anybody about it.

But if our colleagues in the Senate fail to produce a budget—don't produce one at all—it is kind of hard to hold them to account, isn't it? That is why it is pretty clear that Senator REID said: Why, it is foolish for us to have a budget. It is foolish for us to have a budget because we would then be in a position to be held accountable. Was he talking about foolish for America to have a budget? Was he expressing a view that it is better for America that we have a budget? No. When he said it is foolish for us to produce a Democratic budget, he was talking purely politically. He was saying we think it is smart politics for us not to put our necks on the line to actually expose to the American people what we believe in. We would rather be in a position to criticize those people in the House who actually had the gumption—I guess he would say the foolish sense—to pass a budget and tell the American people what they think.

I have to say that is not a good situation. We didn't have a budget last year. We are not having one this year. Is there any wonder, then, our deficits continue to spiral out of control to a degree that we have never, ever seen before?

Many criticized President Bush—and so did I—for the $450 billion budget deficit he produced. I thought it was a stunning number. Since President Obama has been President, the budget deficits have been $1.2 trillion, $1.3 trillion, and by September 30, it is projected to be about $1.5 trillion. We will take in $2.2 trillion this year, we expect, and we will spend $3.7 trillion. Forty cents-plus of every $1 we spend is borrowed. We are not confronting that.

So we are taking a recess. When it came time to vote to recess, the majority leader figured out a way to not have to actually vote to go home because, I guess, his Members felt they would be embarrassed if they had to vote to go home after being in violation of the United States Code to produce a budget.

This is not going away. This issue is not going away. Every expert, including the chairman of the fiscal commission formed by President Obama, the chairman of which he appointed Mr. Erskine Bowles, told us in a written statement, delivered by Mr. Bowles and Cochairman Simpson, that this Nation has never faced a more predictable financial crisis. We are heading toward that wall at warp speed. We can have a financial crisis. In fact, Mr. Bowles was asked by our chairman, Senator CONRAD: When do you think this crisis might occur? He said: Two years, maybe less. Alan Simpson said: I think maybe 1 year.

Surely, we have to get off the debt path we are on, spending so much more than we take in, and 40 cents of every $1 we spend is borrowed and we pay interest on it. The interest has the potential to damage our economy in a very significant and substantial way. It could put us in another recession. That is what Mr. Bowles was talking about—a debt crisis, another recession. Maybe it could be perhaps worse than the one we are in. Our projection for a fragile growth is not coming back as much as we would like it to. One reason, expert economists tell us, is that we are carrying too much debt and that has the potential to pull down our economy.

I think we are in a crisis. I think the economy is so naturally strong, the American people have so many capabilities and such a good work ethic that if we get the economy under control and our fiscal house in Washington under control, I believe the economy will come back. But we need to do it now, and every day we delay increases the risk that we will have a crisis occur.

I thank the Chair. I saw my colleague, Senator KLOBUCHAR. I know she wants to speak tonight. I will repeat that this matter is not over. We are in a long-term battle for the future of America. We are in a long-term battle for the financial security of our Nation. Yes, it is about our grandchildren. But as Mr. Bowles told us and Alan Simpson told us and Alan Greenspan told us, we could have a debt crisis in just a few years. Would that not be a disaster—because of our failure to respond to the extraordinary debt we are incurring, that we have a financial crisis that could put us back into recession. I hope not. I don't think that is going to happen this year, but I don't know. We have been warned it might. It is scary.

So we are going to continue to talk about this. We are going to continue to use the rules of the Senate to try to force the Senate to comply with the rules of the United States Code that says we should have a budget. We have had 757 days without a budget. How many more will it be before we have a budget? We will continue that battle. It is going to be a battle for the financial future of our country. Hopefully, we will be successful and somehow, someway, as the pressure builds and the American people continue to have their voices heard, the White House, which today has been oblivious to these challenges, that the Democratic Senate, which has been oblivious to these challenges, will somehow get on board and seriously work with the House to confront the challenges we face and put us on a sound path to financial security for the future.

TRIBUTE TO BRADLEY HAYES

Mr. SESSIONS. Mr. President, I rise today to say a few words on the departure of Bradley Hayes, a valued, longtime member of my Judiciary Committee staff. Although I will feel the loss of his knowledge and enthusiasm, I am pleased that he is moving on to a new phase in his career.

Bradley had a wonderful upbringing in his home town of Mobile, AL, and a

stellar academic background. He graduated cum laude with a B.S. in business from Birmingham Southern College. After managing a live music venue in Birmingham for several years, Bradley entered law school at the University of Alabama, where he served as managing editor of the Journal of the Legal Profession and was an active member of the moot court board. Immediately after being admitted to the Alabama bar, Bradley joined my staff on the Judiciary Committee.

In the 6 years he was with me, Bradley served at various times as my legislative counsel, senior counsel and deputy chief counsel on the Subcommittee on Administrative Oversight and the Courts. Throughout that time, he has worked to secure our borders, protect our country from the threat of international terrorism, secure the private property rights of artists and inventors in the information age, and eliminate wasteful spending and destructive litigation. Perhaps most importantly, he showed both courage and unwavering leadership during the Senate's debates on comprehensive immigration reform in 2006 and 2007. Bradley's hard work played an important role during the DREAM Act debate last year. Bradley was an effective staffer during debates on the reauthorization of the USA PATRIOT Act in 2005 and 2006. He also participated in the constitutional advice and consent process for four Supreme Court confirmations and countless important executive branch nominations.

I would just conclude by thanking Bradley for his hard work and for his loyalty. He was more than willing to invest the time and effort necessary to handle a breadth of issues, and he did so with great skill, professionalism and integrity. He was with me during some of the most critical times of my career in the Senate thus far, and his insight will be missed. He has been an excellent public servant because he loves his country and understands and defends its exceptional core values. In addition, he is fun to work with. I wish him the best in his new endeavors.

TRIBUTE TO LUIS TIGERA

Mr. DURBIN. Mr. President, I would like to take a moment to congratulate an extraordinary Illinoisan, Luis C. Tigera. After serving with distinction for 26 years with the Illinois State Police, First Deputy Director Tigera is retiring as the highest ranking career member of the organization and the first Cuban American to hold such a position in the agency.

Throughout his time with the Illinois State Police, First Deputy Director Tigera has served in a variety of positions with the organization. He started his career in law enforcement by patrolling the interstate system of the Chicago area suburbs. He worked his way up to overseeing the statewide guns, drugs, gangs and money laundering unit. Mr. Tigera also managed and regulated the operations of the gaming industry in Illinois. And he served as senior policy adviser to the Illinois State police director.

In addition to his extensive experience in law enforcement, First Deputy Director Tigera was selected to attend the FBI National Academy in Quantico, VA, where he successfully completed executive management training. He also holds a masters degree in criminal justice administration from Lewis University.

One of the reasons the Illinois State Police has grown and flourished under First Deputy Director Tigera's leadership is his commitment to community. He led an initiative to work collaboratively with community groups and others within the public safety arena. He has always emphasized the importance of team-building and problem-solving as he served as second-in-command of a full-service police agency of 3,500 employees. In addition to his leadership in the Illinois State Police, First Deputy Director Tigera is a member of the Illinois Terrorism Task Force, the Governor's Interstate Gun Trafficking Task Force, and previously served as the Chairman of the Board of the Chicago High Intensity Drug Trafficking Area.

First Deputy Director Tigera has been married to Ana for 26 years and is the proud father of two sons, Luis, Jr., who has followed in his father's footsteps by becoming an Illinois State Police trooper, and Zachary.

I would like to congratulate First Deputy Director Tigera on his retirement and thank him for his service to the State of Illinois.

HONORING OUR ARMED FORCES

Mr. COCHRAN. Mr. President, I rise today to pay tribute to the brave men and women who have made the supreme sacrifice of their lives in defense of our Nation. This Memorial Day, I join all Americans in honoring those brave souls.

Over the past decade since the 9/11 terrorist attacks on the United States, men and women of the U.S. Armed Forces have been deployed to fight on our behalf in Operation Enduring Freedom and Operation Iraqi Freedom. Thousands of those courageous servicemen and women have lost their lives as part of these ongoing missions. More than 70 of these warriors called Mississippi home, including 7 brave fighters who have been killed in Afghanistan since we last observed this national holiday. These are the sacrifices that we should keep in mind as we commemorate Memorial Day 2011.

I am deeply grateful to the young Mississippians we have lost over the past 12 months, and my heart goes out to the families and friends they leave behind.

For the record, I now cite the names of these fallen heroes from Mississippi:

1SG Robert N. Barton of Roxie, 35, who died June 7, 2010;

PFC Joshua S. Ose of Hernando, 19, who died September 20, 2010;

PFC William B. Dawson of Tunica, 20, who died September 24, 2010;

SGT Eric C. Newman of Waynesboro, 30, who died October 14, 2010;

1LT William J. Donnelly IV of Picayune, 27, who died November 25, 2010;

SSG Jason A. Rogers of Brandon, 28, who died April 7, 2011; and

SSG David D. Self of Pearl, 29, who died May 16, 2011.

While their sacrifices will leave a deep void in many lives, I hope their families can find comfort in the fact that they served proudly and will be counted among the multitude of Mississippians who, over the long history of our great Nation, have bravely served and courageously given their lives for their country.

Mississippians traditionally identify themselves with a strong support of our national defense and a willingness to serve in our Armed Forces. We also hold fast to the memory of those lost in battle.

In fact, Columbus, MS, proudly claims to be the birthplace of Memorial Day, which was originally designated as Decoration Day to decorate the graves of Civil War soldiers. This tradition evolved into Memorial Day, which was recognized as a Federal holiday in 1971.

As we again gather to commemorate Memorial Day, people across Mississippi will stop to reflect on all those who have perished protecting our Nation, whether in battles long ago or in the ongoing conflicts. We will also affirm our belief that Congress should ensure that those who join our Armed Forces will be the best equipped and best trained in the world.

As a veteran of the U.S. Navy, I am thankful for the bravery and dedication of those who have fought and died for our country in our defense. They are true heroes, and we owe them our solemn gratitude for their service and sacrifice.

SERGEANT KEN HERMOGINO

Mr. BENNET. Mr. President, today I rise to remember the life and heroic service of SGT Ken Hermogino, who died on May 10, 2011, in Herat Province, Afghanistan, of injuries sustained when his military vehicle overturned. Fort Carson cannot replace a leader like Sergeant Hermogino. His passing represents a tragic loss for his hometown of Henderson, NV, and for our country.

Sergeant Hermogino's story is uniquely American. Within 2 months of the horrific terrorist attacks of September 11, 2001, that took the lives of nearly 3,000 innocent men, women, and children, Sergeant Hermogino began a military career that would span 10 years and two branches of the armed services. His exceptional character shone in the face of our shared adversity; he chose to serve when his country needed him most.

In 1998, he graduated from Basic High School in Henderson, NV, where he participated in the Marine Corps Junior

ROTC program. This experience allowed him to build up the skills and discipline that would become the foundation of his success in the services. Outside of school, Sergeant Hermogino relaxed by skateboarding, BMX racing, and displaying his talent for fixing just about anything.

Sergeant Hermogino enlisted in the Air Force in 2001, and he served for 8 years as a medical administrator based in the U.S. and Manas, Kyrgyzstan. While he assisted fellow servicemembers suffering from life-threatening wounds, Sergeant Hermogino always felt compelled to expand his contribution. His brother, Marvin Jeff, has said, ''He wanted to be more involved.''

In 2009, Sergeant Hermogino joined the Army and served in support of Operation Enduring Freedom as a member of the 7th Squadron, 10th Cavalry Regiment, based at Fort Carson, CO. Sergeant Hermogino's bravery and exemplary service did not escape the notice of his commanders. He earned, among other decorations, the Air Force and Army Commendation Medals, the National Defense Service Medal, and the Afghanistan Campaign Medal.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Hermogino's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

Today's tribute to the memory of Sergeant Hermogino must also honor his profound love for family. In this spirit, I ask my colleagues to join me in extending our deepest respects and condolences to Norma, his mother, Renato, his father, and to his entire family. Please know that Colorado and Americans across the country are profoundly grateful for Ken's sacrifice. For his bravery in Afghanistan and across the world, he will forever be remembered as one of our country's bravest.

HONORING OUR SERVICE MEN AND WOMEN THIS MEMORIAL DAY

Mr. CARDIN. Mr. President, I rise today to honor the sacrifice of those to whom we are forever indebted: the brave men and women of our Armed Forces, both past and present, who died in defense of freedom. It has been and continues to be their duty, honor, and privilege to serve. With Memorial Day 2011 approaching, it is our duty to pause and honor those who have sacrificed.

Memorial Day has become the unofficial beginning of summer. Schools are beginning to break for summer vacation, community pools are opening for the season, and friends and family are gathering this weekend for barbecues. It is important that we not lose sight of the true nature of this holiday and I encourage all of us to take time to pause and remember the meaning of Memorial Day.

Memorial Day, originally called Decoration Day, is a day of remembrance for those who have died in our Nation's service. Since 1868, this time of year has been designated as a time to pause and honor our war dead. It was officially designated a Federal holiday in 1971. An often overlooked tradition is to have a moment of remembrance specifically at 3 p.m. local time.

Throughout the Nation over this holiday weekend we will see many American flags and flowers adorning the graves of those who have made the ultimate sacrifice for our Nation. I will remember in particular the 104 Marylanders who have been killed in our most recent conflicts, and I will remind myself that our freedom isn't free. I will remind myself of their ultimate sacrifice and I will remind myself of the ongoing sacrifices their families continue to make each and every day.

I am immensely proud of the men and women—fewer than 1 percent of our population—who serve in our All-Volunteer Force. But there is a drawback, of sorts, to having an All-Volunteer Force: the sacrifices of the few are not felt by the many; therefore, they can be overlooked. We mustn't allow this to happen. This environment is much different than the conflicts of the past where nearly everyone had a friend, neighbor, or loved one who wore the cloth of our Nation.

I call on my colleagues and all Americans to remember the true meaning of Memorial Day and take the time to pause and remember those who have made the ultimate sacrifice in defense of our freedom and for the continued success of this great Nation.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate prepares to adjourn for the Memorial Day recess, I had hoped that we would be allowed to proceed with the consensus judicial nominees ready for confirmation and who are so needed to fill vacancies on Federal courts around the country. Instead, the Republican leadership's filibuster of the nomination of Goodwin Liu is being supplemented with delays of even those judicial nominations supported by Republican home State Senators and approved by Republicans on the Senate Judiciary Committee. This is too bad.

With judicial vacancies continuing at crisis levels, affecting the ability of courts to provide justice to Americans around the country, I have been urging the Senate to vote on the judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The Senate is recessing with 19 judicial nominations awaiting final action. Of those, 16 are by anyone's definition consensus nominees. All 16 were unanimously approved by all Republican and all Democratic Senators on the Judiciary Committee. Yet they remain stalled without final Senate action.

We should have regular votes on President Obama's highly qualified nominees, instead of partisan filibusters and more delays. With vacancies still totaling 90 on Federal courts throughout the country with nearly two dozen future vacancies on the horizon, there is no time to delay taking up these nominations. Had we taken positive action on the consensus nominees, vacancies could have been reduced below 80 for the first time in years.

All of the nominations reported by this committee and pending on the Senate's Executive Calendar have been through our Judiciary Committee's fair and thorough process. We review extensive background material on each nominee. All Senators on the Committee, Democratic and Republican, have the opportunity to ask the nominees questions at a live hearing. Senators also have the opportunity to ask questions in writing following the hearing and to meet with the nominees. All of these nominees which the Committee reported to the Senate have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All have the support of their home State Senators, both Republican and Democratic. They should not be delayed for weeks and months needlessly after being so thoroughly and fairly considered by the Judiciary Committee.

They include several nominees to fill judicial emergency vacancies, including Paul Engelmayer and William Kuntz of New York, Michael Simon of Oregon, Richard Brooke Jackson of Colorado, Kathleen Williams of Florida, and Nelva Gonzales Ramos of Texas, as well as Henry Floyd of South Carolina to the Fourth Circuit. The nomination of Professor Liu being filibustered by Republican leadership is also to fill a judicial emergency vacancy.

Those nominees who have the support of home State Republican Senators include Bernice Donald of Tennessee to the Sixth Circuit, Henry Floyd of South Carolina to the Fourth Circuit, Sara Lynn Darrow of Illinois, Kathleen Williams of Florida, Nelva Gonzales Ramos of Texas, John Andrew Ross of Missouri, Timothy Cain of South Carolina, Nannette Jolivette Brown of Louisiana, and Nancy Torresen of Maine. In spite of that support, we are unable to secure consent from the Republican leadership to consider and confirm them.

Of the judicial nominations we have been able to get the Senate to consider this year almost 70 percent were delayed from last year. We have only been able to confirm eight judicial nominees that had hearings and were reported for the first time this year. So when some say we are taking ''positive action'' on large percentages of nominees, what this shows is how many unobjectionable nominees were stalled last year by objections from the minority.

We could have made significant progress helping Americans seeking justice in our Federal courts before

this recess. Sadly, it is a missed opportunity for Senators across the aisle to have joined together with us and worked with the President to provide needed judicial resources.

50TH ANNIVERSARY OF PRESIDENT KENNEDY'S CALL TO GO TO THE MOON

Ms. MIKULSKI. Mr. President, May 25, 2011, marked the 50th anniversary of President John F. Kennedy's speech that set the original dream of American exploration with a goal of sending a human to the Moon and returning him safely by the end of the decade.

President Kennedy's speech was more than a call for a Moon shot. It was 17 days after Alan Shepard became the second human in space, and the Nation was still recovering from a recession and recovering from the Cuban missile crisis. That year, President Kennedy took the unusual step of coming to Congress in May to address urgent, ''extraordinary'' national needs. During his speech, he said, ''In a very real sense, it will not be one man going to the Moon . . . it will be an entire Nation. For all of us must work to put him there.'' He sounded the starting gun of the space race. In that race, the United States and its young President were determined to cross the finish line first.

America is no longer in a space race. We are in a race for our economic future. We are not racing other countries. We are racing ourselves. To win this economic race, we must do as President Obama has urged us. We must work together to out-innovate, out-educate, and out-build our competitors. That is why I fight so hard to invest in America's exploration and discovery which creates jobs for today and jobs for tomorrow.

As we were 50 years ago, our space program is embarking on a new journey. This year, after 30 years of great service NASA will retire the Space Shuttle with honor and dignity. We will bid goodbye to this workhorse that launched and fixed Hubble and built the International Space Station.

Last year, Congress gave NASA a new path forward. My colleagues and I fought to pass a new authorization bill. It was not easy. There was confusion and chaos about the path forward, and the austere budget environment required tough choices. The authorization law established a balanced space program. It increased investments in Science and Aeronautics so we can explore the universe, protect the planet, and make air travel safer and more reliable. The bill provided for new Space Technology research and development to make exploring space safer and more efficient. Finally, it gave us a sustainable human space flight program that extends the International Space Station lab to 2020, opens low Earth orbit to commercial providers, for cargo first, then crew, and broadens human reach beyond low Earth orbit.

NASA will begin building our next generation vehicles to go beyond low Earth orbit, the heavy lift rocket and the Orion capsule. The private sector will build commercial cargo and crew vehicles, with NASA providing the venture capital to get cargo and astronauts to the International Space Station while building a whole new industry.

The shuttle is retiring, but our missions in space will sail on. It doesn't matter how we get there. We can't be defined by our Space Transportation System. Our future in space will be built on innovation and discovery from commercial rockets taking cargo and someday astronauts to the International Space Station; to the James Webb Space Telescope discovering new galaxies and new frontiers in science; to new technologies to grab and fix damaged satellites in space with robots.

New technologies don't just happen. They come from American ingenuity that is built on discovery and innovation. They have made America great and they have made us a nation worth imitating.

As we look around the world, we see people who yearn to imitate the democracy we have, who brought down dictators and autocrats with American innovations like Twitter. They believe representative, parliamentary bodies can give them an orderly way to move government forward and will give them better lives, helping them compete in the world economy.

Already, emerging nations, like China, are imitating our investments in discovery and innovation. China is embarking on an ambitious space program that is reaching for the stars with satellites and astronauts. China is increasing its science research budget 20 percent each year, seeking to replicate our National Science Foundation.

I don't worry about being in a race with China or other nations. China can't beat us. We can only beat ourselves by losing our drive to reach for great goals and by failing to invest in the research and development that will help us achieve them. I will keep fighting to for the innovation and discovery that makes America worth imitating.

I believe in the space program. I believe in space technology, in green science that helps us understand and protect the planet, and in heliophysics that studies the Sun so we know when solar storms could knock out the power grid. I believe in the men and women of the space program like the astronauts who risk their lives to extend our human reach in space, the astrophysicists who teach us about dark matter and the origins of the universe, and the machinists who craft the precision robots that explore the universe for us. The men and women of the space program are the best of the American economy, creating jobs for today and jobs for tomorrow.

President Kennedy knew we needed all of the Nation's talents to go safely to the Moon. Fifty years later, we live in different, and more frugal, times. We must not let our urgent, immediate needs keep us from investing in programs that see results well into the future. While looking toward immediate national needs, President Kennedy also urged investments for the long haul. He wanted the United States to take risks on science that changed the world, putting people on the Moon, and on a civilian weather satellite in space.

While America waits on our new crop of innovations to mature, we will keep reaping the harvest of the discoveries and investments made long ago that have become the Internet, medical imaging like MRIs, and countless other products that help American companies invent new products and create new jobs.

In these frugal times, we should all work together to keep alive President Kennedy's spirit of exploration and discovery and win the future.

INTENT TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate Standing Orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to S. 968, the PROTECT IP Act.

In December of last year I placed a hold on similar legislation, commonly called COICA, because I felt the costs of the legislation far outweighed the benefits. After careful analysis of the Protect IP Act, or PIPA, I am compelled to draw the same conclusion. I understand and agree with the goal of the legislation, to protect intellectual property and combat commerce in counterfeit goods, but I am not willing to muzzle speech and stifle innovation and economic growth to achieve this objective. At the expense of legitimate commerce, PIPA's prescription takes an overreaching approach to policing the Internet when a more balanced and targeted approach would be more effective. The collateral damage of this approach is speech, innovation and the very integrity of the Internet.

The Internet represents the shipping lane of the 21st century. It is increasingly in America's economic interest to ensure that the Internet is a viable means for American innovation, commerce, and the advancement of our ideals that empower people all around the world. By ceding control of the Internet to corporations through a private right of action, and to government agencies that do not sufficiently understand and value the Internet, PIPA represents a threat our economic future and to our international objectives. Until the many issues that I and others have raised with this legislation are addressed, I will object to a unanimous consent request to proceed to the legislation.

NRA POSITION

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 26, 2011, from the NRA.

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

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, DC, May 26, 2011.

DEAR SENATOR CHAMBLISS: Thank you for asking about the National Rifle Association's position on a motion to table amendment # 363 to the PATRIOT Act.

The NRA takes a back seat to no one when it comes to protecting gun owners' rights against government abuse. Over the past three decades, we've fought successfully to block unnecessary and intrusive compilation of firearms-related records by several federal agencies, and will continue to protect the privacy of our members and all American gun owners.

While well-intentioned, the language of this amendment as currently drafted raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant, or judicial oversight of any kind.

Based on these concerns and the fact that the NRA does not ordinarily take positions on procedural votes, we have no position on a motion to table amendment # 363.

Sincerely,

CHRIS W. COX.

25TH ANNIVERSARY OF THE AU PAIR PROGRAM

Mr. LIEBERMAN. Mr. President, I would like to bring to the attention of my colleagues a milestone that has been reached by an important cultural exchange program administered by the State Department. In 1986, the United States Information Agency, USIA, exercised its authority under the Fulbright/ Hays Act to establish the Au Pair Program on a pilot basis. This initiative was designed to provide opportunities for young Europeans to live with an American family, care for children, and pursue their educational interests.

One of the leaders in developing the concept of the Au Pair Program was the American Institute in Foreign Study, AIFS, located in my hometown of Stamford, CT. AIFS was one of the initial sponsors and worked in connection with the State Department to develop a comprehensive framework that supports American families and foreign nationals.

Over the past 25 years, the Au Pair Program has grown dramatically. Congress assisted in that growth by passing legislation, signed into law by President Clinton in 1997, which gave the Au Pair Program permanent authority under the J–1 visa program. This initiative has proven to be a remarkable success. In fact, over 180,000 au pairs from over 60 countries have lived with an American family for a year since the program's inception.

I can personally attest to the strength and value of the Au Pair Program. When our youngest daughter was growing up, Hadassah and I had several au pairs. They became part of our extended family and we still keep in touch with them today. The exchange experience enriched the lives of our au pair and my family through the sharing of culture, language, and religion.

I am pleased the U.S. State Department is holding a reception on June 9, 2011, to celebrate the 25th anniversary of the Au Pair Program. I commend all those who have made this program so successful, and in particular AIFS, for its vision and leadership.

TRIBUTE TO STAFF SERGEANT JOSE PEQUENO

Ms. AYOTTE. Mr. President, I rise today in honor of a real American Hero, SSG Jose Pequeno of my home State of New Hampshire, and his steadfast family. After leaving the U.S. Marines, Jose became one of the youngest police chiefs in the State of New Hampshire. After 9/11, he joined the U.S. Army, and heroically volunteered to go to Iraq. Following an IED explosion, Jose was almost mortally wounded, but fought to live. Now, with the help of his mother and family he continues that battle. This coming Memorial Day weekend, I ask all of us to remember the many servicemen and women and their families who have sacrificed so much for us. As each of our servicemen and women and their families teach us daily about faith and courage, I ask Americans to pray and remember their sacrifice, which continues to ensure our freedom is secure.

Mr. President, I ask unanimous consent that this poem penned by Albert Caswell be printed in the RECORD in honor of all those brave men and women we have lost.

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

HEAVEN SO HOLD'S

Jose. . . .
Heaven . . .
Jose, Heaven . . . so hold's . . .
Heaven, so hold's your place!
For Heaven, is so made . . . so made . . .
All for such men as you Jose, of such splendid grace!
All for such magnificent men, of 'oh so such courageous faith!
Who have such brilliant eyes, which to all hearts such warmth do so bathe . . .
Who but once had such strong arms, hands and legs, to protect all of us from such harm . . .
Who once, upon them . . . so such great burdens were so placed!
Whose entire life has been written with such kindness and courage, that time cannot so erase . . .
And so show us all, just what a magnificent heart can so create!
Whose whole entire life has but been so dedicated, to but protecting the human race . . .
Who so gave, and so marched off to war . . .
And came back home to wear a badge, and so much more . . .
And then to serve once again, to give it all up again and go back to war . . .
To volunteer, and give up all that you so love and so adore!
For there can be no greater gift! No greater love than all of this for sure . . .
To so leave your loved ones, and give up all that you adore!
And yes, Jose, Heaven SO Hold's Your Place!
Ah yes Jose, one day you will so see our Lord's face . . .
And all of those magnificent families . . . like yours
Who had to so worry, and so wait!
Quiet heroes, who had to carry on somehow each day . . .
Praying, not for that one phone call, did they!
Living through, all of that pain and hell and heartache!
For all of them, oh yes yours, Heaven So Hold's A Place!
For they shall too so see, our Lord's face . . .
And, when you came back home Jose, that day . . .
And they so looked upon your once golden face . . .
And so saw what this war had so made!
And they broke down and began to cry!
As they so asked our Lord, why so why?
As they so wept . . . all on that night
But, some things can be only made with faith!
Because Jose, you so made the choice . . .
As it was you Jose, who so heard that inner voice!
As your loved ones too, have so brought their light!
As upon their needs, they asked for courage . . . on high . . .
Is that but not what Heaven is for?
Is that but not true love for sure?
For Heaven So Holds A Place, for all of those who have shown such grace!
Who, will not give up, or in . . . even though each day the worst they so face . . .
Yes, Heaven Holds Your Place!
Amen!

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID C. BAILEY

• Ms. AYOTTE. Mr. President, today I recognize and congratulate Chief of Police David C. Bailey of the Bedford, NH, police department for his 40 years of dedicated service to the law enforcement profession, the town of Bedford, and the State of New Hampshire.

Chief Bailey began his law enforcement career in 1971 as a patrol officer with the town of Bedford; was promoted to lieutenant in 1976; deputy chief in 1981; and as the chief of police in 1989. A native of Bedford, NH, Chief Bailey earned his bachelor's degree from the University of New Hampshire in 1969.

During his long tenure as a police chief, David Bailey has been a leader in promoting community oriented-policing; in improving public safety within the State of New Hampshire; and in promoting sound public policies and practices, which have helped keep New Hampshire one of the safest States in the Nation. From 2002 to 2003, he served with distinction as the president of the New Hampshire Association of Chiefs of Police. Chief Bailey has worked tirelessly with New Hampshire legislators, and other public safety officials, to better the administration of justice.

As Chief David Bailey celebrates his retirement, I commend him on a job

well done, and ask my colleagues to join me in wishing him, his wife Susan, son Nathan, and daughter Jessica, well in all future endeavors.●

IRON HORSE BICYCLE CLASSIC

● Mr. BENNET. Mr. President, today I recognize the Iron Horse Bicycle Classic in which bicyclists race the steam-powered Durango & Silverton Narrow Gauge Railroad from Durango to Silverton. May 28, 2011 will mark the 40th anniversary of this race which is an institution in my home State of Colorado.

This year's race has attracted some 2,500 racers from 44 States and 5 countries and 3,500 riders participating in all of the weekend's many cycling related events.

This race is the third oldest continuously sanctioned bike race in the United States and probably the most grueling of them all. The Iron Horse Classic is a 50-mile race that takes riders over two beautiful mountain passes in Colorado's awe inspiring San Juan Mountains. The race course tops out at 10,860 feet and has a vertical climb of some 6,600 feet for every racer.

The race is one that many professional bike racers compete in at some point in their career with many Olympians, National and World Champions riding in the race over the decades.

Organized for decades by cycling legend Ed Zink of Durango, the Iron Horse Classic is a tremendous asset to all of southwest Colorado. The race's economic impact on our economy is around $2 million each year and it has donated around $500,000 to local causes over the years.

As I am sure you can imagine, this is a grueling event for which all riders put in many long months of training.

I am proud to recognize all the riders, staff, volunteers and community members from southwest Colorado who have made the Iron Horse Classic into a premier Colorado cycling event on this its 40th anniversary.●

REMEMBERING F.T. HOGAN H'DOUBLER, JR., M.D.

● Mr. BLUNT. Mr. President, as the Memorial holiday approaches, and the Nation remembers our brave soldiers who have served and are serving in our military, I ask the Senate to join me in remembering a decorated war hero and a fellow Missourian, F.T. ''Hogan'' H'Doubler, Jr., M.D., who passed away on November 24, 2010.

Dr. H'Doubler was born in Springfield, MO, on June 18, 1925. In December 1942, at the age of 17, he graduated from high school a semester early to enlist in the Navy. He was assigned to the V–12 training program at Miami University in Oxford, OH. He earned his medical degree from the University of Wisconsin-Madison.

After the conclusion of World War II, F.T. ''Hogan'' H'Doubler, Jr., M.D. reentered the Navy as a lieutenant junior grade in the Medical Corps. During the Korean war, he volunteered with the Fleet Marines, and while treating a wounded marine, he received multiple gunshot wounds and was evacuated from Korea. Because of these injuries, he received a Purple Heart with the Oak Leaf Cluster and a Bronze Star.

Dr. H'Doubler became a Shriner in 1956 and served as Potentate in 1968. He later became the Imperial Potentate of the Shrine of North America from 1980 1981. He was an Emeritus Trustee of Shriners Hospitals for Children, and served as chairman of both the Medical Research Planning Committee and the Budget Committee. He was also a member of the Finance Committee and an Emeritus Representative of the Shriners International. He is credited with starting the Stop Burn Injury Program, which is still active today.

Dr. H'Doubler belonged to many professional organizations, including the American Medical Association, Missouri State Medical Society, Greene County Medical Society, American Thyroid Association, and the American Academy of Alternative Medicine, of which he served as president in 1985.

He is survived by his wife Marie, and his four children: daughters Julie Thomas and Sarah Muegge, and sons Kurt and Charles, and six grandchildren.

I would like to pay tribute to this wonderful man who served his Nation and his community with distinction and achieved the Shriners goal of free orthopedic and burn care for all children. Dr. H'Doubler was always a trusted resource on medical issues on whom I could rely at any time. His insight, his compassion, and his willingness to lead on important issues made him a sought after expert. I always enjoyed spending time with Dr. H'Doubler, and he often took time to mentor me on medical and political topics. He was a remarkable man with a full, rich life, and I was glad to call him my friend.●

REMEMBERING GENERAL MATTHEW BUNKER RIDGWAY

● Mr. BLUNT. Mr. President, when GEN Matthew Bunker Ridgway passed away on July 26, 1993, he was one of the most decorated soldiers in the U.S. Armed Forces. Members of his family, including some of my constituents from Columbia, MO, gather each year. This year, they will honor General Ridgway's leadership, character, and courage as they celebrate the 60th anniversary of his command as Supreme Commander of the United Nations forces in Korea and Supreme Commander of the U.S. Far East Command during the Korean war.

General Ridgway was born on March 3, 1895, in Fort Monroe, VA, to COL Thomas Ridgway and Mrs. Ruth Ridgway. He went to high school in Boston, MA, and afterward planned to follow in his father's footsteps at West Point. Young Matthew failed the math portion of his entrance exam but was not deterred. He studied harder for his second attempt, passed, and graduated from West Point. In 1917 he was commissioned as second lieutenant. After the disappointment of not being sent into combat during World War I, Lieutenant Ridgway said, ''The soldier who has had no share in this last great victory of good over evil would be ruined.'' After serving on various generals' staffs and commanding the 15th Infantry in Tientsin, China, General Ridgway would get his chance to fight.

In August 1942, General Ridgway succeeded Omar Bradley when he was given command of the 82nd Airborne Division. The 82nd was chosen as one of the Army's five new airborne divisions. The conversion of an entire infantry division to airborne status was an unprecedented and daunting task which Ridgway successfully accomplished. In 1944, General Ridgway helped plan the airborne operations of Operation Overlord, the Allied invasion of Europe. In Normandy, he courageously jumped with his troops, who fought bravely for 33 days in advancing to Saint-Sauveur-le-Vicomte near Cherbourg, France.

In 1950, as the Korean war raged, General Ridgway was given command of the 8th Army. When Ridgway assumed command the 8th Army was in tactical retreat and suffering from low morale. After a successful reorganization of command structure and service at the front lines, General Ridgway had repaired morale among his soldiers. Ridgway shifted tactics and, relying heavily on coordinated artillery, went on the offensive, helping slow and later stop the Chinese at the battles of Chipyong-ni and Wonju. When General MacArthur was relieved of command in 1951, General Ridgway took the helm as Supreme Commander of U.N. forces in Korea and Supreme Commander of the U.S. Far East Command. Over the next year, Ridgway was responsible for conduct of the Korean war. He also followed General MacArthur as military governor of Japan, where he oversaw the restoration of Japan's Independence and sovereignty. In 1952, he replaced GEN Dwight D. Eisenhower as the Supreme Allied Commander for the North Atlantic Trade Organization, where he was credited for improvements through command structure, forces, facilities, and training. For his last assignment, General Ridgway served as Chief of Staff of the U.S. Army from 1953 until his retirement in 1955.

In retirement, General Ridgway would serve on boards, write, speak to groups, and advise other leaders, including President Lyndon B. Johnson. In 1986, President Ronald Reagan awarded General Ridgway the Presidential Medal of Freedom.

GEN Matthew Bunker Ridgway passed away at his home outside Pittsburgh at the age of 98, on July 26, 1993. He was buried at Arlington National Cemetery, and during his eulogy Colin Powell said: ''No soldier ever upheld his honor better than this man. No soldier ever loved his country more than

this man did. Every American soldier owes a debt to this great man.''●

TRIBUTE TO BERNARD ''C.B.'' KIMMONS

● Mr. CASEY. Mr. President, today I honor Bernard ''C.B.'' Kimmons for his life of service and courageous commitment to preventing gang and drug violence at all costs.

C.B. was born in Atlantic City, NJ, on February 13, 1944. Though he originally hails from the Garden State, he came to spend much of his life within the city of Philadelphia, graduating from three Philadelphia area schools: Cardinal Dougherty High School, Saint Joseph's University, and Temple University Graduate School.

After earning his teaching degree, he further solidified his commitment to Philadelphia by spending 16 years teaching in Ogontz, at General Louis Wagner Junior High. During his tenure at Wagner, he was disheartened to see that many of his students fell victim to social pressures that led to them join gangs. C.B. quickly became an eyewitness to gang-related violence. He knew that his students needed guidance before they became lost within the harsh realities of gang life. As a leader and a role model within the community, he took it upon himself to fulfill this need. He began to educate his students about the dangers of joining gangs with a simple message of respecting law enforcement, parents, clergy, teachers, adults, and fellow young people. His message quickly caught on, and many of his students still remember his influential teaching style.

It was this innovative approach that caught the attention of the Philadelphia school district, under Superintendent Dr. Constance Clayton. C.B. eventually began teaching in different schools across the district under a special antidrug, antiviolence curriculum, many times teaching in up to 15 different schools a week. His message against bullying, guns, drugs, and violence spread across the city and continues to affect countless lives today.

It was during this time that Bernard was given the nickname of ''Cool Bernie'' or C.B. within some of the rougher neighborhoods he worked. This nickname has grown to illustrate the close nature of his relationships with his students as well as his acceptance as a role model and community figurehead. He goes by that name to this day.

In addition to his work in the public schools, C.B. was also an active volunteer through numerous activities within Philadelphia. In 1967, he served as a citywide gang control worker under the guidance of Zachary Clayton. He then met Dr. Herman Wrice who became his mentor when he joined Mantua Against Drugs. C.B. and Dr. Wrice traveled around Philadelphia trying to clear the streets of gangs and drug dealers to ensure that young adults had a safe haven from violence and drugs in troubled neighborhoods. C.B.'s commitment to Mantua Against Drugs continues today; he currently serves as the organization's executive director. From his first taste of volunteerism, C.B. knew he found his passion. He wanted to change the world.

In addition to these efforts, C.B. has personally made himself available to children within the city of Philadelphia through numerous activities. He provides free drug counseling and recently started a multitiered program offering computer skills, document framing, photo-journalism, entrepreneur training, and newsletter creation as an alternative to violent gang behavior. He also leads vigils for young adults who were killed as a direct result of gang related violence.

While C.B.'s efforts to lessen the impact of drug dealers have received considerable praise, they have also attracted the attention of those that would prefer the status quo remain unchanged. On more than one occasion C.B. has had threats against his own life and has been forced to seek police protection. Despite these efforts to undermine his work, C.B. persevered and still today continues to aggressively pursue change within our community.

C.B. has been honored for his work by countless organizations and agencies across the city of Philadelphia and the country. These honors include Time Magazine Local Philadelphia Hero; recognition by the Martin Luther King Center in Atlanta, GA; a 2010 Drum Major Award for Peace given by the Council of Black Clergy of Philadelphia; University of Pennsylvania's Martin Luther King Award for Community Service and Outreach; winner of University of Pennsylvania's Crystal Stair Award; the Hero of Peace Award given by Veterans Against Drugs; and the Humanitarian Award given by the Four Chaplains at the U.S. Naval Base. He has also been featured on CNN for his school-based role model program.

Throughout all of his work, C.B.'s efforts have focused on ensuring that children have a chance to succeed despite the challenges and obstacles they face on a daily basis. C.B. has saved numerous lives and continues to protect children of all ages from the ravages he first saw in his early teaching days. As a result of C.B. Kimmons' hard work, children across Philadelphia are given a chance to succeed and reach their potential.

It is my pleasure to stand today before my colleagues to recognize Bernard ''C.B.'' Kimmons'' sacrifices, achievements, and ongoing commitment toward bettering the lives of our youth.●

TRIBUTE TO TINE VALENCIC

● Mr. CORNYN. Mr. President, today I wish recognize the achievements of Tine Valencic, a 13-year-old seventh grade student at Colleyville Middle School in Colleyville, TX. Tine recently competed in and won the 2011 National Geographic Bee, held here in Washington, DC. Each year thousands of schools and millions of students in the United States participate in the National Geographic Bee using materials prepared by the National Geographic Society. The contest is designed to encourage teachers to include geography in their classrooms, spark student interest in the subject, and increase public awareness about geography. Schools with students in grades four through eight are eligible for this entertaining and challenging test of geographic knowledge.

Out of a field of 54 contestants, one from each of the 50 States and Territories, Tine won the competition and was the only contestant to correctly answer every question in the final round. In recognition of his success, National Geographic will award Tine a college scholarship worth $25,000, a lifetime membership in the National Geographic Society, and a trip to the Galápagos Islands with his parents.

The winning question was: ''Which South American country is home to the volcano, Tungurahua?'' The answer, ''Ecuador,'' was given correctly by Tine after the runner-up contestant failed to match Tine for a fourth question in a row. Tine is the second Texan to be named national champion in the competition's 23-year history.

Young Texans, like Tine Valencic, prove that persistence and a thirst for knowledge are the keys to unlocking opportunities for success. I congratulate Tine on this important accomplishment and look forward to seeing his continued achievements.●

TRIBUTE TO MICHAEL J. FITZMAURICE

● Mr. JOHNSON of South Dakota. Mr. President, today, with great pride, I pay tribute to Michael J. Fitzmaurice who will be retiring at the end of the month after 24 years of service at the Sioux Falls, SD, VA Medical Center.

Michael entered into service with the U.S. Army in October 1969. After completing his basic training at Fort Lewis, WA, and advanced individual training at Fort Knox, KY, he was deployed to Vietnam with the D-Troop 17th Calvary, 101st Airborne Division. Michael served with great distinction in Vietnam eventually earning our nation's highest award for valor, the Congressional Medal of Honor, for his heroic actions at Khe Sanh, Vietnam.

Michael received an honorable discharge from the Army on April 7, 1972. In addition to the Medal of Honor, which he was awarded by President Nixon in November 1973, Michael received several other decorations for his uncommonly brave service to our Nation; including the Vietnam Service Medal with Bronze Star, Vietnam Campaign Medal, and the Purple Heart, among others. In recognition of his service, the South Dakota State Veterans Home in Hot Springs was renamed the Michael J. Fitzmaurice State Veterans Home in October 1998.

Following his return from Vietnam, Michael met Patty Dolan, whom he married in July 1973. Michael and Patty would raise two sons, Michael Jr. and Brian. Eager to continue his service to our country after returning home, Michael joined the South Dakota Army National Guard 153rd Engineering Battalion in Huron, SD, in April 1973. Michael continued his service with the South Dakota Army National Guard until his discharge in April 1990. He joined the South Dakota Air National Guard in May 1990 and retired from military service in May 1992 after 23 dedicated years of service to his country.

In addition to serving his country for 23 years in the military, Michael has dedicated his life to the service of his fellow veterans in South Dakota. He is retiring after 24 years of service as a plumber at the Sioux Falls VA Medical Center. He is a lifelong member of the Congressional Medal of Honor Society, Disabled American Veterans, Veterans of Foreign Wars, American Vets, and the 101st Airborne Association.

Michael is a humble man. He is never one to flaunt his heroic actions, nor bring attention to his decorated military service. He would likely rather blend in the crowd with his fellow veterans than be singled out; however, on the occasion of his retirement from the Sioux Falls VA Medical Center, it is appropriate that he be publicly recognized. I commend Michael J. Fitzmaurice for his many years of dedicated service to the State of South Dakota and our nation. Michael, a grateful nation thanks you for your service. Best wishes on your retirement.●

TRIBUTE TO PETER HENRY

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the career of a dedicated public servant. Peter P. Henry is retiring as director of the Black Hills VA Health Care System in early July, concluding a career in Federal service that spans 41 years in the Department of Veterans Affairs. Peter has spent two lengthy stints at the helm of the Black Hills VA, totaling 16 years of service.

I commend Peter for his dedication, professionalism and steadfast commitment to veterans and their families. I have always appreciated the efforts of the men and women who work in the Black Hills VA Health Care System and exemplify the VA's ''Veterans Come First'' mission. Patient satisfaction numbers have remained high during Peter's leadership at the Black Hills VA, a testimony to the dedicated work of the staff and administrators at the Hot Springs and Fort Meade facilities.

Over his career, Peter has witnessed a number of changes in the VA system and has deftly guided and implemented these changes within the Black Hills VA. He worked to merge the Hot Springs VA and Fort Meade VA systems into one collective organization, the Black Hills VA health care system. This action provided a number of challenges including condensing dual missions at two campuses into one mission spanning two facilities.

During his many years of service in the Black Hills, Peter has worked diligently to provide VA services to South Dakota veterans who would otherwise not receive such important care. The number of community based outreach clinics, CBOCs, in the Black Hills VA system has increased during Peter's tenure. Veterans living in rural and reservation areas of South Dakota have much better access to VA health care and specialty services through the CBOCs. The needs of rural and reservation veterans must continue to be addressed so that access to quality VA care is preserved and maintained.

In 1995, Peter provided key leadership with the opening of the Rapid City Community Based Outreach Clinic, CBOC, at a small facility on the South Dakota National Guard's Camp Rapid campus. In a joint agreement between the Guard and the VA, veterans in Rapid City were able to save on mileage and receive routine levels of care. It wasn't long before VA officials realized that the facility was too small to meet the growing demands of veterans in the Rapid City area. A larger facility was opened near private community-based medical facilities. As Peter's career comes to a close, he continues to work to improve the Rapid City CBOC.

Like many agencies, the VA has been asked to do more with less over the years. The Black Hills VA continues to face challenges as it works to meet the complex needs of our ever growing veterans population, including women veterans, younger veterans, veterans with traumatic brain injuries, post traumatic stress disorder and other illnesses. I commend Peter's ability to address these challenges and ensure that South Dakota's veterans are provided the quality care they deserve.

I have always appreciated Peter's insight and input on issues impacting the VA Health Care System, the Black Hills VA, and veterans in general. I congratulate Peter on his many years of federal service and applaud him for his passionate work on behalf of veterans and their families. I wish Peter and his wife Sharon all the best in his retirement.●

WATERTOWN BENEDICTINE SISTERS OF THE MOTHER OF GOD MONASTERY

● MR. JOHNSON of South Dakota. Mr. President, with great honor, today I congratulate the Watertown Benedictine Sisters of the Mother of God Monastery in their celebration of providing 50 years of faith-based service.

Founded in 1961, the Watertown Benedictine Sisters have served in hospitals, schools, prisons, parishes, reservations, and nursing homes in communities throughout South Dakota. Originally the Watertown Benedictine Sisters focused on serving in elementary and secondary Catholic schools in North Dakota and South Dakota. Many of the children that the sisters have helped can still recount their fond memories of the important and caring deeds that the Sisters preformed.

Today the Sisters work for parish ministries, schools, pastoral care, hospitals, and care facilities. The Sisters, through their 50 years of service, have developed strong ties with the Watertown community and have always offered a hand to those in need.

In honor of this momentous occasion the Sisters plan to host an interfaith discussion of Judaism, Christianity, and Islam, and to create a book detailing the rich history of the Watertown Benedictine Sisters of the Mother of God Monastery.

I am proud to have this opportunity to honor the Watertown Benedictine Sisters of the Mother of God Monastery for their outstanding service. It is an honor for me to share with my colleagues the strong commitment the Sisters have for relentlessly caring for those in need. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

YANKTON, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I recognize the 150th anniversary of the founding of one of South Dakota's great cities, Yankton. Located along the Missouri River, Yankton serves as the county seat of Yankton County and is a source of great history.

Yankton, founded in 1861 and incorporated on May 8, 1862, was the original capital of Dakota Territory. The founders of Yankton derived the city's name from the Sioux expression E-hank-ton-wan, which means ''people of the end village.'' Yankton College, founded in 1881, was the first liberal arts college in Dakota Territory, providing the community with rich opportunities through higher education, continued today through Mount Marty College.

Riverboat Days and the Summer Arts Festival are held every August in Yankton and bring visitors from all over the state to enjoy the scenic beauty and relaxing atmosphere the city has to offer. Yankton is an outdoor enthusiast's dream, offering access to hunting, fishing, golfing, parks, hiking trails, kayaking and canoeing, and other water recreation sports. The Gavins Point Dam makes the city's water recreation possible along with providing hydroelectric power. Yankton is home to the Dakota Territorial museum, which provides a glimpse of the rich history of the Dakota Territory and the events that shaped the Midwest itself. Yankton is also the hometown of perhaps South Dakota's most famous resident, Tom Brokaw, former anchor of the NBC

Nightly News, a graduate from Yankton High School.

Yankton is celebrating its sesquicentennial with a variety of artists playing a diverse selection of music. This three day concert event will honor the people that have made Yankton their home, from the first rugged settlers to the children of today.

Yankton continues to be a vibrant community and a great asset to South Dakota. Yankton boasts a thriving economy, various tourist destinations, and tremendous opportunities for outdoor recreation. I am pleased to recognize the achievements of Yankton, and to offer my congratulations to the residents of the city on this historic milestone.●

TRIBUTE TO RANDY SCHOEN

● Mr. MERKLEY. Mr. President, today I wish to honor the work of Medford Chief of Police Randy Schoen, and all the officers, citizens, dispatchers, and volunteers being recognized at the Medford Police Awards Banquet.

The Medford Police Department is doing its community a great service in holding the annual Medford Police Awards Banquet, acknowledging and encouraging the kind of work that keeps our citizens safe and makes our communities great.

Chief Schoen has contributed much to his department and to the city of Medford, OR. He developed the department's first K9, SWAT, and drug and gang enforcement units. He has used technology to make the department more effective and responsive. He has rolled out programs that have increased the Medford Police Department's efficiency, community involvement, and clearance rates. Chief Schoen is a terrific example of what it means to be a public servant. He is now retiring after 25 years of meritorious service. His hard work will be missed.

Also worthy of praise are the many other individuals being honored at the Medford Police Awards Banquet. These citizens and officers are receiving awards for Outstanding Achievement, Meritorious Lifesaving, and Citizen Recognition. Many of these individuals have risked personal harm to save the life of another, or ensure that justice is done. I thank the Medford Police Department for honoring them.

I join the Medford Police Department and the people of Medford in commemorating the great work of Chief Schoen and all those receiving awards at this banquet. These individuals represent the ideals of civil service, personal heroism, and a just society. I thank them for their service and wish them all the best in their endeavors to come.●

TRIBUTE TO LINDA CANNON

● Mrs. MURRAY. Mr. President, today I honor Linda Cannon, deputy director of intergovernmental relations for the city of Seattle, who is retiring after serving over 35 years with the city.

Ms. Cannon's legacy can be seen throughout the city. She has served for many years as the city's primary contact with the U.S. military as it relates to the base realignment and closure process. The most significant of these projects was her work on the ongoing redevelopment of Sand Point, a former Naval Air Station and later Support Activity Center for the Navy, closed in 1991. Linda served as the key staff person coordinating with the Navy, community members, Native American tribes, and a host of interest groups over the redevelopment of this significant resource. Linda worked to balance all these interests while ensuring that the values of the community were also upheld. The crown jewel of this redevelopment is Warren G. Magnuson Park which honors Washington State's late great Senator Magnuson. Her leadership throughout this process has been critical to its success.

Ms. Cannon also served as a mentor and trusted colleague to hundreds of city staff through the years. She is known for her grace under pressure, her clearheaded approach to problems, and keeping everything in perspective. Her attitude and work ethic always served as a model for those around her.

Ms. Cannon represents the best of public service in this country. Her professionalism, integrity, institutional knowledge, and understanding of the role of public employees in serving the people have been a huge asset to the city and will be sorely missed. There are hundreds of thousands of public servants around the country like Ms. Cannon who are quietly serving their communities every day. We all should be grateful for their dedication and service. I would like to wish Ms. Cannon the best in her retirement and a heartfelt thank you.●

RECOGNIZING BIOVATION, LLC

● Ms. SNOWE. Mr. President, for 25 years, the Smaller Business Association of New England, SBANE, has been recognizing the accomplishments and innovations of small businesses throughout the Northeast with its innovation awards. The Rising Star category is reserved for those small businesses that will have a significant impact in their industry or sector in the near future.

Today I rise to recognize Biovation LLC, a small manufacturing firm in the coastal Maine town of Boothbay that creates antimicrobial chemical and nonwoven fiber products for both food packaging and wound care. Biovation beat out nearly 200 nominees and 20 finalists to win the coveted Rising Star category of the SBANE's Innovation Awards, a truly worthy and aptly named recognition for this up-and-coming firm.

The company was nominated for the SBANE award by the Maine Manufacturing Extension Partnership, MEP, with which it has worked to increase efficiency, productivity and competitiveness. Rosemary Presnar of the Maine MEP has noted that Biovation possesses ''a rare combination of engineering capability and entrepreneurial zeal; and they're visionary in applying their technology to develop new products and create new market opportunities.'' This commitment to improvement is a source of inspiration, and is an example of the blossoming technological and R&D sector that is transforming Maine. Biovation received the award at SBANE's annual gala dinner on May 11 in Massachusetts, joining Maine companies such as Tom's of Maine and Wright Express, which have been recognized in previous years.

Biovation aspires to become a worldwide leader in the product safety and wound care sectors within the next decade, and the company is off to a resounding start. Biovation has developed a process where textile fibers are infused with antimicrobial chemical formulations; these fibers can be used for bandages and dressings to prevent the spread of disease by inhibiting the growth of bacteria and fungi. Clearly, this is a perfect tool for use in hospitals and medical facilities worldwide in efforts to eradicate the transmission of infections between patients.

In April of this year, Biovation shipped out its first orders of food safety products, and by this time next year, it expects to complete contract negotiations with a medical company for its wound care products. Additionally, the U.S. Marines have expressed interest in acquiring absorbent liners to keep soldier's boots dry. Because countries like Iraq and Afghanistan lack the proper infrastructure, it is difficult to use electric dryers for such tasks. Biovation's unique products can provide an affordable, lightweight pad to help our troops stay comfortable during their critical missions in extreme temperatures and conditions.

It will take America's nearly 30 million small businesses working to outinnovate and out-produce the rest of the world to provide for a lasting economic recovery. With companies like Biovation leading the way, I am confident that we are well-poised to move our economy forward. I thank everyone at Biovation for their dedication and forward-thinking, and congratulate them on their success.●

TRIBUTE TO TOM McAVOY

● Mr. UDALL of Colorado. Mr. President, today I recognize a native Puebloan, sometimes critic, and staple of Colorado's political journalism, Tom McAvoy.

Tom McAvoy has been with the Pueblo Chieftain newspaper in Colorado for over three decades, including 21 years of covering the Colorado statehouse. For the past 7 years, he has served as the Chieftain's editorial research director and a member of its editorial board. He will retire at the end of May, but I hear he will continue to make an occasional appearance in the editorial section.

Tom graduated from Pueblo's Central High School in 1964 and from the Southern Colorado State College in 1968, before going on to earn a master's degree in journalism from Ohio State University. He served in the National Guard after college and went on to work for the Associated Press, joining the Chieftain in 1977.

Coloradans have truly benefited from Tom's canny political analysis over the years. He set the standard for reporters covering State government and politics for regional papers, keeping in mind the big picture for the State even as he paid special attention to what was important from the local angles.

In particular, he has been a faithful fighter for shedding light and stimulating public discourse about the lifeblood of the West: water. In numerous articles and editorials, he has outlined for his readers the issues surrounding and complicating water use in the agricultural heartland that is southern Colorado and served as a megaphone for their interests to legislators.

Tom wrote in an editorial last year, ''Our obligation is to the public, not the office-holder.'' To recognize his committed coverage of the Colorado statehouse, the Colorado Press Association awarded Tom its inaugural Shining Star in 1995 for being the best all-around reporter.

Many reporters who cut their teeth on Colorado politics will tell you that Tom's example and mentorship helped them become better eyes and ears for their own communities.

He also proved that showing up is half the story: there is a legend that the only time Tom ever took a leave of absence is when he came down with the West Nile virus. That dedication to his work speaks of a deep love and sense of responsibility for his hometown community, and it earned him the respect of his peers and his subjects alike.

Southern Colorado will miss Tom McAvoy's voice on the issues that matter to the region, but I have a feeling his wife Sue and their three children will have to share him in retirement with his continued service to his community.●

OIT WOMEN'S SOFTBALL TEAM

● Mr. WYDEN. Mr. President, Oregon Institute of Technology in Klamath Falls has long been a leader in America's effort to develop geothermal energy, and it's also a power in men's basketball, winning national titles in 2004 and 2008.

Now, it is the national champion in women's softball. It is the first women's team to win a national championship at OIT, but I am sure it won't be the last.

The Hustlin' Owls entered the national tournament ranked 18th in the Nation. They came out 1st in the Nation. They were led by a stellar performance from their pitcher and MVP, Jackie Imhof. In the final game, she pitched a shutout, allowing only four hits and striking out seven. Through the tournament, Imhof was 6–1 with an amazing earned run average 0f 0.59. Imhof and two other teammates, catcher Kayde Schaefer and shortstop Shauna Collins, made the all tournament team.

Congratulations to coach Greg Stewart and the Hustlin' Owls of OIT. Clearly, they are doing something right at Oregon Institute of Technology.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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.)

MESSAGES FROM THE HOUSE

At 10:27 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1216. An act to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

At 8:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

MEASURES REFERRED

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

H.R. 1216. An act to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1873. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Fire-Resistant Fiber for Production of Military Uniforms'' ((RIN0750–AH22) (DFARS Case 2011–D021)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Armed Services.

EC–1874. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Eric T. Olson, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC–1875. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan for Fiscal Year 2012 and the succeeding 4 years, Fiscal Years 2013–2016; to the Committee on Armed Servvices.

EC–1876. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Requests for Modification or Revocation of Toxic Substances Control Act Section 5 Significant New Use Notice Requirements; Revision to Notification Regulations'' (FRL No. 8858–1) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC–1877. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama, Georgia, and Tennessee: Chattanooga; Determination of Attaining Data for the 1997 Annual Fine Particulate Standard'' (FRL No. 9312–5) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC–1878. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration'' (FRL No. 9311–9) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC–1879. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment for the Pittsburgh-Beaver Valley 8-Hour Ozone Nonattainment Area'' (FRL No. 9313–1) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC–1880. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled ''Approval and Promulgation of Implementation Plans; Extension of Attainment Date for the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Moderate Nonattainment Area'' (FRL No. 9312–9) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC–1881. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Flat Wood Paneling Surface Coating Process'' (FRL No. 9312–7) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC–1882. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts'' (5 CFR Part 1653) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1883. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—June 2011'' (Rev. Rul. 2011–13) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 968. A bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

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

*Timothy G. Massad, of Connecticut, to be an Assistant Secretary of the Treasury.

By Mr. LEAHY for the Committee on the Judiciary.

John Andrew Ross, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Timothy M. Cain, of South Carolina, to be United States District Judge for the District of South Carolina.

Nannette Jolivette Brown, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Nancy Torresen, of Maine, to be United States District Judge for the District of Maine.

William Francis Kuntz, II, of New York, to be United States District Judge for the Eastern District of New York.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. MURKOWSKI:

S. 1081. A bill to amend titles 23 and 49, United States Code, to streamline the environmental review process for highway projects, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 1082. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1083. A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1084. A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Ms. MURKOWSKI, Mr. HATCH, Mr. HELLER, and Mr. ENZI):

S. 1087. A bill to release wilderness study areas administered by the Bureau of Land Management that are not suitable for wilderness designation from continued management as de facto wilderness areas and to release inventoried roadless areas within the National Forest System that are not recommended for wilderness designation from the land use restrictions of the 2001 Roadless Area Conservation Final Rule and the 2005 State Petitions for Inventoried Roadless Area Management Final Rule, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early retirees program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 1090. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER:

S. 1091. A bill to amend the National Flood Insurance Act of 1968 to include a system for indeterminate loss insurance claims, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARPER (for himself and Mr. BROWN of Massachusetts):

S. 1092. A bill to address aviation security in the United States by bolstering passenger and air cargo screening procedures, to ensure that purchases of screening technologies are thoroughly evaluated for the best return on investment of the taxpayer's money, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. ENZI, Mr. DURBIN, and Mr. BROWN of Massachusetts):

S. 1094. A bill to reauthorize the Combating Autism Act of 2006 (Public Law 109—416); to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of ''primary health services'' under the National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

By Mr. KYL (for himself, Mr. SESSIONS, Mr. MCCAIN, Mr. CORNYN, Mr. WICKER, Mr. VITTER, Mr. INHOFE, Mr. CORKER, and Mr. PORTMAN):

S. 1097. A bill to strengthen the strategic force posture of the United States by implementing and supplementing certain provisions of the New START Treaty and the Resolution of Ratification, and for other purposes; to the Committee on Armed Services.

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

S. 1098. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself and Mr. KIRK):

S. 1099. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of

Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNS, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT):

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1101. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1104. A bill to require regular audits of, and improvements to, the Transition Assistance Program; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Ms. CANTWELL, Mrs. SHAHEEN, and Mr. MERKLEY):

S. 1105. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

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

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 1107. A bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BOOZMAN, and Mr. BINGAMAN):

S. 1108. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. AKAKA, Mr. BENNET, Mrs. GILLIBRAND, and Mr. INOUYE):

S. 1109. A bill to authorize the adjustment of status for immediate family members of individuals who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts, and for other purposes; to the Committee on the Judiciary.

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

S. 1110. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, Mr. BURR, Mr. TESTER, Mr. VITTER, Mr. CHAMBLISS, and Mr. BLUNT):

S. 1111. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. MERKLEY):

S. 1112. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. NELSON of Nebraska, Mr. WEBB, Mr. RISCH, Mrs. HAGAN, Mr. BLUNT, Mr. BARRASSO, Mr. ENZI, Mr. CONRAD, Mr. COCHRAN, Mr. BEGICH, Mr. HELLER, Mr. CRAPO, Ms. STABENOW, Mr. HOEVEN, Mrs. MCCASKILL, and Mr. MANCHIN):

S. 1113. A bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS:

S. 1114. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until May 31, 2011, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1115. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. WICKER, Mr. COCHRAN, Mr. INHOFE, Mr. LEE, Mr. MCCAIN, Mr. COATS, and Mr. THUNE):

S. 1116. A bill to merge the Department of Labor, the Department of Commerce, and the Small Business Administration to establish a Department of Commerce and the Workforce, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. CORNYN, Mr. WICKER, Ms. KLOBUCHAR, Mr. ALEXANDER, Mr. ENZI, Mr. FRANKEN, Mr. PORTMAN, Mr. JOHANNS, and Mr. SESSIONS):

S. 1118. A bill to authorize the construction and maintenance of levees on property acquired under hazard mitigation grant programs of the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUYE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

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

S. 1121. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to loans made from a qualified employer plan, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1122. A bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio:

S. 1123. A bill to amend title 38, United States Code, to improve the provision of benefits and assistance under laws administered by the Secretary of Veterans Affairs to veterans affected by natural or other disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONRAD:

S. 1124. A bill to amend title 38, United States Code, to improve the utilization of teleconsultation, teleretinal imaging, telemedicine, and telehealth coordination services for the provision of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. WYDEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. AKAKA, Mr. FRANKEN, Mr. BINGAMAN, Mrs. BOXER, Mr. COONS, and Mr. CARDIN):

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes; read the first time.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 1127. A bill to amend title 38, United States Code, to establish centers of excellence for rural health research, education, and clinical activities and to recognize the rural health resource centers in the Office of Rural Health, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 1128. A bill to establish a National Autism Spectrum Disorder Initiative and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. CRAPO, Mr. RISCH, Mr. THUNE, Mr. HELLER, and Mr. HATCH):

S. 1129. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

By Mrs. HAGAN (for herself, Mr. BROWN of Ohio, Ms. LANDRIEU, and Mr. CONRAD):

S. 1131. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the

Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1132. A bill to establish programs to provide services to individuals with autism and the families of such individuals and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MCCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. KOHL, Mr. JOHNSON of Wisconsin, and Mr. FRANKEN):

S. 1134. A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 1136. A bill to amend Public Law 106–206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 1137. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions .

By Mr. SANDERS:

S. 1138. A bill to de-link research and development incentives from drug prices for new medicines to treat HIV/AIDS and to stimulate greater sharing of scientific knowledge; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. INHOFE, Mr. BENNET, Mr. COONS, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. BAUCUS, Mr. FRANKEN, and Mr. UDALL of Colorado):

S. 1139. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Ms. MURKOWSKI, and Mr. REID):

S. 1142. A bill to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. AKAKA (for himself, Mr. INOUYE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID):

S. Res. 200. A resolution recognizing the significance of the designation of the month of May as Asian/Pacific American Heritage Month; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA):

S. Res. 201. A resolution expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. DURBIN):

S. Res. 202. A resolution designating June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day''; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. BEGICH, Mr. AKAKA, Mr. COCHRAN, Ms. COLLINS, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERRY, Mr. INHOFE, Ms. SNOWE, and Mr. CASEY):

S. Res. 203. A resolution recognizing ''National Foster Care Month'' as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system; considered and agreed to.

By Mr. CASEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. LUGAR, Mr. MORAN, Mr. LEAHY, and Mr. BROWN of Ohio):

S. Res. 204. A resolution designating June 7, 2011, as ''National Hunger Awareness Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 311

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 341

At the request of Mr. BROWN of Massachusetts, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 341, a bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States.

S. 394

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 483

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 483, a bill to amend title XVIII of the Social Security Act to provide for the treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 501

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 570

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

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and

the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 699

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 699, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 738

At the request of Ms. STABENOW, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 756, a bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data.

S. 757

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 757, a bill to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies.

S. 792

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 792, a bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 857

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 857, a bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted.

S. 868

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 868, a bill to restore the long-standing partnership between the States and the Federal Government in managing the Medicaid program.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 895

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 895, a bill to amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

S. 906

At the request of Mr. WICKER, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 948

At the request of Mr. MERKLEY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 948, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 952

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 952, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 958

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 968

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 972

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 972, a bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Delaware (Mr. COONS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors 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. 1039

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1042

At the request of Ms. MURKOWSKI, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1042, a bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for

patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1043

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1043, a bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes.

S. 1048

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1048, supra.

S. 1049

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1059

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1059, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 1064

At the request of Mr. REED, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1064, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. RES. 150

At the request of Mr. INHOFE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 162

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 162, a resolution expressing the sense of the Senate that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 172

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month''.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Res. 185, supra.

S. RES. 188

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 188, a resolution opposing State bailouts by the Federal Government.

AMENDMENT NO. 360

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 360 intended to be proposed to S. 990, a bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I have introduced a bill, S. 1085. I have some cosponsors, including Senator SNOWE from Maine. The bill addresses something that has become very controversial. It is certainly not partisan in any way. It is more geographical; that is, I have been one who has been opposed to the corn ethanol mandates ever since they first came out. I opposed the 2007 Energy bill because it doubled the corn-based ethanol mandates, despite the mounting questions surrounding ethanol's compatibility with existing engines, its environmental sustainment, as well as transportational infrastructure needs. I can remember back when they first did it, all the environmentalists were saying corn ethanol will be the answer. They were all for it, but they are against it now. They all recognize that corn ethanol is bad for the environment.

Now, the three areas I personally have a problem with are, No. 1, the environment; No. 2, you have a compatibility situation. You talk to any of the farmers, any of the marine people, they will tell you it is very destructive to the small engines. Thirdly, everyone is concerned with the high price of fuel, with the fact that corn ethanol is not good for your mileage. Kris Kiser of the Outdoor Power Equipment Manufacturers testified before the Environment and Public Works Committee on ethanol's compatibility or lack of compatibility with more than 200 million legacy engines across America which are not designed to run on certain blends of ethanol. I will quote her testimony before our committee. She said:

> In the marine industry, if your machine fails or your engine fails and you are 30 miles offshore, this is a serious problem. If you are in a snow machine and it fails in the wilderness this is a serious problem.

Consumers complain about the decreasing fuel efficiency around corn ethanol, containing 67 percent of the Btu of gasoline. We call it clear gas. This is a good time to say we are not talking about biomass. We are only talking about corn ethanol. Another problem I have in my State of Oklahoma is we are a big cattle State and that has driven up the cost of feedstock to a level that is not acceptable. According to the EPA, vehicles operating on E85 ethanol experience a 20-percent to 30-percent drop in miles per gallon due to ethanol's lower energy content. Consumer reports found that E85 resulted in a 27-percent drop in fuel.

As a result, you drive around Oklahoma—first of all, we are in Washington. It is my understanding there is no choice in Washington or Virginia or in Maryland and those areas. In my State of Oklahoma, we still have a choice, and the choice is very clear. The problem is the way this is set up, we will run into a barrier where they will no longer have clear gas available under the current formulas. For that reason, we have people who—at almost every station you see, the majority of the stations you see in Oklahoma, you have signs such as this: Ethanol free. 100 percent gasoline. This is all over the State of Oklahoma.

There is a solution to this problem, and it is one I have introduced in this bill. Before describing that, I think the most pressing issue of this so-called blend wall is that EISA mandated 15 billion gallons of corn-based ethanol by 2015, but today it is readily apparent that the country cannot physically absorb this much corn ethanol. It is too much, too fast. In Oklahoma, ethanol's blend wall has nearly eliminated consumer choice. The fuel blenders and gas station owners have little option but to sell ethanol-blended gasoline, despite strong consumer demand for clear gas. There is the consumer demand all over the State of Oklahoma.

What is the solution? I introduced a very simple, five-page bill. The bill would allow individual States to opt out of the mandate. It would require their State legislature wants this and they pass a resolution, it is signed by the governor, and they would be able to opt out. The State would pass a bill. It is signed by the Governor, stating its election to exercise this option. The Administrator of the EPA would then reduce the amount of the national corn ethanol mandate by the percentage amount of the gasoline consumed by this State.

This option nonparticipation would only apply to the corn portion of the RFS and would not affect any of the volumetric requirements of advanced biofuels. We are big in advanced biofuels in my State of Oklahoma, the various foundations, Oklahoma State University. We have switchgrass we are working on, and it is something we are all for. The bill actually redefines cellulosic biofuels as next generation biofuel. The previously defined cellulosic biofuel carveout is expanded to include algae and any nonethanol renewable fuel derived from renewable biomass. So this is something that is not going to be incompatible. It is going to be very compatible with our interest here. So for those people who say: We demand to have corn-based ethanol, you can have it. All this is is choice, and if we and the people of my State of Oklahoma want a choice of clear gas or corn ethanol, they should be able to do it. I honestly don't think there is a legitimate argument against that. I plan to try to get some cosponsors. I think my good friend from Florida might be interested in cosponsoring something such as this because this gives choice to the people of his State as well as my State.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Eunice Kennedy Shriver Act. I am very pleased that Senator BLUNT has joined me in introducing this legislation; he and I are both long-time supporters of the Special Olympics and Best Buddies programs authorized in this legislation. Equally importantly, we are continuing the bipartisan support that this legislation has historically enjoyed.

The Special Olympics program is respected around the world as a model and leader in using sport to end the isolation and stigmatization of individuals with intellectual disabilities. For more than 40 years, Special Olympics has encouraged skill development, sharing, courage and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities. Through their programs, Special Olympics has helped to ensure that millions of individuals with intellectual disabilities are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner. Special Olympics gives athletes with intellectual disabilities the tools they need to be included in society, and it gives society the understanding and tools it needs to include them.

I can speak first-hand about what a rewarding experience it is for all of us who have been involved in Special Olympics. In 2006, my state of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our Games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

Similarly, the Best Buddies program is dedicated to ending the social isolation of people with intellectual disabilities by promoting peer support and friendships with their peers without disabilities. The aim is to increase the self-esteem, confidence and abilities of people with and without intellectual disabilities. Equally important, the Best Buddies program has provided opportunities for integrated employment for individuals with intellectual disabilities.

Research shows that participation in activities involving both people with intellectual disabilities and people without disabilities results in more positive support for inclusion in society, including in schools.

This bill is named in honor of Eunice Kennedy Shriver, who devoted her life to improving the lives of people with intellectual disabilities around the world. Mrs. Shriver founded and fostered the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where all people, including those with disabilities, have meaningful opportunities for participation and inclusion.

In addition to reauthorizing the former Special Olympics Sports and Empowerment Act and providing an authorization for the Best Buddies program, this bill will also allow the Department of Education to award competitive grants to support increased opportunities for inclusive participation by individuals with intellectual disabilities in sports and recreation programs.

I am pleased to be the chief sponsor of this legislation, which will continue our support for these important programs that promote the extraordinary gifts and contributions of people with intellectual disabilities as well as broader community inclusion.

I urge all my colleagues to join with me and Senator BLUNT in supporting this very worthy bill.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early program; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, today I am introducing the Retiree Health Coverage Protection Act to provide an additional $5 billion for the Early Retiree Reinsurance Program, EERP, to allow more employers to participate in the program. It will also further reduce the cost of retiree coverage.

I worked with Sen. STABENOW to include the EERP program in the Affordable Care Act due to the erosion of employer-sponsored retiree coverage across the country. The percentage of large firms providing workers with retiree health coverage dropped from 66 percent in 1988 to 29 percent in 2009.

The ERRP helps to control health care costs and preserve coverage for early retirees and their families and has been remarkably successful in making retiree health insurance coverage more stable and affordable.

Employers who participate in the program can receive a reinsurance reimbursement of up to 80 percent of catastrophic medical claims between $15,000 and $90,000 for their early retiree enrollees. The reimbursement is used to reduce the employer's health care costs and to lower premiums to retirees and their families. A study from Hewitt Associates estimates that the program will reduce the cost of retiree coverage from 25 to 35 percent, anywhere from $2,000 to $3,000 per retiree, per year.

The program has garnered robust participation among a wide range of retiree health plan sponsors from all major sectors of our economy. Earlier this month, it was announced that 5,515 plan sponsors have been approved to participate in the program and nearly $2.5 billion reinsurance reimbursements have been paid to 1,728 participating retiree plans.

The ERRP has been so successful that the Centers for Medicare and Medicaid Services, CMS, announced it could no longer accept applications for the program after May 6 because the overwhelming response would exhaust the $5 billion in appropriated program

funding. Until additional insurance market reforms are enacted in 2014, we should build on the demonstrated success of ERRP.

Senator STABENOW, Senator BLUMENTHAL, and I are working together to preserve insurance coverage for millions of retirees who rely on on health coverage through their former employers before they become eligible for Medicare. That is why we are introducing legislation, the Retiree Health Coverage Protection Act, to provide an additional $5 billion in ERRP funding. This additional funding could be used to allow more employers to participate in the program and to further reduce the cost of retiree coverage.

Over 180 employers who offer retiree health benefits in Massachusetts have taken advantage of this program. These public and private sector employers in the Commonwealth represent various entities, including: city governments, hospitals, colleges, and financial service institutions.

I would like to thank a number of organizations who have been integral to the development of the Retiree Health Coverage Protection Act and who have endorsed our legislation today, including the American Federation of Labor and Congress of Industrial Organizations, AFL–CIO, the Alliance for Retired Americans, the American Federation of State, County, and Municipal Employees, AFSCME, Families USA, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, and the National Education Association, NEA.

I look forward to working with my colleagues in the Senate to protect and stabilize retiree health coverage by ensuring the ERRP has adequate funding. I ask my colleagues to cosponsor this important legislation.

By Mr. MCCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Veterans Health Care Improvement Act of 2011.

As we all know, the Department of Veterans Affairs strives to provide the best possible health care for our nation's heroes. However, it has come to my attention that the quality of care provided to our nation's veterans remains inconsistent among community-based outpatient clinics. Some of these clinics are operated by private health care providers under VA contracts. These VA-contracted health care providers are compensated for their work at community-based outpatient clinics on a capitated basis, which means they are essentially paid based on how many new veterans they see during a pay period. These firms are therefore rewarded for the number of veterans they sign up, not for the quality of treatment provided to our veterans. While I am not opposed to capitation per se, I am concerned current VA policy provides contractors with the wrong incentives. Contracted health care providers should have incentives to provide the best possible care for veterans, not simply get as many veterans as possible through their doors.

As a result of the capitated system, it has been reported that too many of our nation's heroes have faced difficulties at these clinics in scheduling appointments, have suffered from neglect or have received substandard health care. This occurred under the last administration and I am concerned it may be continuing in the current one.

As such, I am reintroducing the Veterans Health Care Improvement Act, which attempts to fix the way VA-contracted health care providers are compensated at clinics. This bill would require the VA to begin to introduce a pay-for-performance compensation plan for contractors, thereby gradually incentivizing a higher quality of care for veterans seen at privately-administered community-based outpatient clinics.

This bill gives the VA the flexibility to begin to implement such a system through a pilot program and leaves the VA the discretion as to how to adopt and best implement the pay-for-performance standards. In this respect, the bill defers to the VA on how best to execute these changes. It is my hope that my colleagues will support this 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. 1089

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Improvement Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) IMPLEMENTATION.—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasability and advisability of mechanisms under the plan.

(d) REPORTS.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasability and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to

which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, I rise to speak about a bill that is born from the forward-thinking ideas of my constituents, a bill that will help spur our Nation's new energy economy and create jobs: the Solar Uniting Neighborhoods Act, or SUN Act.

Over the last three years, I have been travelling across Colorado as part of a work force tour to talk directly to Coloradans and hear their innovative policy ideas to create jobs. The SUN Act comes directly from visiting with Coloradans.

This bill will help bring commonsense to our tax code, get government out of the way of developing solar energy, and spur job growth in every community across the United States.

I installed solar panels on my own home several years ago to take advantage of the strong Colorado sun. However, I understand this option is not available for all American families who want to receive their home's energy needs from solar power. There can be difficulties attaching solar panels to your home, which is why more and more neighborhoods and towns are creating so called ''community solar'' projects.

Instead of affixing solar panels to every roof on the block, an increasing number of Americans have decided to place those same solar panels all together in one open and unobstructed sunny area near their homes. By grouping solar panels together, it reduces the cost by up to 30 percent compared to installing each panel on every roof separately. Whether used by neighbors living at the end of a cul-de-sac or developed by our rural energy cooperatives, creating these group solar projects to share energy is a great way to lower the cost of developing solar energy.

But there is a problem: our tax code is getting in the way. It discourages neighborhood solar projects by requiring that solar panels must actually be on your property instead of allowing neighbors and others to partner on community solar projects. This discourages innovation and slows the growth of solar power as an alternate energy source.

The SUN Act would make a small change to the tax code that would no longer constrain this innovative solar energy development. By eliminating the requirement that solar panels be on one individual's property, it allows Americans to work together on community projects where each individual can claim a tax credit. This simple solution makes it easier to adopt and use clean, renewable energy.

What excites me about this bill is that it will create jobs for Americans in every neighborhood where these community solar projects are developed. This bill reduces barriers that currently prevent Americans from adopting solar energy, opens up new markets, and creates a simple structure to allow people to utilize clean energy for their home.

Mr. Presdient, 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. 1093

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 ''Solar Uniting Neighborhoods (SUN) Act of 2011''.

SEC. 2. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR ELECTRIC PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 25D(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified solar electric property expenditure' means an expenditure for property which uses solar energy to generate electricity—

''(i) for use in a dwelling unit located in the United States and used as a residence by the taxpayer, or

''(ii) which enters the electrical grid at any point which is not more than 50 miles from the point at which such a dwelling unit used as a residence by the taxpayer is connected to such grid, but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

''(B) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (ii) of subparagraph (A) which ceases to satisfy the requirements of such clause.''.

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Subsection (b) of section 25D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed $50,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR WATER HEATING PROPERTY.

(a) IN GENERAL.—Section 25D(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term'', and

(2) by adding at the end the following new subparagraph:

''(B) OFF-SITE PROPERTY.—

''(i) IN GENERAL.—Such term shall include an expenditure for property described in subparagraph (A) notwithstanding—

''(I) whether such property is located on the same site as the dwelling unit for which the energy generated from such property is used, and

''(II) whether the energy generated by such property displaces the energy used to heat the water load or space heating load for the dwelling, so long as any such displacement from such property occurs not more than 50 miles from such dwelling unit,

but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

''(ii) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (i) which ceases to satisfy the requirements of such clause.''.

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Paragraph (3) of section 25D(b) of the Internal Revenue Code of 1986, as added by section 2, is amended to read as follows:

''(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of—

''(A) any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), and

''(B) any qualified solar water heating property expenditure which is such an expenditure by reason of subparagraph (B) of subsection (d)(1),

the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed $50,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. EXCLUSION OF INCOME FROM QUALIFYING SALES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

''SEC. 139F. INCOME FROM QUALIFYING SALES OF SOLAR ELECTRICITY.

''For any taxable year, gross income of any person shall not include any gain from the sale or exchange to the electrical grid during such taxable year of electricity which is generated by property with respect to which any qualified solar electric property expenditures are eligible to be taken into account under section 25D, but only to the extent such gain does not exceed the value of the electricity used at such residence during such taxable year.''.

(b) TECHNICAL AMENDMENT.—The Internal Revenue Code of 1986 is amended by redesignating the section added to such Code by section 10108(f) of the Patient Protection and Affordable Care Act as section 139E, and by locating such section immediately after section 139D of such Code (as added by section 9021(a) of such Act) and immediately before section 139F of such Code (as added by this section).

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking all that follows after the item relating to section 139C and inserting the following items:

''Sec. 139D. Indian health care benefits.
''Sec. 139E. Free choice vouchers.
''Sec. 139F. Income from qualifying sales of solar electricity.
''Sec. 140. Cross references to other Acts.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of ''primary health services'' under the

National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we recognize Older Americans Month this May it is important that we commit to meeting the needs of older Americans to live longer and healthier lives.

Our aging population is expected to almost double in number, from 37 million people in 2009 to about 72 million by 2030. We must start now if we are going to adequately train the health care workforce to meet the needs of an aging America. If we fail to prepare, our Nation will face a crisis in providing care to these older Americans.

Health care providers with the necessary training to give older Americans the best care are in critically short supply. In its landmark report, Retooling for an Aging America, the Institute of Medicine concluded that action must be taken immediately to address the severe workforce shortages in the care of older adults.

According to the Institute of Medicine, in 2009 only about 7,100 U.S. physicians were certified geriatricians; 36,000 are needed by 2030. In addition, just 4 percent of social workers and only 3 percent of advanced practice nurses specialized in geriatrics in 2009. Recruitment and retention of direct care workers is also a looming crisis due to low wages and few benefits, lack of career advancement, and inadequate training.

Preparing our workforce for the job of caring for older Americans is an essential part of ensuring the future health of our nation. Right now, there is a critical shortage of health care providers with the necessary training and skills to provide our seniors with the best possible care. This is a tremendously important issue for American families who are concerned about quality of care and quality of life for their older relatives and friends.

It is clear that there is a need for federal action to address these issues, and that is why I am joined today by Senators COLLINS, KOHL and SANDERS in reintroducing the Caring for an Aging America Act. This legislation would help attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans by providing them with loan forgiveness and career advancement opportunities through the National Health Service Corps.

Specifically, for health professionals with training in geriatrics or gerontology—including physicians, physician assistants, advance practice nurses, social workers, and psychologists—the legislation would link educational loan repayment to a commitment to serve in areas with a shortage of these important health professionals.

Ensuring we have a well-trained health care workforce with the skills to care for our aging population is a critical investment in America's future. This legislation offers a modest but important step toward creating the future health care workforce that our Nation so urgently needs.

I look forward to working with my colleagues to ensure that we meet our obligations to the seniors of our Nation to improve their care.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to join with Senator STABENOW of Michigan to introduce The Preservation of Access to Osteoporosis Testing for Medicare Beneficiaries Act of 2011. The companion bill in the U.S. House of Representatives is being introduced by Representative MICHAEL BURGESS with Representative SHELLEY BERKLEY.

Since 1997, Congress has recognized the necessity of osteoporosis prevention by standardizing coverage for bone mass measurement under the Medicare program. At that time, I actively pursued inclusion of the language in the Medicare Bone Mass Measurement Standardization bill as part of the Balanced Budget Act of 1997. Later, with the passage of health care reform legislation, Congress enacted a temporary solution to the problem caused by Medicare cuts in reimbursement rates for osteoporosis screening tests through bone mass measurements. The osteoporosis screening provision in the Patient Protection and Affordable Care Act returned the Medicare reimbursement level to 70 percent of the 2006 Medicare reimbursement rate.

Regrettably, this provision will expire at the end of the calendar year. For Medicare beneficiaries, this sunset means that access to osteoporosis diagnosis, prevention, and treatment will once again be in jeopardy as Medicare reimbursement rates for osteoporosis screening will plummet by about 50 percent on January 1, 2012. Moreover, without adequate Medicare reimbursement rates, we most certainly risk losing the battle for improving access to bone density testing as well as preventing debilitating and costly bone fractures—an outcome we can ill afford.

A disease of reduced bone mass that ultimately results in bones becoming brittle and fracturing more easily, osteoporosis constitutes a major public health threat, affecting 44 million Americans who either have the disease or are at risk for developing it due to low bone density. Osteoporosis is especially prevalent among women, who represent an incredible 71 percent of all cases. In fact, in their lifetime, one in two women and as many as one in four men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of an osteoporotic fracture is greater than her annual combined incidence of breast cancer, heart attack, and stroke, making access and affordability absolutely imperative.

I want to stress to my colleagues that while there is no cure for osteoporosis, it is largely preventable and thousands of fractures could be avoided through early detection and treatment of low bone mass. New drug therapies have been proven to reduce fractures and to rebuild bone mass. At the same time, a bone mass measurement is necessary prior to initiating any form of osteoporosis therapy or prophylaxis.

Bone mass measurements can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate, and quick. DXA, dual energy x-ray absorptiometry, is recognized by the World Health Organization, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services as the ''gold standard'' for diagnosing osteoporosis.

A technique called vertebral fracture assessment or VFA can identify spinal fractures and show abnormally shaped vertebra. Bone density screenings have been shown to result in 37 percent reduction in hip fracture rates according to a 2008 study by Kaiser in Southern California. Reimbursement under the Medicare program for DXA screening is scheduled to be reduced by 62 percent by 2013 and VFA will be reduced by 30 percent by 2013. The reduction in Medicare reimbursement will almost certainly discourage physicians from continuing to provide convenient access to DXA screening or VFA in their offices.

Since ⅔ of all DXA scans are performed in non-facility settings, such as physician offices, patient access to bone mass measurement will continue to be severely compromised if DXA scans are not readily available to all patients. Our bill would renew the current Medicare levels for reimbursement relief to preserve access to DXA screenings, improve patient care, and prevent unnecessary costs to the Medicare program through reduced expenditures on fractures.

Osteoporosis, which is responsible for more than two million fractures annually, is a silent disease that often goes undetected until a fall or an injury results in a broken bone. Our senior population is at greatest risk, with 89 percent of fracture costs attributed to individuals who are 65 years of age or older. Perhaps the most tragic consequences occur with elderly individuals who fall and suffer osteoporotic hip fractures.

Of those senior citizens suffering hip fractures, 12–13 percent will die within 6 months following the injury and 20 percent will require nursing home care . . . often for the rest of their lives. Moreover, the Medicaid budget bears the cost of nursing home admissions

for hip fractures for low-income Americans. In general, osteoporotic fractures result in an estimated annual cost of $19 billion to our health care system.

I remain hopeful that one day researchers will discover a cure for this silent and debilitating disease. In the meantime, early detection continues to be our best weapon against osteoporosis, because it is through early detection that we can best thwart the progress of osteoporosis by initiating preventive measures to combat bone loss.

Continuing our current Medicare reimbursement rate for osteoporosis screening tests satisfies the triple aim of better care, improved health, and lower costs. I hope that our colleagues will join Senator STABENOW and me in supporting this bill.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNS, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT)

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Keeping Politics Out of Federal Contracting Act of 2011. This bill would prohibit Federal agencies from collecting or using information about political contributions made by businesses or individuals that seek to do business with the Federal Government. My bill would keep politics out of Federal contracting.

I am pleased to be joined in this effort by Minority Leader MITCH MCCONNELL, Republican Whip JON KYL, Rules Committee Ranking Member LAMAR ALEXANDER, Subcommittee on Contracting Oversight Ranking Member ROB PORTMAN, as well as our colleagues Senators SCOTT BROWN, RON JOHNSON, JERRY MORAN, ORRIN HATCH, CHUCK GRASSLEY, MIKE ENZI, JOHN CORNYN, RICHARD BURR, JOHNNY ISAKSON, DAVID VITTER, JOHN THUNE, JOHN BARRASSO, ROGER WICKER, MIKE JOHANNS, DAN COATS, ROY BLUNT, and KELLY AYOTTE.

We learned in April that the Obama administration was seriously considering requiring Federal agencies to collect information about campaign contributions by companies, some of their employees, and even their directors as a condition of competing for Federal contracts. This is simply shocking. It amounts to intentionally injecting political considerations into the Federal contracting process. What possible good can come from linking political information to a process which must be grounded solely and unequivocally on providing the very best value to American taxpayers?

The trust of the American people in the integrity of our Federal contract award process depends on ensuring that the government's ''best value'' determination is free from political bias. It is unfathomable that this administration would even consider a move that would inject politics into the process, or create a perception that politics is something to be considered in selecting the winners and losers among businesses vying for Federal contracts.

In addition to threatening the integrity of the procurement process, the draft Executive Order would also chill the First Amendment rights of individuals to contribute to the political causes or candidates they choose.

Were the President to issue such an order, undoubtedly we would see a chilling effect on political activity. Many contractors would fear that the success or viability of their business could be threatened if they support the causes or candidates opposed by the administration.

If the collection of such data were required, American businesses would be forced to think twice before contributing to political candidates or causes.

In true Orwellian fashion, the draft executive order suggests that the only way to keep politics out of the contracting process is to include political information with every contract offer. If the White House gets its way, Federal agencies would have to collect information about the campaign contributions and other political expenditures of potential contractors before any contract could be awarded.

This EO would be far reaching and would apply not only to contributions made by the contracting company but also to those made by its directors, officers, and affiliates.

These requirements would also apply retroactively to contributions made two years before the submission of an offer. Just think about—political donations made years before a contract is even contemplated would have to be shared with government officials.

By contrast, my bill reaffirms the fundamental principle that federal contracts should be awarded free from political considerations and be based on the best value to the taxpayers. Specifically, the bill would prohibit a Federal agency from collecting the political information of contractors and their employees as part of any type of request for proposal in anticipation of any type of contract.

It would prohibit the agency from using political information received from any source as a factor in the source selection decision process for new contracts, or in making decisions related to modifications or extensions of existing contracts; and prohibit databases designed to be used by contracting officers to determine the responsibility of bidders from including political information, except for information on contractors' violations already permitted by law.

Whether or not a prospective contractor agrees with the political views of this or any other administration should be completely irrelevant.

Businesses that have supported conservative causes or whose directors have contributed to Republican candidates should not have to fear that bidding for Federal work would be a waste of their effort.

Similarly, in the next Republican administration, contributors to Democratic causes and candidates should not be intimidated from competing for contracts. The result of such considerations would be less competition for Federal contracts and thus higher prices for goods and services procured by the Federal Government.

The President and the Federal contracting system must not discourage businesses from competing for government contracts. At a time when the budget is under severe constraints, the administration should be seeking to expand the pool of bidders, not shrink it.

In April, 27 Senators wrote to the President to express our opposition to this ill-conceived proposal. We pointed out that ''political activity would obviously be chilled if prospective contractors have to fear that their livelihood could be threatened if the causes they support are disfavored by the Administration. No White House should be able to review your political party affiliation or the causes you support before deciding if you are worthy of a government contract. And no American should have to worry about whether his or her political activities or support will affect the ability to get or keep a federal contract * * *''

I also joined three other colleagues in a bipartisan letter to the President in May stressing the Executive Order's impact on the Federal contracting process and the already stretched-thin Federal acquisition workforce.

I have not received a response to either letter.

It simply doesn't pass the straight face test for this administration to suggest that this dramatic change in federal contracting is needed to remove politics from the contracting process. In fact, even the administration's chief procurement official recently admitted at a House hearing that there was no evidence of any problem of political corruption in the contracting process that would warrant correction with this type of new Executive Order.

The reality is just the opposite: requiring disclosure of one's political activities and leanings as part of that process would likely ensure that politics would play a role in the award of federal contracts.

If more transparency is truly the goal, why don't these requirements also apply to organizations receiving Federal grants?

In fact, campaign contributions to candidates and political committees already are required to be reported to the

Federal Election Commission, and with a click of a mouse, can be viewed on FEC.gov.

Americans should get the best value in the marketplace and not a partisan policy that stifles First Amendment rights, politicizes the contracting process, and reduces competition in Federal contracting. I am pleased to note that my colleagues in the House of Representatives, Representatives DARRELL ISSA, TOM COLE, and SAM GRAVES agree. Today they have introduced an identical measure in that chamber. And last night, the House adopted an amendment to the defense authorization bill that would prohibit Federal agencies from requiring contractors to reveal contributions to political campaigns.

Keep politics out of Federal contracting. I urge my colleagues to support this bill.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1101. A bill to require the Secretary of Health and Human Services to approve waives under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

Mr. BOOZMAN. Mr. President, it has been brought to my attention that certain Continuing Care Retirement Communities and Life Care Communities are required to pay a provider tax despite the fact that they provide no beds and no services that are certified under the Medicaid program. Thus, these facilities are paying a tax and receiving no benefit. The Department of Health and Human Services currently provides a waiver for this fee, but the approval for the waiver is not a foregone conclusion. This is costly to those communities who provide for themselves and who do not depend on government programs at all. For these reasons, Senator MARK PRYOR and I are introducing this legislation requiring the Secretary of Health and Human Services to approve waivers sought by states in relation to Continuing Care Retirement Communities and Life Care Communities which have no beds that are certified to provide medical assistance under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act.

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. 1101

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 ''Provider Tax Administrative Simplification Act of 2011''.

SEC. 2. PROVIDER TAX RULE EXEMPTION FOR CERTAIN CONTINUING CARE RETIREMENT COMMUNITIES.

In the case of a State that has a provider tax that does not apply to continuing care retirement communities or life care communities (as such terms are used for purposes of section 1917(g) of the Social Security Act (42 U.S.C. 1396p(g)) that have no beds that are certified to provide medical assistance (as such term is defined under section 1905(a) of such Act) under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act, the Secretary of Health and Human Services shall approve a waiver under section 433.68(e)(2)(iii) of title 42 of the Code of Federal Regulations regardless of whether the Secretary determines that the State satisfies the requirements of section 433.68(e)(2)(iii)(B) of such title.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, over the past year, students in Illinois have told me their stories of leaving some for-profit colleges with mountains of student loan debt and no job prospects. The students who find themselves in this terrible situation often end up defaulting on their loans. One quarter of students who took out Federal loans to attend for-profit colleges defaulted within three years of starting repayment. Compare that to 11 percent at public colleges and 8 percent at private nonprofit colleges.

The situation for students who take out private student loans to attend for-profit schools can be even worse. A study by the College Board found that students at for-profit schools, unable to get enough government aid to pay their tuition turn to private loans much more than students at traditional schools.

Many large for-profit colleges have begun making loans directly to their students. This private lending can be a boon for the schools. It keeps students in school. It helps the college meet its ''90/10'' requirement, which keeps the student aid flowing.

Disturbingly, some of the for-profit colleges making these loans do not expect to collect them easily. Corinthian Colleges Executive Vice President and Chief Financial Officer Ken Ord stated in the February 2010 investor call that they anticipate a 56 percent to 58 percent default rate on an estimated $150 million in internal student lending. Just last month, Ken Ord stated that Corinthian Colleges will seek to nearly double this loan volume.

For-profit colleges like Corinthian are making private loans to students knowing that a majority of the students will struggle to make payments. These companies make significant profits from federal financial aid programs and are able to write off these loans.

This is a disaster for students. These are private student loans with interest rates and fees that can be as onerous as credit cards. There are reports of private loans with variable interest rates reaching 18 percent. Unlike Federal student loans, there are few consumer protections available for private student loans. Some students who take out private loans find themselves trapped under an enormous amount of debt that they cannot escape. Because of a 2005 change to the bankruptcy law, they are stuck with this debt for the rest of their lives.

Today, along with Senator FRANKEN and Senator WHITEHOUSE, I am introducing a bill that will restore fairness for these students and others who find themselves buried in private student loan debt. Our bill, the Fairness for Struggling Students Act, will allow borrowers of private student loans to discharge those loans in bankruptcy, just as other types of private debt can be discharged. Representatives COHEN and DAVIS are introducing a similar bill in the House.

Before 2005, private student loans issued by for-profit lenders were appropriately treated like credit card debt and other similar types of unsecured consumer debt in bankruptcy. In 2005, a provision was added to law to protect the investments of private lenders that extend private credit to students. The industry has boomed over the past decade. Private student loan volume last year was $8.5 billion.

Today, I am pleased to introduce a bill that will give students who find themselves in dire financial straits a chance at a new beginning. My bill restores the bankruptcy law, as it pertains to private student loans, to the statute in place before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy.

The bankruptcy law was designed to give debtors in severe financial distress a chance for meaningful relief. The current bankruptcy law unjustly punishes men and women who have tried to improve their lives by pursuing a higher education and all too often became victims of predatory private student lenders or predatory for-profit colleges. It is time to restore fairness for student borrowers. I urge my colleagues to support this bill.

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. 1102

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 ''Fairness for Struggling Students Act of 2011''.

SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking ''dependents, for'' and all that follows through the end of subparagraph (B) and inserting ''dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program

funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend;''.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, earlier this month, the President requested that Congress provide a limited exception to the statutory limit on the service of the FBI Director in order to allow Robert Mueller to continue his service for up to two additional years, until September 2013. I spoke with the President about his request, and understand his desire for continuity and stability in our national security leadership team at a time of great challenge and heightened threat concerns.

On May 12, the President explained in a statement: ''Given the ongoing threats facing the United States, as well as the leadership transitions at other agencies like the Defense Department and Central Intelligence Agency, I believe continuity and stability at the FBI is critical at this time.'' It is for that reason, along with his confidence in Director Mueller, that the President has made this request of us. The President has asked us ''to join together in extending that leadership for the sake of our nation's safety and security.''

Since the attack on September 11, 2001, I have spoken often of the need for us all to join together. When I spoke to the Senate about the successful operation against Osama bin Laden, I urged all Americans to support our President in his continuing efforts to protect our Nation and keep Americans safe. I reiterated my hope that Americans would stand shoulder-to-shoulder, as we did in the weeks and months immediately following the September 11 attacks, unified in our resolve to keep our Nation secure. And I urged Congress to join together for the good of the country and all Americans. This is one of those times that we must join together.

We face a time of heightened threats, particularly when experts are so concerned about possible reprisal attacks by al Qaeda. Indeed, most Americans share a concern that al Qaeda will try to strike back. So now is not a time for obstruction or delay in considering the President's request to maintain continuity and stability in his national security team.

We have an opportunity now to set aside partisanship and come together to work with our President to keep America safe. While the threat from al Qaeda continues, and as the President makes necessary shifts in his national security team, I appreciate why President Obama has proposed that we continue the service of President Bush's appointee to the important leadership position of Director of the FBI. I appreciate Director Mueller's willingness to continue in service to the Nation. This was not Bob Mueller's idea or request. This is the President's request and, as a patriotic American, Director Mueller is willing to give another two years in service to a grateful Nation.

The Bureau has seen significant transformation since September 11, 2001. Director Mueller has handled this evolution with professionalism and focus. The FBI plays a critical role in our efforts to protect national security. Attorney General Holder said recently: ''The United States faces ongoing threats from terrorist intent on attacking us both at home and abroad, and it is crucial that the FBI have sustained, strong leadership to confront that threat.'' He is right.

I was encouraged to see the reports that Senator MCCONNELL, the Senate Republican leader, supports the President's request. I appreciate the comments by Chairman LAMAR SMITH of the House Judiciary Committee, supporting the President's decision, and stating his agreement that ''it is important to maintain continuity for our intelligence community during this transition period.''

I am pleased that Senator GRASSLEY, our ranking Republican on the Senate Judiciary Committee, has joined as a cosponsor of a bill to extend the service of Director Mueller, who Senator GRASSLEY said has ''proven his ability to run the FBI'' in these ''extraordinary times.'' I am also pleased that Senators FEINSTEIN and CHAMBLISS, the Chairman and Vice Chairman of the Senate Intelligence Committee, are joining as cosponsors of the bill. We recognize the extraordinary circumstances confronting the President, and support his request for a short extension of Director Mueller's service. But we also all agree that this needs to be a one-time exception and this measure we join together to introduce today is intended to be a one-time exception and not a permanent extension.

I chaired the Senate Judiciary Committee in the summer of 2001 when President Bush nominated Bob Mueller. The President nominated him on July 18; the Judiciary Committee received his paperwork on July 24; and we held two days of hearings on July 30 and July 31. The Judiciary Committee voted on his nomination on August 2 and the Senate confirmed him that same day. It is already as long from the day that President Obama made his request for the short extension of his term of service as it took us in 2001 to hold hearings and for the Senate to confirm Bob Mueller to a 10-year term as FBI Director. We must not delay action any longer.

Bob Mueller served for three years in the United States Marine Corps; led a rifle platoon in Vietnam; and earned a Bronze Star, two Navy Commendation Medals, the Purple Heart, and the Vietnamese Cross of Gallantry. This is a man who served as the United States Attorney in both Massachusetts and Northern California, as the Assistant Attorney General for the Criminal Division at the Justice Department, and the acting Deputy Attorney General at the beginning of the George W. Bush administration. This is a man who left a lucrative position in private practice to return to law enforcement after he had served in higher positions, by joining the U.S. Attorney's office in the District of Columbia as a line prosecutor in the homicide section.

The President could have nominated the next director of the FBI, someone who could serve for the next 10 years, until 2021. That is someone who would serve through the presidential elections in 2012, 2016 and 2020, and into the period long after his own presidency. Instead, he has chosen to ask Congress to extend the term of service of a proven leader for a brief period, given the extenuating circumstances facing our country.

I emphasize that this is not Bob Mueller's request, it is the President's. Bob Mueller has served tirelessly and selflessly for 10 years, and is undoubtedly ready to begin the next phase of his life. But Bob has characteristically answered duty's call and indicated his willingness to continue his service. We should fulfill our duty, as well, and join together without delay to secure the continuity and stability that is demanded at this time, and that is needed to keep our country safe. It is time for us to join together and act on the President's request.

Mr. President, I ask unanimous consent 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. 1103

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

SECTION 1. EXTENSION OF THE TERM OF THE INCUMBENT DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 (28 U.S.C. 532 note) is amended by adding at the end the following:

''(c) With respect to the individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection—

''(1) subsection (b) shall be applied —

''(A) in the first sentence, by substituting '12 years' for 'ten years'; and

''(B) in the second sentence, by substituting '12-year term' for '10-year' term; and

''(2) the third sentence of subsection (b) shall not apply.''.

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation is on the front line in defending our country from terrorists, spies, and criminals. The FBI has a long history dating back over 100 years. The FBI started as an agency formed during President Theodore Roosevelt's administration when seven Secret Service agents were sent to the Justice Department to create a new investigative bureau. Since that start, the FBI has developed into a

cadre of talented agents who have pioneered new investigative tools advancing law enforcement across the country.

For example, the Bureau agents developed advancements in forensic science, such as fingerprint technology and DNA analysis, now utilized to build investigations from the smallest of clues obtained at crime scenes. Such advancements have allowed the FBI to combat organized crime and international terrorists across the country and around the globe.

Despite these successes, the FBI has also had its share of failures. These include maintaining secret files on elected officials, the investigation of civil rights leaders, the tragedies at Ruby Ridge and Waco, missing internal spy Robert Hanssen, the corruption and misuse of mob informants in the Boston field office, and the failure to connect the dots leading up to the 9/11 attacks. The FBI has also had problems in failing to manage high-profile projects, such as the procurement of information technology upgrades. They have failed to address personnel problems, such as the double standard for discipline that the Justice Department inspector general found agents believe exists. And there were the serious issues that required reform at the FBI crime lab. These are black marks on the history of the FBI.

I have been an outspoken critic of the FBI's culture for many years because of its unwillingness to own up to mistakes. Too often, officials sought to protect the agency's reputation at the expense of the truth. My concerns are magnified by the way the FBI treats internal whistleblowers who come forward and report fraud and abuse. All too often, instead of owning up to problems and fixing them, they circle the wagons and shoot the messenger. The FBI is all too often the exact opposite of an agency that can accept constructive criticism, from both those inside and out.

That said, I must give credit to the FBI when it is due. Following the tragedy of 9/11, the FBI has worked to fix the problems that have occurred. There has been a top-to-bottom transformation at the FBI moving it from a pure law enforcement agency to a national security agency. Chief among those lending this transformation has been FBI Director Robert Mueller. Sworn in as Director just 1 week prior to 9/11, Director Mueller has led the charge to ensure that the FBI is updated into a modern national security agency. This transformation includes upgrading the workforce from an agent-driven model to one that includes an ever-increasing number of intelligence analysts. Director Mueller has taken the transformation head-on and has done an admirable job. I applaud the hard work that has been done, but more work remains. That is why we are here today introducing legislation that will extend the term of FBI Director Mueller for 2 additional years. I join my colleagues from the Judiciary and Select Intelligence Committees in introducing a one-time statutory exemption that will extend the term of FBI Director Mueller's term by 2 years. I do this recognizing the good work of Director Mueller and against a backdrop of heightened alert to terrorist attack following the death of Osama bin Laden. However, I do this with a heavy heart because I believe the 10-year term is a good thing for both the FBI and the country.

Currently, the law requires that the FBI Director be limited to one single 10-year term. This limitation was put in place in 1976 following a 1968 change in the law making the Director a Presidential appointment. Congress included this term for two main reasons: one, to ensure that the Director was insulated from political influence of the President; two, to ensure that no one individual serves as FBI Director for such a long period of time to amass too much power. The inclusion of a term was part of a series of reforms to government agencies following the Watergate scandal and following the death of former Director J. Edgar Hoover, who had served a 48-year term.

The current term limit has been in place for 35 years. In that time, no Director of the FBI has ever served an entire 10-year term and no President has ever suggested the term limit should be extended. However, on September 4, 2011, FBI Director Mueller would be the first to reach the 10-year mark. President Obama has indicated it is his desire to have Director Mueller stay on for an additional 2 years and has asked us to extend the term.

While I join my colleagues in introducing this extension, I have also asked that we have a hearing in the Senate Judiciary Committee to address this extension. There are significant constitutional concerns that must be addressed, such as whether Congress has the authority to extend the term of a sitting appointee. A concern of this magnitude needs to be discussed in a formal hearing. Additionally, this would be the first time the Congress will be extending the term of the Director in over 35 years and nearly 37 years since a hearing was held on the term of the Director in the Judiciary Committee.

Director Mueller has done an admirable job of reforming an agency under difficult circumstances. While I have my concerns with the precedent that this will set for future Directors—namely, that the term can be extended—I do think that making a one-time exception is warranted in this limited case and with the current existing threats. But I do not want this to become a regular occurrence. This legislation is narrowly tailored to ensure that the intent of Congress is to create only a one-time exception. Further, we will be holding a Judiciary Committee hearing in the near future to address this important, limited, one-time extension. Against that backdrop, I support this extension and look forward to an open debate and discussion surrounding this legislation.

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

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today with Senator GRAHAM to introduce the Justice for Troops Act. This legislation offers a simple solution to a serious problem that affects the well-being of our troops and their families. Today, when service men and women face civil legal problems they often have no access to legal assistance. When these troops face such problems, like child custody issues, complications with leases, mortgage payments or credit card debt that should be protected under the Servicemembers Civil Relief Act, or disputes over a bank account, they often have no access to legal assistance.

Without representation, troops run the risk of losing custody of their children, being evicted from their home, or facing financial ruin. This is unjust, especially when there are many lawyers willing to volunteer their services for free. The Justice for Troops Act would solve this problem by connecting service men and women with pro bono lawyers. It would do so by authorizing the Department of Defense, DoD, to use up to $500,000 of funds already appropriated for operation and maintenance to support programs that make these connections and ensure that our troops have access to the legal representation they need.

All branches of the military provide our service men and women with basic legal services on-base through legal assistance officers, Judge Advocate Generals, JAGs, but they generally cannot represent service members in court or provide legal assistance in other parts of the country. When troops encounter legal problems that JAGs are not able to handle, they are left on their own to find a lawyer. This burden can arise if a service member is stationed in one state, but his or her home, family, or bank accounts are located in another. On-base JAG officers are unable to help with bankruptcy, child support issues, and other legal challenges that arise in a different state. As the number of deployed troops has increased since 2001, the gap between their legal needs and the offerings of JAG offices has widened. In some cases, JAG officers have referred troops who cannot afford a lawyer to programs that connect them with pro bono lawyers. Other cases have been left unresolved, to the detriment of our troops, their families, and the readiness of our armed forces.

Today, there are limited services available to help troops with legal problems that cannot be handled by JAGs, but they are unable to fully meet the growing need. Some law

school clinics, state bar associations, and the American Bar Association's Military Pro Bono Project connect active-duty military personnel and their families to free legal assistance beyond what military legal offices can offer. They maintain lists of attorneys who are willing to provide their services free of charge to service members and, in conjunction with the DoD, reach out to on-base JAG offices to encourage them to refer troops to their programs.

Unfortunately, these programs have a long way to go to meet the increasing demand for their pro bono legal services, and too many troops still go without legal help. Furthermore, existing programs are limited in their ability to connect troops with pro bono lawyers because funding to support them is scarce. With access to only $500,000, pro bono projects would be able to build more connections, ensure that every JAG office knows how to refer service members to the programs, and grow their databases of pro bono lawyers. This small investment would be leveraged into providing free legal assistance to countless men and women who serve our country. We will no doubt enhance our military readiness by eliminating the stress and anxiety caused by legal problems.

The Justice for Troops Act is supported by the Department of Defense, the Military Officers Association of America, the Southern Wisconsin Chapter of the Military Officers Association of America, the National Military Family Association, the National Guard Association of the United States, the Wisconsin National Guard Association, the Association of the US Army, the Air Force Association, and the Gold Star Wives of America.

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. 1106

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 ''Justice for Troops Act''.

SEC. 2. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) SUPPORT AUTHORIZED.—The Secretary of Defense may provide support to one or more public or private programs designed to connect attorneys who provide pro bono legal assistance with members of the Armed Forces who are in need of such assistance.

(b) FINANCIAL SUPPORT.—

(1) IN GENERAL.—The support provided a program under subsection (a) may include financial support of the program.

(2) LIMITATION ON AMOUNT.—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed $500,000.

(3) FUNDING.—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

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

S. 1110. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

Mr. ENZI. Mr. President, I rise today to introduce the Small Business Fairness Act. I want to first thank my colleague Senator CASEY from Pennsylvania for cosponsoring this important legislation with me. Promoting small business is not a Republican or a Democrat issue; it is an economic issue that is of even more importance as we consider ways to help improve our Nation's job situation. This bill is just one of many efforts that I hope Congress can consider this year that will help promote the needs of our small businesses on Main Street.

This particular issue involves a rule currently in place that prevents agencies from counting their government procurement contracts toward their statutory obligations if a small business is a member of a cooperative or association of other small businesses. While the rule was well intended when it was written, it likely never anticipated the growth of small businesses that pool their resources into teaming agreements to compete for large government contracts.

This bill, the Small Business Fairness Act, helps address this issue. The Internet and other resources in recent years have helped small businesses identify and partner with other businesses to make competitive bids for government contracts. Not every small business can meet the contracting needs of federal agencies, however, as a group they can often offer competitive bids for some of the largest government contracts being offered. We know that the Federal Government is one of the largest consumers of products and it is only right to make sure our small businesses can group with other small businesses for their own mutual benefit. The bill is specifically designed to ensure that agencies can do business through teaming agreements with small businesses that qualify through the Small Business Administration as socially or economically disadvantaged firms. This includes businesses owned by service-disabled veterans, women-owned small businesses and firms located in qualified HUBZones. Without this bill, an agency can do business with a small entity through a teaming agreement but cannot count that business towards its statutory obligations for small business set-asides.

As a former small business owner and a member of the Small Business Committee, I am a firm believer that small businesses should be able to access government contracts. These contracts help businesses diversify and offer new opportunities for their products. That is why for over 9 years I have helped to host a Procurement Conference in Wyoming where contactors can meet with our State's small businesses to ensure the Federal Government gets the goods and services they need.

This bill is a step in the right direction to help our small businesses and I look forward to opportunities to discuss this and other efforts that help our small businesses succeed.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, when Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs due to trade policy will not equal the loss of health care coverage. The health coverage tax credit, HCTC, was designed to help American workers retain health insurance coverage when their jobs are displaced by outsourcing—and it has been a lifeline for these middle-class families who simply cannot afford coverage on their own. In 2010, an Internal Revenue Service survey found that 90 percent of HCTC participants are very satisfied with the program.

However, despite the high satisfaction rate among participants, far too many trade-displaced workers are not able to take advantage of this important program. Historically, fewer than 30,000 of the hundreds of thousands of potentially eligible individuals each year have participated in the HCTC. These hundreds of thousands of laid-off workers and retirees have been left uninsured because the program still has several barriers to enrollment, and despite the 65 percent subsidy provided by the program, the premiums are prohibitively high for some workers.

I have heard from steel retirees and widows in my state about how unaffordable the TAA health care tax credit is. I have been very frustrated, just as I was when this bill passed, that we have not been able to make the credit as affordable and accessible as possible for people who need it the most—laid-off workers and retirees who have very limited income.

The Government Accountability Office, GAO, and several consumer advocacy groups and research organizations have cited affordability as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is simply not enough for many to afford the high cost of health insurance premiums. The American Recovery and Reinvestment Act of 2009, which reauthorized the Trade Adjustment Assistance Act, made several temporary changes to expand eligibility for and benefits of the HCTC program. These changes included an increase in the tax credit's subsidy rate from 65 percent to 80 percent of the health insurance premium, and expanded TAA eligibility to additional workers. The GAO released a report

last year on the credit and found that HCTC participation increased after these key Recovery Act changes took effect. As a result of the Recovery Act, many more people eligible for the program felt they could afford a qualified health plan and afford to pay their share of monthly premiums. However, 33 percent still could not afford their share of monthly premiums, even with the credit and these expanded provisions expired on February 13, 2011.

As our economy continues its recovery, it is critical to build on this program to help more Americans secure health coverage. The TAA Health Coverage Improvement Act would extend the Recovery Act's temporary provisions, and it would also address the issues of affordability by increasing the subsidy amount from 65 percent to 95 percent, retroactive to the date the Recovery Act expired.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, nongroup coverage policy 30 days prior to separation from employment. However, states have been allowed by prior Administrations to create state-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment. As a result, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one state GAO reviewed for its report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost six times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that states can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits. The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan, FEHBP, as a qualified group option in every State, so that displaced workers nationwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the three month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain three months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this three month period to be counted as the three months prior to separation from employment. However, the Administration has interpreted the three month requirement as three months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily-provided consumer protections. This legislation corrects this problem by clarifying that three months of continuous coverage means three months prior to separation from employment.

Fourth, this bill allows spouses and dependents to maintain eligibility for the health coverage tax credit if the worker or retiree becomes eligible for Medicare. Younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include a complicated and fragmented enrollment process and the inability of workers to pay 100 percent of the premium during the 3 to 6 months they are waiting to enroll in advance payment. This legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin. This legislation allows workers to be eligible for the HCTC even if they are not receiving training, an important provision that was included in the Recovery Act. The current training requirement subjects families to a loss of health coverage when transportation, relocation, or childcare issues interfere with an individual's ability to participate in training.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed to help American workers retain health insurance coverage during this very difficult transition.

Since 2002, the HCTC program has been a lifeline for tens of thousands of participants. But for many others who face barriers to participation, the HCTC program is not living up to its potential. The GAO has given us a very specific diagnosis of the problems, and the Recovery Act has shown us that the situation can improve for trade-displaced workers. The TAA Health Coverage Improvement Act builds upon the Trade Act of 2002 and the lessons we have learned since in order to make the health coverage tax credit workable for eligible individuals and their families. I look forward to working with my colleagues to pass this important legislation.

By Mr. INOUYE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I am pleased to introduce the Trash Free Seas Act of 2011, a bill to reauthorize and strengthen the Marine Debris Research, Prevention, and Reduction Act, MDRPRA. This act, of which I am proud to have been the original sponsor, was first passed in 2006 to address the pervasive issue of marine debris which is found in myriad forms throughout our oceans. It created programs in both the National Oceanic and Atmospheric Administration, NOAA, and the U.S. Coast Guard that research, track, and work to mitigate and remove marine debris and its associated impacts. The Trash Free Seas Act would update these programs to incorporate advances in our understanding of the issue and allow for greater regional and international coordination in our mitigation efforts.

Marine debris is a catch-all term that encompasses everything from floating refuse to lost fishing nets and pieces of micro-plastic. In all its forms, however, it is something that was once manufactured and has since been lost at sea through accident, intent, or act of nature. Once at sea, the impacts of marine debris may reach unintended shores as it drifts on ocean currents

and harms our ecosystems and economies. This harm may come from direct interactions such as physical damage to a coral reef or fishing vessel; through indirect impacts such as the concentration of harmful chemicals in floating plastics; or from a reduction in tourism due to the unsightliness of a littered beach. In every case we should be responding by working to reduce the overall problem on a global scale and by striving to mitigate specific impacts.

As an island State, Hawaii is particularly susceptible to the impacts of marine debris and, all the more so, because we are located near the center of a great network of ocean currents in the Pacific that tend to concentrate debris into a wide region known as the ''garbage patch''. For this reason, our State has long been at the forefront in dealing with this issue and in fact we have recently become the first State to develop and implement a comprehensive marine debris action plan. This Plan, along with the programs at NOAA and the Coast Guard, are likely to be even more valuable to us in the coming years as recent research suggests that the tragic Great East Japan Earthquake and Tsunami that struck in March, resulted in a tremendous amount of lost infrastructure that may reach our shores as debris in as little as 1 to 2 years.

The Trash Free Seas Act of 2011 would strengthen our ability to respond to the pervasive problem of marine debris by incorporating marine debris removal as an explicit purpose of the programs; clarifying research and assessment and reduction, prevention, and removal as two distinct components of the NOAA program; and including tool development, regional coordination, and promoting international action as explicit program functions.

I ask that my colleagues join me in supporting this important legislation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce the Propane Green Autogas Solutions Act of 2011. I am pleased to note that the junior Senators from Missouri, Mr. BLUNT, and Michigan, Ms. STABENOW, are original cosponsors of this measure. Our bill extends for five years Federal Alternative Fuel Tax Credits for Propane Used as a Motor Fuel, Propane Vehicles, and Propane Refueling Infrastructure.

Propane ''autogas'' is a reliable, domestically produced alternative fuel with lower greenhouse gas, GHG, emissions than gasoline. Sixty percent of propane, also known as liquefied petroleum gas, LPG, derived from natural gas processing and 40 percent is a byproduct of crude oil refining. Since LPG is derived from fossil fuels, burning it releases carbon dioxide, CO_2. The advantage is that LPG releases less CO_2 per unit of energy than oil and burns cleanly with regard to particulates.

At present, one propane-powered light-duty vehicle, LDV, and several heavy-duty vehicle, HDV, propane engines and fueling systems are available from U.S. original equipment manufacturers, OEM. Because other countries offer more OEM options in propane vehicles, thorough testing to compare emissions with reformulated gasoline has been conducted on these vehicles and engines in Europe. Two of these tests were combined and the results are promising with respect to lower particulate matter, PM, nitrogen oxides, NO_X, carbon monoxide, CO, and total hydrocarbon, THC, emissions, as the chart below details:

To augment LPG's generally cleaner combustion properties, propane engines can be calibrated to choose between pollutants, making the engine additionally useful in achieving regional or local pollution-reduction targets. A rich calibration reduces nitrogen oxides, NO_X, at the expense of increasing CO and non-methane hydrocarbons and a lean calibration does just the opposite.

Propane is in surplus worldwide with 93 percent of U.S. propane produced domestically when combined with supply from Canada. A national infrastructure of pipelines, processing facilities, and storage, i.e., 59 million barrel capacity in Texas alone, already exists for the efficient distribution of propane and there are roughly 3,200 propane dispensing stations across the U.S. Propane supply is expected to increase over the next several decades, which means more consumer availability and price stability.

Commercial fleets are the propane autogas vehicle target market. The Energy Policy Act of 2005 (EPACT 2005) and the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA–LU, transportation reauthorization established significant tax incentives for propane autogas to stimulate its use in motor vehicles to reduce U.S. dependence on foreign oil and reduce environmental impacts associated with gasoline and diesel fuel use. The 2005 legislation provided the following alternative fuel tax credits that benefit propane autogas, all of which would be extended under the legislation Senators BLUNT and STABENOW and I are introducing today.

Propane Fuel Credits—SAFETEA–LU included a 50 cent per gallon credit for propane sold for use in motor vehicles. This credit expires at the end of 2011.

Propane Vehicle Credits—EPACT 2005 included a tax credit to consumers who purchase OEM propane vehicles or convert gasoline or diesel engines. The amount of credit the consumer receives varies depending on vehicle weight and emissions. This credit is currently expired.

Propane Infrastructure Credits—EPACT 2005 provided a tax credit amounting to 30 percent of the cost of a fueling station, not to exceed $30,000 per station. This credit expires at the end of 2011.

The Propane Act would extend these three tax credits for 5 years. For the credits to have a meaningful effect in firmly establishing a robust propane autogas market, they should be in place for a defined period of time, not extended from year-to-year in a haphazard fashion. Congress should not wait to act until the credits are about to expire because market uncertainty regarding the credits undermines the effectiveness of the incentives and discourages the kind of investment that Congress wants the private sector to make in alternative fuels. The Propane Green Autogas Solutions Act, if enacted, would offer the long-term policy commitment necessary to continue building essential alternative fuel infrastructure and bolster a burgeoning autogas market. Private investment is much more likely to occur when the availability of the tax credits is assured in the long-term so the propane industry can create the economies of scale necessary to make propane autogas a viable and competitive alternative fuel.

There is no score for the bill yet. The National Propane Gas Association, NPGA, has retained an economic research firm to perform a comprehensive economic review that will look at costs and offsetting benefits, job creation, economic growth, etc.; foreign petroleum gallons displaced; and the positive environmental impact of extending the tax credits. The study will be available shortly and will share it with my colleagues when it becomes available.

Recent rapid price increases for gasoline and diesel fuel have hurt Americans families and businesses. This weekend is Memorial Day weekend, the unofficial beginning of the summer and the summer driving season. Our Nation needs to come to grips with a few fundamental facts. We have 2–3 percent of the world's oil reserves. We account for about 5 percent of the world's population. We currently produce 11 percent of the world's oil, up 11 percent over the last 2 years, in large part because we have more drilling rigs in operation right now than the rest of the world combined—by 50 percent. We account for 25 percent of the world's oil consumption. ''Drill here, drill now, pay less'' is a catchy slogan, but it's not a solution to our energy woes. As T. Boone Pickens himself has said, we cannot drill our way of this problem. The best way for the United States to put downward pressure on gasoline and diesel prices is through demand reduction since we are the world's biggest consumers of petroleum products by far. The Propane Green Autogas Solutions Act offers one way to reduce our demand—by substituting propane for gasoline or diesel fuel. Propane is a domestic transportation fuel. It is less

expensive than gasoline and diesel fuel. It burns more cleanly. These are all good things. I urge my colleagues to support this bill.

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. 1120

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Propane Green Autogas Solutions Act of 2011''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. MODIFICATION AND EXTENSION OF ALTERNATIVE FUEL CREDIT.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by inserting '', and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas)'' after ''hydrogen''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by inserting '', and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas)'' after ''hydrogen''.

(c) PAYMENTS RELATING TO ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—Paragraph (6) of section 6427(e) is amended—

(1) in subparagraph (C)—

(A) by striking ''subparagraph (D)'' in subparagraph (C) and inserting ''subparagraphs (D) and (E)'', and

(B) by striking ''and'' at the end thereof,

(2) by striking the period at the end of subparagraph (D) and inserting '', and'', and

(3) by adding at the end the following:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquefied petroleum gas sold or used after December 31, 2016.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to liquefied petroleum gas sold or used after the date of the enactment of this Act.

SEC. 3. EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting ''(December 31, 2016, in the case of a vehicle powered by liquefied petroleum gas)'' before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 4. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) IN GENERAL.—Subsection (g) of section 30C is amended by striking ''and'' at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

''(2) in the case of property relating to liquefied petroleum gas, after December 31, 2016, and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Renewable Energy Access through Leasing Act of 2011 or the REAL Act of 2011. I'd like to thank Senator LAMAR ALEXANDER and Senator MARK UDALL for joining in this bipartisan effort.

Many homeowners would like to install solar panels or other renewable energy systems, but face the daunting challenge of paying the upfront cost for the technology. To purchase and install a new solar energy system, for example, can cost between $20,000 and $30,000. This is a significant and often prohibitive cost, even when more than justified by long-term savings.

A promising option to promote residential use of renewable energy is leasing. Here is how it works: A company pays to purchase and install the system and the homeowner pays a fixed monthly fee to lease the renewable energy system from the company. It is easy for the homeowner, often requires no upfront cost, and can even save them money on electricity bills. Leasing has been successfully used for everything from satellite TV dishes to car. Why not solar panels too?

One of the problems has been that renewable energy system leasing does not have a well-established financial market. Investors are reluctant to pursue these opportunities, in large part because of the uncertain lifespan of the renewable energy systems. The REAL Act would address that problem by having the Department of Energy insure the value of the lease. This would help create a secondary market for renewable energy system leases to residential customers, freeing up additional capital to invest in these programs.

The benefits of renewable energy are manifold and well-documented. Renewable energy creates jobs. From the engineers who design the systems to the technicians who install them, this industry has the potential to support thousands of new jobs.

Renewable energy promotes energy independence. Oil still accounts for approximately 40 percent of our total energy needs, and seventy percent of this oil is imported from foreign countries, many of whom, to put it mildly, are not committed to our best interests. We are sending $1 billion per day overseas to fund this addiction.

Renewable energy reduces harmful pollution. Many of our current dirty sources of energy are significant contributors to air pollution, leading to increased cases of asthma, respiratory diseases, and birth defects. Moreover, these energy sources are significant contributors to global climate change, harming our communities through sea level rise and increased extreme weather. Rapidly rising greenhouse gas concentrations are also putting severe strain on our oceans through acidification and temperature change, creating conditions not seen for millions of years. In my home state of Rhode Island, the Narragansett Bay has witnessed a 4 degree increase in average annual temperature, causing what amounts to a full ecosystem shift.

It is hard to disagree that renewable energy offers solutions to many of the problems facing our country. But there is often disagreement about the best way forward to promote renewable energy. Some are concerned about the budget impact of promoting renewable energy, some are concerned about government mandates, and some are concerned about government subsidies. While we may disagree on other means to promote renewable energy, I am hoping that we can all agree on this bipartisan proposal.

The REAL Act would not add a dime to the budget deficit. The Congressional Budget Office scored similar legislation last Congress as having no budget impact. It achieves this goal because the insurance program is paid for entirely through premiums. The bill also protects the taxpayer in the case of a default because the government has the right to collect revenues directly from the renewable energy system.

The REAL Act is not a subsidy and requires no appropriation. It relies on the value of the renewable energy system itself to provide the basis for the insurance.

The REAL Act is also not a mandate. It has no requirement to use the leasing mechanism, but merely facilitates the expansion of renewable energy leasing to homeowners.

While this bill is only one piece of the puzzle to solving our overall energy problem, I hope that it is a piece we can all agree on. Providing additional options to lease renewable energy systems is a win for our homeowners, our economy, and our environment.

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. 1126

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 ''Renewable Energy Access through Leasing Act of 2011'' or the ''REAL Act of 2011''.

SEC. 2. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

Subtitle A of title IV of the Energy Independence and Security Act of 2007 is amended by inserting after section 413 (42 U.S.C. 17071) the following:

''SEC. 414. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of those systems to homeowners;

''(2) to reduce carbon emissions and the use of nonrenewable resources;

''(3) to encourage energy-efficient residential construction and rehabilitation;

''(4) to encourage the use of renewable resources by homeowners;

''(5) to minimize the impact of development on the environment;

''(6) to reduce consumer utility costs; and

''(7) to encourage private investment in the green economy.

''(b) DEFINITIONS.—In this section:

''(1) AUTHORIZED RENEWABLE ENERGY LENDER.—The term 'authorized renewable energy lender' means a lender authorized by the Secretary to make a loan under this section.

''(2) RENEWABLE ENERGY SYSTEM LEASE.—The term 'renewable system energy lease' means an agreement between an authorized renewable energy system owner and a homeowner for a term of not less than 5 years, under which the homeowner—

''(A) grants an easement to the renewable energy system owner to install, maintain, use, and otherwise access the renewable energy system; and

''(B) agrees to—

''(i) lease the use of the system from the renewable energy system owner; or

''(ii) a power purchase agreement.

''(3) RENEWABLE ENERGY MANUFACTURER.—The term 'renewable energy manufacturer' means a manufacturer of renewable energy systems.

''(4) RENEWABLE ENERGY SYSTEM.—The term 'renewable energy system' means a system of energy derived from—

''(A) a wind, solar (including photovoltaic and solar thermal), biomass (including biodiesel), or geothermal source; or

''(B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).

''(5) RENEWABLE ENERGY SYSTEM OWNER.—The term 'renewable energy system owner' means a homebuilder, a manufacturer or installer of a renewable energy system, or any other person, as determined by the Secretary.

''(c) AUTHORITY.—

''(1) IN GENERAL.—The Secretary may, on application by an authorized renewable energy system owner, insure or make a commitment to insure a loan made by an authorized renewable energy lender to a renewable energy system owner to finance the acquisition of a renewable energy system for lease to a homeowner for use at the residence of the homeowner.

''(2) TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions for insurance under paragraph (1) as are consistent with the purposes of this section.

''(d) LIMITATION ON PRINCIPAL AMOUNT.—

''(1) LIMITATION.—The principal amount of a loan insured under this section shall not exceed the residual value of the renewable energy system to be acquired with the loan.

''(2) RESIDUAL VALUE.—For purposes of this subsection—

''(A) the residual value of a renewable energy system shall be the fair market value of the future revenue stream from the sale of the expected remaining electricity production from the system, pursuant to the easement granted in accordance with subsection (e); and

''(B) the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system shall be determined based on the net present value of the power output production warranty for the renewable energy system provided by the renewable energy manufacturer and the forecast of regional residential electricity prices made by the Energy Information Administration of the Department.

''(e) EASEMENT.—

''(1) IN GENERAL.—The Secretary may not insure a loan under this section unless the renewable energy system owner certifies, in accordance with such requirements as the Secretary shall establish, consistent with the purposes of this section, that the renewable energy system financed will be leased only to a homeowner that grants an easement to install, maintain, use, and otherwise access the renewable energy system that includes the right to sell electricity produced during the life of the renewable energy system to a wholesale or retail electrical power grid.

''(2) ASSUMABLE LEASE.—The renewable energy system lease shall specify that the renewable energy system lease can be assumed by new homeowners.

''(f) DISCOUNT OR PREPAYMENT.—

''(1) IN GENERAL.—To encourage the use of renewable energy systems, the Secretary shall ensure that a discount given to a homeowner by a renewable energy system owner or other investor or prepayment of a renewable energy system lease by a renewable energy system owner does not adversely affect the mortgage requirements of the homeowner.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary may consult with agencies and entities involved in oversight of home mortgages.

''(g) ELIGIBILITY OF LENDERS.—The Secretary may not insure a loan under this section unless the lender making the loan is an institution that meets such requirements as the Secretary shall establish for participation of renewable energy lenders in the program under this section.

''(h) CERTIFICATE OF INSURANCE.—

''(1) IN GENERAL.—The Secretary shall issue to a lender that is insured under this section a certificate that serves as evidence of insurance coverage under this section.

''(2) CONTENTS OF CERTIFICATE.—The certificate required under paragraph (1) shall describe the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system.

''(3) FULL FAITH AND CREDIT.—The certificate required under paragraph (1) shall be backed by the full faith and credit of the United States.

''(i) PAYMENT OF INSURANCE CLAIM.—

''(1) FILING OF CLAIM.—The Secretary shall provide for the filing of claims for insurance under this section and the payment of the claims.

''(2) PAYMENT OF CLAIM.—A claim under paragraph (1) may be paid only on a default under the loan insured under this section and the assignment, transfer, and delivery to the Secretary of—

''(A) all rights and interests arising under the loan; and

''(B) all claims of the lender or the assigns of the lender against the borrower or others arising under the loan transaction.

''(3) LIEN.—

''(A) IN GENERAL.—On payment of a claim for insurance of a loan under this section, the Secretary shall hold a lien on the underlying renewable energy system assets and any associated revenue stream from the use of the system, which shall be superior to all other liens on the assets.

''(B) RESIDUAL VALUE.—The residual value of the renewable energy system and the revenue stream from the use of the system shall be not less than the unpaid balance of the loan amount covered by the certificate of insurance.

''(C) REVENUE FROM SALE.—The Secretary shall be entitled to any revenue generated by the renewable energy system from selling electricity to the grid when an insurance claim has been paid out.

''(j) ASSIGNMENT AND TRANSFERABILITY OF INSURANCE.—A renewable energy system owner or an authorized renewable energy lender that is insured under this section may assign or transfer the insurance, in whole or in part, to another owner or lender, subject to such requirements as the Secretary may prescribe.

''(k) PREMIUMS AND CHARGES.—

''(1) INSURANCE PREMIUMS.—

''(A) IN GENERAL.—The Secretary shall fix and collect premiums for insurance of loans under this section, that shall be—

''(i) paid by the applicant renewable energy system owner at the time of issuance of the certificate of insurance to the lender; and

''(ii) adequate, as determined by the Secretary, to cover the expenses and probable losses of administering the program under this section.

''(B) DEPOSIT OF PREMIUM.—The Secretary shall deposit any premiums collected under this subsection in the Renewable Energy Lease Insurance Fund established by subsection (l).

''(2) PROHIBITION ON OTHER CHARGES.—Except as provided in paragraph (1), the Secretary may not assess any other fee (including a user fee), insurance premium, or charge in connection with loan insurance provided under this section.

''(l) RENEWABLE ENERGY LEASE INSURANCE FUND.—

''(1) FUND ESTABLISHED.—There is established in the Treasury of the United States the Renewable Energy Lease Insurance Fund (referred to in this subsection as the 'Fund'), which shall be available to the Secretary without fiscal year limitation, for the purpose of providing insurance under this section.

''(2) CREDITS.—The Fund shall be credited with—

''(A) any premiums collected under subsection (k)(1);

''(B) any amounts collected by the Secretary under subsection (i)(3); and

''(C) any associated interest or earnings.

''(3) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary for—

''(A) fulfilling any obligations with respect to insurance for loans provided under this section; and

''(B) paying administrative expenses in connection with this section.

''(4) EXCESS AMOUNTS.—The Secretary may invest in obligations of the United States any amounts in the Fund determined by the Secretary to be in excess of amounts required at the time of the determination to carry out this section.

''(m) INELIGIBILITY FOR PURCHASE BY FEDERAL FINANCING BANK.—Notwithstanding any other provision of law, no debt obligation that is insured or committed to be insured by the Secretary under this section shall be subject to the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.).

''(n) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to carry out this section.

''(2) MULTIFAMILY HOUSING.—In issuing the regulations, the Secretary shall ensure that multifamily housing units are eligible for programs established by this section.

''(3) TIMING.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue interim or final regulations.

''(o) TERMINATION OF AUTHORITY.—The authority of the Secretary to insure and make commitments to insure new loans under this

section shall terminate on the date that is 10 years after the date of enactment of this section.''.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Strengthening America's Trade Laws Act, legislation that will protect American businesses and workers by ensuring that they can compete on a level playing field with foreign companies.

The legislation I am introducing today should be viewed as a placeholder for a more comprehensive updated bill that I plan on introducing after the recess. Given the potential for legislative action at any time on Trade Adjustment Assistance, the three pending Free Trade Agreements, and the continuing harm caused by illegally dumped foreign goods, I thought it was imperative that I introduce this bill today and move the discussion of our country's trade policy forward.

The Strengthening America's Trade Laws Act allows the government to live up to its commitment to protect American businesses by allowing the businesses being harmed by unfairly subsidized imports to have a seat at the table in trade dispute proceedings. It also strengthens countervailing duty laws that are used to impose tariffs on goods from countries like China that are being unfairly subsidized.

Importantly, my bill would prevent the World Trade Organization, WTO, from dictating American policy by mandating that Congress must approve of any regulatory change to American law that is meant to conform with an adverse WTO decision.

This bill goes after countries that use currency manipulation to keep their prices artificially low by allowing the American government to treat this manipulation as an unfair subsidy that can be responded to with countervailing duties.

My bill also allows a panel of judicial experts to review recent adverse WTO decisions to ensure that they were made correctly and that obligations are not being imposed on the United States that our government has not previously agreed to.

These steps are important because businesses like those in my home state of West Virginia face a constant threat from foreign made goods that are being sold at prices well below cost in an effort to drive American businesses out of the marketplace altogether. In West Virginia, we know all too well the impact these unfair practices can have, as numerous manufacturing businesses have closed in recent years in response to these challenges.

I have worked through the system to try to protect our employers, testifying numerous times before the International Trade Commission on behalf of West Virginia businesses, including our steel industry, in an effort to get the government to counter unfair subsidies and give American manufacturers a fighting chance in the global marketplace. It has become clear to me through the years though that the current protections are not strong enough and that more must be done to allow our businesses to compete. That is what I hope to accomplish with this bill. I am not asking for any unfair advantages for American businesses. I just want to allow them the opportunity to succeed on the merits of their ideas and their hard work.

I ask my colleagues to join me in supporting this important legislation and thank the chair for allowing me to speak on this issue.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MCCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, President, I rise today to introduce the Enforcing Orders and Reducing Circumvention and Evasion Act, or the ENFORCE Act, of 2011.

For almost a century, Democratic and Republican Administrations have promoted and protected America's anti-dumping and countervailing duty laws. These laws recognize the reality that foreign competitors don't always play by the rules. Some employ unfair and unscrupulous trade practices that put American businesses at a serious disadvantage. So, when it comes to ensuring that American businesses and workers have a level playing field to compete, anti-dumping and countervailing duty laws are the first line of defense.

But it is not enough to just pass these laws; they need to be enforced. Duties don't work unless they are assessed and collected. But just like some people cheat their way out of taxes, the same is true for foreign supplies and dishonest importers who evade and flout the anti-dumping and countervailing duties that protect American business and workers from grievous economic harm.

These suppliers and importers are what I call trade cheats.

You see, under U.S. trade laws, when a certain import is found to be unfairly traded, that is, it benefits from government subsidies or is sold below market prices, the U.S. Department of Commerce imposes additional duties on these imports. These duties, we call them anti-dumping and countervailing duties, or AD/CVD, ensure that American producers are only asked to compete on a playing field that is level.

But we have these trade cheats out there. They cheat American taxpayers out of the revenue that is supposed to be collected on imports, and which is needed to reduce the budget deficit, and they cheat American producers out of business that may otherwise be theirs. In short, the trade cheats steal American jobs and America's treasure.

The trade cheats are increasingly, and brazenly, employing a variety of schemes to evade AD/CVD orders. Sometimes, they hustle their merchandise through foreign ports to claim that it originates from somewhere it doesn't. Other times, the trade cheats will provide fraudulent information' to government authorities at American ports of entry, or they engage in schemes to mislabel and misrepresent imports.

In recognizing this problem, I convened a hearing in the subcommittee on international trade, customs and global competitiveness entitled ''Enforcing America's Trade Laws in the Face of Customs Fraud and Duty Evasion'' in May of this year. At this hearing we heard from Senators of both political parties and companies from across this nation about their concerns regarding this lack of enforcement. Others launched their own investigation into the matter.

My own staff on the Finance Subcommittee on Trade, Customs and Competitiveness learned that if often takes Customs and Border Protection, CBP, nearly a year to ask its sister agencies for investigatory help when it is needed and when CBP does refer a case to an outside agency they don't follow-up to ensure that it gets handled. It generally takes several years for the government to conclude an investigation into evasion and reassess the appropriate duties that should have been collected.

Customs and Border Protection, is the nation's frontline defense against unfair trade and is responsible for enforcing U.S. trade remedy laws and collecting AD/CV duties. Yet, if you listen to the concerns of domestic producers, like those who testified at my hearing, timely and effective enforcement of AD/CVD orders remains problematic and AD/CV duty evasion continues, seemingly unabated.

While Immigration and Customs Enforcement, or ICE, and CBP are dragging their feet to enforce our trade laws, this country's domestic manufacturers are being hammered by foreign trade cheats. It is not like the cheaters wait around to get caught and pay their fines, they disappear long before the so called government watchdogs arrive. ICE and CBP are the two principal American government agencies that are supposed to police this beat. In my view, one of them, CBP, treats allegations of duty evasion like junk mail. The other, Immigration and Customs Enforcement, has been more visible on the issue of alleged illegal movie downloads than taking steps to protect tens of thousands of manufacturing jobs that are threatened by unfair trade.

Such lollygagging is not only hurting our domestic producer, it is hurting our country's treasury. U.S. industry sources estimate that approximately

$91 million in AD/CV duties that were supposed to be applied to just four steel products went uncollected as a result of evasion in 2009. This is an amount equal to 30 percent of all AD/CV duties CBP collected that year. With 300 current AD/CVD orders in place on countless products from over 40 countries, the potential for AD/CV duty evasion is vast, and hundreds of millions of AD/CV duties may be unaccounted for. Every penny counts and we have an obligation to the American businesses, and the workers they rely on, to do a better job.

The bill I am introducing today, with Senators SNOWE, MCCASKILL, BLUNT, BROWN from Ohio, PORTMAN, and SCHUMER, will go a long way toward empowering the federal government to do a better job to combat the trade cheats and enforce U.S. trade laws. I would like to highlight just a few of the main provisions.

First, the ENFORCE Act would formalize a process by which allegations of evasion are acted on. Because CBP primarily relies on the private sector to identify evasion of AD/CVD, the ENFORCE Act would formalize that process by allowing stakeholders to file a petition alleging evasion and require CBP to initiate an investigation pursuant to the petition within 10 days.

Second, our bill would establish a rapid-response timeline by which CBP would investigate allegations of evasion. The ENFORCE Act would give the CBP 90 days, after an investigation of evasion begins, to make a preliminary determination into whether there is a reason to believe an importer is evading an AD/CVD order. So if an affirmative preliminary determination is made, AD/CV duties would be required to be collected in cash until the investigation is concluded and any entries of subject merchandise would not be liquidated by CBP in order to ensure that the correct amount of duties owed can be collected. CBP would also be required to make a final determination as to whether merchandise subject to an investigation under the bill entered into the U.S. through an evasion scheme within 120 days after CBP has issued a preliminary determination. Flexibilities are added to these timelines for cases that are complex. All of this would put an end to the lollygagging that our domestic producers would desperately like to see ended.

Third, the ENFORCE Act would help facilitate information sharing. Our bill would establish clear instruction and guidelines to promote appropriate information sharing among the various agencies to better combat evasion and protect consumers from unsafe goods. Everyone knows that the more information law enforcement agencies have, the better they are able to do their jobs.

Last and certainly not least, our bill would establish accountability. CBP's broad mandate to facilitate trade, enforce trade remedy laws, and protect national security often leads to inconsistent efforts to combat evasion of the trade remedy laws. The ENFORCE Act would require CBP to provide annual reports to us here in Congress about the effectiveness of its enforcement efforts and the job it is required to do to protect American producers from the harm of unfairly traded imports.

As you can see, this bill presents a common-sense strategy to combat trade cheating and the evasion of antidumping and countervailing duty collection. Enforcing U.S. trade laws and combating unfair trade practices must be a central pillar of an economic and trade policy that is designed to promote economic growth and job expansion, especially as we continue to recover from a recession.

I want to take a moment to recognize and thank some terrific colleagues of mine in the Senate that are joining me in introducing this legislation. I thank you, and your staff, for your help and for your efforts. I would also like to thank the Retail Industry Leaders Association, the Committee to Support U.S. Trade Laws, and the Coalition to Enforce Antidumping & Countervailing Duty Orders for their valuable input. I look forward to more of their input going forward.

I look forward to working with my colleagues in the Senate and with my friends in the House of Representatives to build support for this initiative and to take action on behalf of American producers.

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. 1133

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Enforcing Orders and Reducing Customs Evasion Act of 2011''.

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

TITLE I—PROCEDURES

SEC. 101. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

''SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771(1).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

''(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

''(3) COMMISSIONER.—The term 'Commissioner' means the Commissioner responsible for U.S. Customs and Border Protection.

''(4) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

''(A) an antidumping duty order issued under section 736;

''(B) a finding issued under the Antidumping Act, 1921; or

''(C) a countervailing duty order issued under section 706.

''(5) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

''(6) EVADE; EVASION.—The terms 'evade' and 'evasion' refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

''(7) INTERESTED PARTY.—The term 'interested party' has the meaning given that term in section 771(9).

''(b) PROCEDURES FOR INVESTIGATING ALLEGATIONS OF EVASION.—

''(1) INITIATION BY PETITION OR REFERRAL.—

''(A) IN GENERAL.—Not later than 10 days after the date on which the Commissioner receives a petition described in subparagraph (B) or a referral described in subparagraph (C), the Commissioner shall initiate an investigation pursuant to this paragraph if the Commissioner determines that the information provided in the petition or the referral, as the case may be, is accurate and reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

''(B) PETITION DESCRIBED.—A petition described in this subparagraph is a petition that—

''(i) is filed with the Commissioner by any party who is an interested party with respect to covered merchandise;

''(ii) alleges that a person has entered covered merchandise into the customs territory of the United States through evasion; and

''(iii) is accompanied by information reasonably available to the petitioner supporting the allegation.

''(C) REFERRAL DESCRIBED.—A referral described in this subparagraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, indicating that a person has entered covered merchandise into the customs territory of the United States through evasion.

''(2) DETERMINATIONS.—

''(A) PRELIMINARY DETERMINATION.—

''(i) IN GENERAL.—Not later than 90 days after the date on which the Commissioner

initiates an investigation under paragraph (1), the Commissioner shall issue a preliminary determination, based on information available to the Commissioner at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the covered merchandise was entered into the customs territory of the United States through evasion.

''(ii) EXTENSION.—The Commissioner may extend by not more than 45 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a preliminary determination under that clause is not available within that time period or the inquiry is unusually complex.

''(B) FINAL DETERMINATION.—

''(i) IN GENERAL.—Not later than 120 days after making a preliminary determination under subparagraph (A), the Commissioner shall make a final determination, based on substantial evidence, with respect to whether covered merchandise was entered into the customs territory of the United States through evasion.

''(ii) EXTENSION.—The Commissioner may extend by not more than 60 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a final determination under that clause is not available within that time period or the inquiry is unusually complex.

''(C) OPPORTUNITY FOR COMMENT; HEARING.—Before issuing a preliminary determination under subparagraph (A) or a final determination under subparagraph (B) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(i) provide any person alleged to have entered the merchandise into the customs territory of the United States through evasion, and any person that is an interested party with respect to the merchandise, with an opportunity to be heard;

''(ii) upon request, hold a hearing with respect to whether the covered merchandise was entered into the customs territory of the United States through evasion; and

''(iii) provide an opportunity for public comment.

''(D) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner—

''(i) shall exercise all existing authorities to collect information needed to make the determination; and

''(ii) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

''(I) issuing a questionnaire with respect to covered merchandise to—

''(aa) a person that filed a petition under paragraph (1)(B);

''(bb) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

''(cc) any other person that is an interested party with respect to the covered merchandise; or

''(II) conducting verifications, including on-site verifications, of any relevant information.

''(E) ADVERSE INFERENCE.—

''(i) IN GENERAL.—If the Commissioner finds that a person that filed a petition under paragraph (1)(B), a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter, has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the Commissioner may, in making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

''(ii) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under clause (i) may include reliance on information derived from—

''(I) the petition, if any, submitted under paragraph (1)(B) with respect to the covered merchandise;

''(II) a determination by the Commissioner in another investigation under this section;

''(III) an investigation or review by the administering authority under title VII; or

''(IV) any other information placed on the record.

''(F) NOTIFICATION AND PUBLICATION.—Not later than 7 days after making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner shall—

''(i) provide notification of the determination to—

''(I) the administering authority; and

''(II) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

''(ii) provide the determination for publication in the Federal Register.

''(3) BUSINESS PROPRIETARY INFORMATION.—

''(A) ESTABLISHMENT OF PROCEDURES.—For each investigation initiated under paragraph (1), the Commissioner shall establish procedures for the submission of business proprietary information under an administrative protective order that—

''(i) protects against public disclosure of such information; and

''(ii) for purposes of submitting comments to the Commissioner, provides limited access to such information for—

''(I) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

''(II) the person alleged to have entered covered merchandise into the customs territory of the United States through evasion.

''(B) ADMINISTRATION IN ACCORDANCE WITH OTHER PROCEDURES.—The procedures established under subparagraph (A) shall be administered—

''(i) to the maximum extent practicable, in a manner similar to the manner in which the administering authority administers the administrative protective order procedures under section 777;

''(ii) in accordance with section 1905 of title 18, United States Code; and

''(iii) in a manner that is consistent with the obligations of the United States under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)) (relating to customs valuation).

''(C) DISCLOSURE OF BUSINESS PROPRIETARY INFORMATION.—The Commissioner shall, in accordance with the procedures established under subparagraph (A) and consistent with subparagraph (B), make all business proprietary information presented to, or obtained by, the Commissioner during an investigation available to the persons specified in subparagraph (A)(ii) under an administrative protective order, regardless of when such information is submitted during an investigation.

''(4) REFERRALS TO OTHER FEDERAL AGENCIES.—

''(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative preliminary determination under paragraph (2)(A), the Commissioner shall, at the request of the head of another Federal agency, transmit the administrative record to the head of that agency.

''(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative final determination under paragraph (2)(B), the Commissioner shall, at the request of the head of another Federal agency, transmit the complete administrative record to the head of that agency.

''(C) PROTECTIVE ORDERS.—Before transmitting an administrative record to the head of another Federal agency under subparagraph (A) or (B), the Commissioner shall verify that the other agency has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

''(c) EFFECT OF DETERMINATIONS.—

''(1) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A) suspend the liquidation of each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered on or after the date of the initiation of the investigation under paragraph (1);

''(B) review and reassess the amount of bond or other security the importer is required to post for each entry of merchandise described in subparagraph (A);

''(C) require the posting of a cash deposit with respect to each entry of merchandise described in subparagraph (A); and

''(D) take such other measures as the Commissioner determines appropriate to ensure the collection of any duties that may be owed with respect to merchandise described in subparagraph (A) as a result of a final determination under subsection (b)(2)(B).

''(2) EFFECT OF NEGATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is not a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall continue the investigation and notify the administering authority pending a final determination under subsection (b)(2)(B).

''(3) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A) suspend or continue to suspend, as the case may be, the liquidation of each entry of the covered merchandise that is subject to the determination and that enters on or after the date of the determination;

''(B) notify the administering authority of the determination and request that the administering authority—

''(i) identify the applicable antidumping or countervailing duty assessment rate for the entries for which liquidation is suspended under paragraph (1)(A) or subparagraph (A) of this paragraph; or

''(ii) if no such assessment rates are available at the time, identify the applicable cash

deposit rate to be applied to the entries described in subparagraph (A), with the applicable antidumping or countervailing duty assessment rates to be provided as soon as such rates become available;

''(C) require the posting of cash deposits and assess duties on each entry of merchandise described in subparagraph (A) in accordance with the instructions received from the administering authority under paragraph (5);

''(D) review and reassess the amount of bond or other security the importer is required to post for merchandise described in subparagraph (A) to ensure the protection of revenue and compliance with the law; and

''(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

''(i) initiating proceedings under section 592 or 596;

''(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment, importers, other parties, and merchandise that may be associated with evasion;

''(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to submit entry summary documentation and to deposit estimated duties at the time of entry;

''(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation; and

''(v) transmitting the administrative record to the administering authority for further appropriate proceedings.

''(4) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was not entered into the customs territory of the United States through evasion, the Commissioner shall terminate the suspension of liquidation pursuant to paragraph (1)(A) and refund any cash deposits collected pursuant to paragraph (1)(C) that are in excess of the cash deposit rate that would otherwise have been applicable the merchandise.

''(5) COOPERATION OF ADMINISTERING AUTHORITY.—

''(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (3)(B), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

''(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (3)(B), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the 'all-others' rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

''(d) SPECIAL RULES.—

''(1) EFFECT ON OTHER AUTHORITIES.—Neither the initiation of an investigation under subsection (b)(1) nor a preliminary determination or a final determination under subsection (b)(2) shall affect the authority of the Commissioner—

''(A) to pursue such other enforcement measures with respect to the evasion of antidumping or countervailing duties as the Commissioner determines necessary, including enforcement measures described in clauses (i) through (iv) of subsection (c)(3)(E); or

''(B) to assess any penalties or collect any applicable duties, taxes, and fees, including pursuant to section 592.

''(2) EFFECT OF DETERMINATIONS ON FRAUD ACTIONS.—Neither a preliminary determination nor a final determination under subsection (b)(2) shall be determinative in a proceeding under section 592.

''(3) NEGLIGENCE OR INTENT.—The Commissioner shall investigate and make a preliminary determination or a final determination under this section with respect to whether a person has entered covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

''(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

''(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.''.

(b) TECHNICAL AMENDMENT.—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

''(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.''.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

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

(B) in clause (ii), by adding ''or'' at the end; and

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

''(iii) the date of publication in the Federal Register of a determination described in clause (ix) of subparagraph (B),''; and

(2) in subparagraph (B), by adding at the end the following new clause:

''(ix) A determination by the Commissioner responsible for U.S. Customs and Border Protection under section 516B that merchandise has been entered into the customs territory of the United States through evasion.''.

(d) FINALITY OF DETERMINATIONS.—Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by striking ''section 303'' and all that follows through ''which are reviewable'' and inserting ''section 516B or title VII that are reviewable''.

SEC. 102. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE II—OTHER MATTERS

SEC. 201. DEFINITIONS.

In this title, the terms ''appropriate congressional committees'', ''Commissioner'', ''covered merchandise'', ''enter'' and ''entry'', and ''evade'' and ''evasion'' have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 101 of this Act).

SEC. 202. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) REASSIGNMENT AND ALLOCATION.—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) COMMERCIAL ENFORCEMENT OFFICERS.—Not later than September 30, 2011, the Secretary of Homeland Security, the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement shall assess and properly allocate the resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—

(1) to effectively implement the provisions of, and amendments made by, this Act; and

(2) to improve efforts to investigate and combat evasion.

SEC. 203. REGULATIONS.

(a) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Commissioner shall issue regulations to carry out this title and the amendments made by title I.

(b) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not later than 240 days after the date of the enactment of this Act, the Commissioner, the Assistant Secretary for U.S. Immigration and Customs Enforcement, and the Secretary of Commerce shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Department of Commerce in order to quickly, efficiently, and accurately investigate allegations of evasion under section 516B of the Tariff Act of 1930 (as added by section 101 of this Act).

SEC. 204. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than February 28 of each year, beginning in 2012, the Commissioner, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees a report on the efforts being taken pursuant to section 516B of the Tariff Act of 1930 (as added by section 101 of this Act) to prevent the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the fiscal year preceding the submission of the report—

(A) the number and a brief description of petitions and referrals received pursuant to section 516B(b)(1) of the Tariff Act of 1930 (as added by section 101 of this Act);

(B) the results of the investigations initiated under such section, including any related enforcement actions, and the amount of antidumping and countervailing duties collected as a result of those investigations; and

(C) to the extent appropriate, a summary of the efforts of U.S. Customs and Border Protection, other than efforts initiated pursuant section 516B of the Tariff Act of 1930

(as added by section 101 of this Act), to prevent the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) for the 3 fiscal years preceding the submission of the report, an estimate of—

(A) the amount of covered merchandise that entered the customs territory of the United States through evasion; and

(B) the amount of duties that could not be collected on such merchandise because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

SEC. 205. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON RELIQUIDATION AUTHORITY.

Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, and make available to the public, a report estimating the amount of duties that could not be collected on covered merchandise that entered the customs territory of the United States through evasion during fiscal years 2009 and 2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. 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. 1135

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 ''Energy and Revenue Enrichment Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) ENRICHMENT PLANT.—The term ''enrichment plant'' means a uranium enrichment plant owned by the Department of Energy with respect to which the Nuclear Regulatory Commission has made a determination of compliance under section 1701(b)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(b)(2)).

(3) QUALIFIED OPERATOR.—The term ''qualified operator'' means a company that has experience in operating an enrichment plant under Nuclear Regulatory Commission authorization and has the ability and workforce to enrich the depleted uranium that is owned by the Department of Energy.

(4) REENRICHMENT.—The term ''reenrichment'' means increasing the weight percent of U–235 in uranium in order to make the uranium usable.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. REENRICHMENT CONTRACT.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Secretary shall enter into a contract with a qualified operator for a 24 month pilot program for the reenrichment at an enrichment plant of the depleted uranium described in section 2(3) that the Secretary finds economically viable. The Secretary shall seek to maximize the financial return to the Federal Government in negotiating the terms of such contract.

(2) AMOUNT OF ENRICHMENT.—The Secretary shall, during each year of the pilot program under this subsection, conduct uranium reenrichment under such program in an amount (measured in separative work units) equal to approximately 25 percent of the aggregate uranium enrichment conducted in the United States during calendar year 2010.

(3) ECONOMIC VIABILITY.—For purposes of paragraph (1), uranium shall be considered economically viable if the cost to the United States of the reenrichment thereof, including the costs of the contract entered into under paragraph (1), are less than the revenue anticipated from the sale of the reenriched uranium.

(b) COMMENCEMENT OF REENRICHMENT ACTIVITIES.—Reenrichment activities under the contract entered into under subsection (a) shall commence as soon as possible, but no later than June 1, 2012.

(c) SALE OF REENRICHED URANIUM.—The Secretary may from time to time sell the reenriched uranium generated pursuant to the contract entered into under subsection (a).

(d) ALLOCATION AND USE OF PROCEEDS.—Any funds received by the Secretary from the sale of reenriched uranium generated pursuant to the contract entered into under subsection (a) shall be allocated as follows:

(1) First, such funds shall be available to the Secretary, without further appropriation and without fiscal year limitation, to carry out this section, including amounts required to be paid under the contract entered into under subsection (a).

(2) Any amounts not required for the purposes described in paragraph (1) shall be transferred to the Uranium Enrichment Decontamination and Decommissioning Fund established in section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g), to be available for use, without further appropriation and without fiscal year limitation.

SEC. 4. DEPLETED URANIUM.

(a) TITLE AND RESPONSIBILITY FOR DISPOSITION.—The Secretary shall assume title to, and responsibility for the disposition of, all depleted uranium generated pursuant to the contract entered into under section 3(a).

(b) FUNDING FOR REENRICHMENT.—To provide funding for payments under the contract entered into under section 3(a), the Secretary may—

(1) assume title to, and responsibility for the disposition of, depleted uranium in addition to the depleted uranium specified in subsection (a); and

(2) transfer to the qualified operator title to uranium generated as a result of the reenrichment pursuant to the contract entered into under section 3(a).

SEC. 5. LIMITATION ON FEDERAL URANIUM SALES.

(a) INITIAL PERIOD.—Notwithstanding section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h—10(d)), during the 24 month pilot program and the subsequent 24 months after that program is complete, the Secretary may not during any calendar year sell an amount of uranium that exceeds 15 percent of the United States' domestic uranium supply for that year.

(b) SUBSEQUENT PERIOD.—After the expiration of the 48 month period described in subsection (a), the Secretary may not during any calendar year sell an amount of uranium that exceeds 10 percent of the United States' domestic uranium supply for that year, except to the extent that the Secretary determines that such sales will have no significant effect on uranium markets.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to reintroduce legislation previously sponsored by a Member of the Commerce Science and Transportation Committee in the 111th Congress that would direct funds from the administrative, civil, and criminal penalties stemming from the Deepwater Horizon oil spill to fund coastal and marine restoration, research and education, as well as promote tourism and economic development in the coastal Gulf states. The bill that I introduce today, the Gulf Coast Restoration Act, is identical to the bill by the same name introduced in the 111th Congress and referred to the Commerce, Science, and Transportation Committee.

To remind my colleagues, under Senate Rule XXV(f), the Commerce Committee possesses broad jurisdiction, including over ''Coast Guard . . . coastal zone management . . . interstate commerce . . . marine and ocean navigation, safety and transportation, including navigational aspects of deepwater ports . . . marine fisheries . . . merchant marine and navigation . . . oceans . . . regulation of consumer products and services including testing related to toxic substances . . . science, engineering, and technology research and development and policy . . . transportation, and the transportation and commerce aspects of Outer Continental Shelf Lands.'' As Chairman of the Committee I am well aware that individual Members of my Committee have strong views on all of these issues.

In the coming weeks, the Commerce Committee will be reviewing and considering a legislative package in a renewed effort to respond the Gulf oil spill. My introduction of the bill today is intended to clearly establish that the Commerce Committee continues to hold strong views about how to direct funding from the assessed penalties back to restoring the Gulf economy and environment. It is also intended to assert the Commerce Committee will conduct its oversight over the promotion of commerce, as well as over ocean and coastal programs, and reserve its rights to review and consider the authorization of programs needed to support the economic recovery of the Gulf, and the long term restoration of Gulf ecosystems. Finally, introduction of this bill is intended to provide Commerce Committee Members with the opportunity to ensure that needed baseline science is put in place, along with emergency response technology and programs, to support improved offshore energy decisions in the future. I look forward to revising this bill following introduction to reflect the views of the Committee.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans

from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to speak about legislation that would remove the obstacles preventing Filipino veterans of World War II from being united with their children, a situation whose roots reach back almost eight decades.

The Philippine Independence Act of 1934 established the Philippines, a U.S. possession since 1898, as a commonwealth with certain powers over its internal affairs but with sovereign power retained by the United States. The Act also established a ten-year timetable for the commonwealth to achieve independence from the United States.

In early 1941, in the face of Japan's military aggression in Asia, President Franklin D. Roosevelt invoked his authority, based on the retention of U.S. sovereign power over the Philippines to ''call and order into the service of the Armed Forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines.''

In January of 1942, a month after it attacked Pearl Harbor, Japan invaded the Philippines and occupied the commonwealth until August 1945.

Two months later, in March of 1942, Congress and President Roosevelt enacted the Second War Powers Act, which included the Nationality Act of 1940 that authorized the naturalization of all aliens serving in the U.S. armed forces.

The 200,000 Filipinos that served in the U.S. armed forces were critical to the Philippine resistance and to the island's liberation in August 1945. Approximately 7,000 Filipinos who served outside the Philippines were naturalized pursuant to the Nationality Act of 1940 while another 4,000 who served inside the Philippines were naturalized between the liberation of the Philippines in August 1945 and the expiration of the Act on December 31, 1946.

In 1990, my distinguished colleague Senator DANIEL K. INOUYE was instrumental in enacting the Immigration Act of 1990. This law offered Filipino veterans who had not been naturalized pursuant to the Nationality Act of 1940, the opportunity to obtain U.S. citizenship.

Of the Filipino veterans who were naturalized for their service in the U.S. armed forces, many chose to become U.S. residents. Because the offer of naturalization did not extend to their children, these men filed permanent resident status petitions for their children who remained in the Philippines. Sadly, those children, now adults, have languished on the visa waiting list for decades because of backlogs and visa limits.

My bill, the Filipino Veterans Family Reunification Act of 2011, would exempt the children in question from the numerical limitation on visas. Family unification has been the centerpiece of U.S. Immigration policy for more than a half century, and my bill would reunite the Filipino veterans, now in their 80s and 90s, with their children at long last.

The Filipino veterans and their children have been kept apart for far too long, and I urge my colleagues to join me in making their long-awaited reunion possible.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today, I rise along with my colleagues, Senators FEINSTEIN, MCCAIN and DURBIN, to introduce renewal of sanctions against the military junta in Burma.

The casual observer could be excused for thinking that things have changed for the better in Burma over the past year. After all, elections were held last fall, a ''new'' regime took office earlier this year, Aung San Suu Kyi was freed and the lead Burmese general Than Shwe seemed to retire from political life. However, in Burma as is so often the case, things are not what they seem. And that is certainly the case here.

First, the elections that were held in November took place without the benefit of international election monitors. All reputable observers termed the elections not to be free or fair. This was in large part because the National League for Democracy, NLD, Suu Kyi's party and the overwhelming winner of the last free elections in the country in 1990, was effectively banned by the junta and could not participate in the election. There were restrictions placed on how other political parties could form and campaign. No criticism of the junta could be voiced. And the results were unsurprising: the regime's handpicked candidates won big and the democratic opposition was largely sidelined.

Second, the new regime is essentially the junta with only the thinnest democratic veneer pulled over it. The Constitution, which places great power in the military as it is, cannot be amended without the blessing of the armed forces. Those in parliament are limited in how they can criticize the regime. Moreover, sitting atop these new institutions is rumored to be a shadowy panel known as the State Supreme Council, which is nowhere mentioned in the Constitution, and which is led by, you guessed it, the military.

The only legitimately good news of late was the freeing of Suu Kyi. I was fortunate enough to be able to speak with her for the first time earlier this year. Yet, the extent of her freedom remains open to question. She was, of course, freed only following the sham election. She and her party have also been publicly threatened by the regime; thus, the extent to which she can move about the country or travel overseas remains unclear. Further, more than 2,000 other political prisoners remain behind bars in Burma; they are no better off than before. Neither are the hundreds of thousands of refugees and displaced persons who are without a home due to the repressive policies of the junta.

Finally, it is worth noting that there are growing national security factors that cause one to be even more reluctant than ever to remove sanctions and reward bad behavior. The junta's increasingly close bilateral military relationship with North Korea is a source of much concern in this vein.

For all of these reasons, I believe the sanctions that are in place should remain until true democratic reform has been instituted. That is the position of Suu Kyi herself and of the NLD. It is also the position of the Obama administration. In a State Department letter dated April 27, the State Department states that ''in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma.'' As Suu Kyi herself recently stated, ''[s]o far'' there hasn't been ''any meaningful change'' since the November elections.

We should not be fooled by the transparent efforts of the regime. It is merely trying to get out from under the international cloud of sanctions, without making true changes in how it governs itself, treats its people and interacts with the rest of the world.

It is my hope that my colleagues will once again renew this bipartisan measure that in 2010 enjoyed the support of 68 Senate cosponsors and was adopted 99–1. The bill is identical to last year's in that it does the following: continues the ban on imports from Burma into the U.S., including products containing rubies and jadeite; authorizes the freezing of assets against a number of Burmese leaders; prevents the U.S. from supporting loans for Burma in international financial institutions; prohibits the issuance of visas to junta officials; and limits the use of correspondent accounts that may facilitate services for the regime's leaders. These measures would remain in place until the regime undertakes meaningful steps toward democratization and reconciliation.

Mr. President, I ask unanimous consent that the text of the joint resolution and a letter of support be printed in the RECORD.

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

S.J. RES. 17

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 22, 2011.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for your letter of March 29 regarding sanctions and the nomination of a Special Representative and Policy Coordinator for Burma.

On April 14, President Obama nominated Derek Mitchell as the Special Representative and Policy Coordinator for Burma. Currently serving as the Defense Department's Principal Deputy Assistant Secretary for Defense for Asian and Pacific Security Affairs, Derek Mitchell has both the regional expertise and diplomatic acumen to successfully enhance our coordination of Burma policy. We will be submitting his nomination shortly for your advice and consent.

As you note, Burma's elections were neither free nor fair and the regime continues its repressive policies and human rights abuses. We agree with you and the National League for Democracy's conclusions that, in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma. We look forward to soon having Mr. Mitchell as the Special Representative in place to coordinate multilateral sanctions as called for by Section 7 of the Tom Lantos Block JADE (Junta's Anti-Democratic Efforts) Act.

We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

JOSEPH E. MACMANUS,
Acting Assistant Secretary,
Legislative Affairs.

Mrs. FEINSTEIN. Mr. President, I rise again today with my friend and colleague from Kentucky, Senator MCCONNELL, to submit the joint resolution to renew the import ban on Burma for another year.

We are proud to be joined in this effort by two champions for democracy, human rights, and the rule of law in Burma, Senators MCCAIN and DURBIN, and we look forward to swift action by the Congress and the President on this important matter.

Congressman JOSEPH CROWLEY and Congressman PETER KING are introducing this resolution in the House and I appreciate their leadership and support.

Since we last debated the import ban on the Senate floor, we have received one bit of good news, but also, sadly, more confirmation on the urgent need to keep the pressure on the ruling military regime.

On November 13, 2010, Nobel Peace Prize laureate and leader of the democratic opposition, Aung San Suu Kyi, was released from house arrest.

While her latest detention lasted more than 7½ years, she had spent the better part of the past 20 years in prison or under house arrest.

Her release was wonderful news for those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy for the people of Burma.

Yet our joy was tempered by the fact that her release came just days after fraudulent and illegitimate elections for a new parliament based on a sham constitution.

The regime's intent was clear: keep the voice of the true leader of Burma silent long enough until they could solidify their grip on power using the false veneer of a democratic process.

Neither I, the people of Burma, nor the international community were fooled.

We all know that the last truly free parliamentary elections were overwhelmingly won by Suu Kyi and her National League for Democracy in 1990 but annulled by the military junta.

This new constitution was drafted in secret and without the input of the democratic opposition led by Suu Kyi and her National League for Democracy.

It set aside 25 percent of the seats in the new 440 seat House of Representatives for the military.

This would be in addition to the seats won by the ''Union Solidarity and Development Party'' founded by the military junta's Prime Minister Thein Sein and 22 of his fellow cabinet members who resigned from the army to form the ''civilian'' political party.

It barred Suu Kyi from running in the parliamentary elections.

And it forced the National League for Democracy to shut its doors because it would not kick Suu Kyi out of the party.

It should come as no surprise that the military backed party won nearly 80 percent of the seats in the new parliament.

In addition to preventing Suu Kyi and the National League for Democracy from competing in the elections, the regime ensured that no international monitors would oversee the elections and journalists would be prohibited from covering the election from inside Burma.

President Obama correctly stated that the elections ''were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections.''

The National League for Democracy described the elections and the formation of a new government as reducing ''democratization in Burma to a parody.''

Indeed, the new parliament elected Thein Sein, the last prime minister of the junta's State Peace and Development Council, as Burma's new president.

He is reported to be heavily influenced by Burma's senior military leader and former head of state, General Than Shwe.

So, the names change—the State Law and Order Restoration Council, the State Peace and Development Council, the Union Solidarity and Development Party—but the faces, and the lack of democracy, human rights, and the rule of law, remain the same.

So, while we celebrate the release of Aung San Suu Kyi, we recognize that Burma is not yet free and the regime has failed to take the necessary actions which allow for the import ban to be lifted.

As called for in the original Burmese Freedom and Democracy Act, we must stand by the people of Burma and keep the pressure on the military regime to end violations of internationally recognized human rights; release all political prisoners; allow freedom of speech and press; allow freedom of association; permit the peaceful exercise of religion; and bring to a conclusion an agreement between the military regime and the National League for Democracy and Burma's ethnic minorities on the restoration of a democratic government.

Until the regime changes its behavior and embraces positive, democratic change, we have no choice but to press on with the import ban as a part of a strong sanctions regime.

This also includes tough banking sanctions.

I would like to take this opportunity to once again urge the administration to put additional pressure on the ruling military junta by exercising the authority for additional banking sanctions on its leaders and followers as mandated by section 5 of the Tom Lantos Block Burmese Junta's Anti-Democratic Efforts Act.

Some of my colleagues may be concerned about the effectiveness of the import ban and other sanctions on Burma and the impact on the people of Burma.

I understand their concerns. I am disappointed that we have not seen more progress towards freedom and democracy in Burma.

But let us listen to the voice of the democratic opposition in Burma about the sanctions policy of the United States and the international community.

A paper released by Aung San Suu Kyi and the National League for Democracy argues that these sanctions are not targeted at the general population and are not to blame for the economic ills of the country.

Rather, the economy suffers due to mismanagement, cronyism, corruption and the lack of the rule of law.

The best way for the Burmese government to get the sanctions lifted, the paper argues, is to make progress on democracy, human rights, and the rule of law.

It concludes:

> Now more than ever there is an urgent need to call for an all inclusive political process. The participation of a broad spectrum of political forces is essential to the achievement of national reconciliation in Burma. Progress in the democratization process, firmly grounded in national reconciliation, and the release of political prisoners should be central to any consideration of changes in sanctions policies.

I agree.

So, let us once again do our part and stand in solidarity with Aung San Suu Kyi and the people of Burma.

I urge my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 200—RECOGNIZING THE SIGNIFICANCE OF THE DESIGNATION OF THE MONTH OF MAY AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA (for himself, Mr. INOUYE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas each May, the people of the United States join together to pay tribute to the contributions of the generations of Asian-Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian-Americans and Pacific Islanders in the United States is inextricably tied to the history of the United States;

Whereas as of 2011, according to the United States Census Bureau, the Asian-American and Pacific Islander community is 1 of the fastest growing and most diverse populations in the United States and is comprised of more than 45 distinct ethnicities and more than 28 language groups;

Whereas the 2010 United States Census estimates that there are—

(1) 17,300,000 United States residents who identify themselves as Asian alone or in combination with 1 or more other races; and

(2) 1,200,000 United States residents who identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with 1 or more other races;

Whereas the United States Census Bureau projects that by the year 2050—

(1) there will be 40,600,000 United States residents identifying themselves as Asian alone or in combination with 1 or more other races, comprising 9 percent of the total population of the United States; and

(2) there will be 2,600,000 United States residents identifying themselves as Native Hawaiian and other Pacific Islander alone or as Native Hawaiian and other Pacific Islander in combination with 1 or more other races, comprising 0.6 percent of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month due to the facts that on May 7, 1843, the first Japanese immigrants arrived in the United States, and on May 10, 1869, the first transcontinental railroad was completed, with substantial contributions from Chinese immigrants;

Whereas Asian-Americans and Pacific Islanders have faced injustices throughout the history of the United States, including the Act of May 5, 1892 (27 Stat. 25, chapter 60) (commonly known as the ''Geary Act'' or the ''Chinese Exclusion Act''), the internment of Japanese-Americans during World War II, unpunished hate crimes, such as the murder of Vincent Chin, and other events;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas Asian-Americans and Pacific Islanders, such as Yuri Kochiyama, a civil rights activist, Herbert Pililaau, recipient of the Medal of Honor, Dalip Singh Saund, the first Asian-American Congressman, Patsy T. Mink, the first Asian-American Congresswoman, and Norman Y. Mineta, the first Asian-American member of a presidential cabinet, have made significant strides in the political and military realms;

Whereas the Presidential Cabinet of the Obama Administration includes a record 3 Asian-Americans, including Secretary of Energy Steven Chu, Secretary of Commerce Gary Locke, and Secretary of Veterans Affairs Eric Shinseki;

Whereas in 2011, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian-Americans and Pacific Islanders, includes 30 Members of Congress;

Whereas Asian-Americans and Pacific Islanders have made history by assuming office in a number of new and historically significant positions, including Nikki Haley, the first Asian-American and first female Governor of the State of South Carolina, Edwin M. Lee, the first Asian-American Mayor of San Francisco, California, and Jean Quan, the first Asian-American and first woman to serve as Mayor of Oakland, California;

Whereas as of the date of approval of this resolution, Asian-American and Pacific Islander leaders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Georgia, Hawaii, Idaho, Iowa, Maryland, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, Utah, and Washington;

Whereas Asian-Americans and Pacific Islanders have risen to some of the highest staff levels in the Obama Administration, including Pete Rouse, who is the first Asian-American to serve as White House Chief of Staff, Tina Tchen, Chief of Staff to First Lady Michelle Obama, Chris Lu, White House Cabinet Secretary, Neal Katyal, Acting Solicitor General of the United States, Rajiv Shah, Administrator of the United States Agency for International Development, L. Tammy Duckworth, Assistant Secretary for Public and Intergovernmental Affairs of the Department of Veterans Affairs, Anthony M. Babauta, Assistant Secretary for Insular Areas of the Department of Interior, and many others;

Whereas the commitment of the United States to judicial diversity has been demonstrated through the nomination of high caliber Asian-Americans and other minority jurists at all levels of the Federal bench;

Whereas significant outreach efforts to the Asian-American and Pacific Islander community have been made through the reestablishment of the White House Initiative on Asian-Americans and Pacific Islanders to coordinate multiagency efforts to ensure more accurate data collection and access to services for the community;

Whereas even with the exceptional milestones achieved by the Asian-American and Pacific Islander community, there remains much to be done to ensure that linguistically and culturally isolated Asian-Americans and Pacific Islanders have access to resources, a voice in the Federal Government, and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian-Americans and Pacific Islanders and to appreciate the challenges faced by Asian-Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the designation of the month of May as Asian/Pacific American Heritage Month;

(2) encourages the celebration during Asian/Pacific American Heritage Month of the significant contributions Asian-Americans and Pacific Islanders have made to the United States; and

(3) recognizes that the Asian-American and Pacific Islander community strengthens and enhances the rich diversity of the United States.

SENATE RESOLUTION 201—EXPRESSING THE REGRET OF THE SENATE FOR THE PASSAGE OF DISCRIMINATORY LAWS AGAINST THE CHINESE IN AMERICA, INCLUDING THE CHINESE EXCLUSION ACT

Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 201

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life for themselves and their families;

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;

Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including—

(1) the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed; and

(2) numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified by the Senate on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of ''most favored nation'';

Whereas before consenting to the ratification of the Burlingame Treaty, the Senate required that the Treaty would not permit Chinese immigrants in the United States to be naturalized United States citizens;

Whereas on July 14, 1870, Congress approved An Act to Amend the Naturalization Laws and to Punish Crimes against the Same, and for other Purposes, and during consideration of such Act, the Senate expressly rejected an amendment to allow Chinese immigrants to naturalize;

Whereas Chinese immigrants were subject to the overzealous implementation of the Page Act of 1875 (18 Stat. 477), which—

(1) ostensibly barred the importation of women from ''China, Japan, or any Oriental country'' for purposes of prostitution;

(2) was disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States and limiting the number of native-born Chinese citizens;

Whereas, on February 15, 1879, the Senate passed ''the Fifteen Passenger Bill,'' which would have limited the number of Chinese passengers permitted on any ship coming to the United States to 15, with proponents of the bill expressing that the Chinese were ''an indigestible element in our midst . . . without any adaptability to become citizens'';

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty, which declared that ''Chinese subjects visiting or residing in the United States, shall enjoy the same privileges . . . in respect to travel or residence, as may there be enjoyed by the citizens and subjects of the most favored nation'';

Whereas in the aftermath of the veto of the Fifteen Passenger Bill, President Hayes initiated the renegotiation of the Burlingame Treaty, requesting that the Chinese government consent to restrictions on the immigration of Chinese persons to the United States;

Whereas these negotiations culminated in the Angell Treaty, ratified by the Senate on May 9, 1881, which—

(1) allowed the United States to suspend, but not to prohibit, the immigration of Chinese laborers;

(2) declared that ''Chinese laborers who are now in the United States shall be allowed to go and come of their own free will''; and

(3) reaffirmed that Chinese persons possessed ''all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation'';

Whereas, on March 9, 1882, the Senate passed the first Chinese Exclusion Act, which purported to implement the Angell Treaty but instead excluded for 20 years both skilled and unskilled Chinese laborers, rejected an amendment that would have permitted the naturalization of Chinese persons, and instead expressly denied Chinese persons the right to be naturalized as American citizens;

Whereas, on April 4, 1882, President Chester A. Arthur vetoed the first Chinese Exclusion Act as being incompatible with the terms and spirit of the Angell Treaty;

Whereas, on May 6, 1882, Congress passed the second Chinese Exclusion Act, which—

(1) prohibited skilled and unskilled Chinese laborers from entering the United States for 10 years;

(2) was the first Federal law that excluded a single group of people on the basis of race; and

(3) required certain Chinese laborers already legally present in the United States who later wished to reenter to obtain ''certificates of return'', an unprecedented requirement that applied only to Chinese residents;

Whereas, in response to reports that courts were bestowing United States citizenship on persons of Chinese descent, the Chinese Exclusion Act of 1882 explicitly prohibited all State and Federal courts from naturalizing Chinese persons;

Whereas the Chinese Exclusion Act of 1882 underscored the belief of some Senators at that time that—

(1) the Chinese people were unfit to be naturalized;

(2) the social characteristics of the Chinese were ''revolting'';

(3) Chinese immigrants were ''like parasites''; and

(4) the United States ''is under God a country of Caucasians, a country of white men, a country to be governed by white men'';

Whereas, on July 3, 1884, notwithstanding United States treaty obligations with China and other nations, Congress broadened the scope of the Chinese Exclusion Act—

(1) to apply to all persons of Chinese descent, ''whether subjects of China or any other foreign power''; and

(2) to provide more stringent requirements restricting Chinese immigration;

Whereas, on October 1, 1888, the Scott Act was enacted into law, which—

(1) prohibited all Chinese laborers who would choose or had chosen to leave the United States from reentering;

(2) cancelled all previously-issued ''certificates of return,'' which prevented approximately 20,000 Chinese laborers abroad, including 600 individuals who were en route to the United States, from returning to their families or their homes; and

(3) was later determined by the Supreme Court to have abrogated the Angell Treaty;

Whereas, on May 5, 1892, the Geary Act was enacted into law, which—

(1) extended the Chinese Exclusion Act for 10 years;

(2) required all Chinese persons in the United States, but no other race of people, to register with the Federal Government in order to obtain ''certificates of residence''; and

(3) denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus;

Whereas, on an explicitly racial basis, the Geary Act deemed the testimony of Chinese persons, including American citizens of Chinese descent, per se insufficient to establish the residency of a Chinese person subject to deportation, mandating that such residence be established through the testimony of ''at least one credible white witness'';

Whereas, in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for the readmission of previous Chinese residents;

Whereas in 1898, the United States—

(1) annexed Hawaii;

(2) took control of the Philippines; and

(3) excluded thousands of racially Chinese residents of Hawaii and of the Philippines from entering the United States mainland;

Whereas on April 29, 1902, Congress—

(1) indefinitely extended all laws regulating and restricting Chinese immigration and residence; and

(2) expressly applied such laws to United States insular territories, including the Philippines;

Whereas in 1904, after the Chinese government exercised its unilateral right to withdraw from the Gresham-Yang Treaty, Congress permanently extended, ''without modification, limitation, or condition'', all restrictions on Chinese immigration and naturalization, making the Chinese the only racial group explicitly singled out for immigration exclusion and permanently ineligible for American citizenship;

Whereas between 1910 and 1940, the Angel Island Immigration Station implemented the Chinese exclusion laws by—

(1) confining Chinese persons for up to nearly 2 years;

(2) interrogating Chinese persons; and

(3) providing a model for similar immigration stations at other locations on the Pacific coast and in Hawaii;

Whereas each of the congressional debates concerning issues of Chinese civil rights, naturalization, and immigration involved intensely racial rhetoric, with many Members of Congress claiming that all persons of Chinese descent were—

(1) unworthy of American citizenship;

(2) incapable of assimilation into American society; and

(3) dangerous to the political and social integrity of the United States;

Whereas the express discrimination in these Federal statutes politically and racially stigmatized Chinese immigration into the United States, enshrining in law the exclusion of the Chinese from the political process and the promise of American freedom;

Whereas wartime enemy forces used the anti-Chinese legislation passed in Congress as evidence of American racism against the Chinese, attempting to undermine the Chinese-American alliance and allied military efforts;

Whereas, in 1943, at the urging of President Franklin D. Roosevelt, and over 60 years after the enactment of the first discriminatory laws against Chinese immigrants, Congress—

(1) repealed previously-enacted anti-Chinese legislation; and

(2) permitted Chinese immigrants to become naturalized United States citizens;

Whereas, despite facing decades of systematic, pervasive, and sustained discrimination, Chinese immigrants and Chinese-Americans persevered and have continued to play a significant role in the growth and success of the United States;

Whereas 6 decades of Federal legislation deliberately targeting Chinese by race—

(1) restricted the capacity of generations of individuals and families to openly pursue the American dream without fear; and

(2) fostered an atmosphere of racial discrimination that deeply prejudiced the civil rights of Chinese immigrants;

Whereas diversity is one of our Nation's greatest strengths, and, while this Nation was founded on the principle that all persons are created equal, the laws enacted by Congress in the late 19th and early 20th centuries that restricted the political and civil rights of persons of Chinese descent violated that principle;

Whereas although an acknowledgment of the Senate's actions that contributed to discrimination against persons of Chinese descent will not erase the past, such an expression will acknowledge and illuminate the injustices in our national experience and help to build a better and stronger Nation;

Whereas the Senate recognizes the importance of addressing this unique framework of discriminatory laws in order to educate the public and future generations regarding the impact of these laws on Chinese and other Asian persons and their implications to all Americans; and

Whereas the Senate deeply regrets the enactment of the Chinese Exclusion Act and related discriminatory laws that—

(1) resulted in the persecution and political alienation of persons of Chinese descent;

(2) unfairly limited their civil rights;

(3) legitimized racial discrimination; and

(4) induced trauma that persists within the Chinese community: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges that this framework of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal;

(2) acknowledges that this pattern of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the spirit of the United States Constitution;

(3) deeply regrets passing 6 decades of legislation directly targeting the Chinese people for physical and political exclusion and the wrongs committed against Chinese and American citizens of Chinese descent who

suffered under these discriminatory laws; and

(4) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian descent in the United States accorded to all others, regardless of their race or ethnicity.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleague, Senator SCOTT BROWN, in submitting a resolution that expresses the regret of the U.S. Senate for the passage of discriminatory laws against Chinese immigrants. These laws are no longer in effect today. However, I believe it is important for Congress to express regret for the many injustices that were experienced by Chinese immigrants as a result of these policies, and for all of us as Americans to learn from this difficult chapter in our Nation's past.

Let me begin by offering a brief history of the Chinese Exclusion Act. In the 1870s, an economic downturn created political pressure to slow the growing population of Chinese immigrants who were coming to the United States to pursue a better way of life. In California, State laws and local ordinances were enacted that denied the Chinese basic rights and privileges such as the right to own land and the ability to access public schools.

At the urging of some California lawmakers, the U.S. Congress subsequently passed laws that further denied the rights of Chinese immigrants. The harshest of those measures was the Chinese Exclusion Act of 1882 that explicitly prohibited all State and Federal courts from naturalizing Chinese persons. This legislation was the first federal law ever enacted to exclude a group of immigrants solely on the basis of race or nationality.

The Chinese Exclusion Act was followed by the passage of the Geary Act in 1892, which extended the Chinese Exclusion Act for 10 years and required all Chinese persons in the United States to register with the Federal Government to obtain certificates of residence to prove their right to be in the U.S.

In order to fully understand this Nation's deep-rooted hostility toward the Chinese during this time period, it is important to contrast the U.S. Government's vastly different treatment of European immigrants who entered the United States through Ellis Island. European immigrants were not subjected to the same burdensome and humiliating screening requirements as the Chinese.

Most are familiar with the stories of those coming to Ellis Island and seeing the Statute of Liberty in New York Harbor. However, often forgotten are the experiences of Chinese immigrants who made it to America by way of Angel Island in California.

In 1910, the U.S. Government opened the Angel Island Immigration Station as a way to isolate Chinese immigrants from the city of San Francisco and the remainder of the bay area in northern California. These immigrants were brought to Angel Island Station where they were separated from family members, subjected to embarrassing medical examinations and grueling interrogations, and detained for months or sometimes years.

Despite these hardships, Chinese immigrants persevered, and they continue to make invaluable contributions to the development and success of our Nation. The enactment of Chinese exclusionary laws is a shameful part of our history that must not be forgotten. It is my hope that this resolution will serve to enlighten those who may not be aware of this regrettable chapter in our Nation's history. In addition, I hope the resolution will help heal and bring some closure for those who lived through this difficult time and are still with us today.

I urge my colleagues to support this bipartisan resolution.

SENATE RESOLUTION 202—DESIGNATING JUNE 27, 2011, AS ''NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY''

Mr. CONRAD (for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 202

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 2.4 percent of servicemembers returning from deployment to Operation Enduring Freedom or Operation Iraqi Freedom are clinically diagnosed with post-traumatic stress disorder (referred to in this preamble as ''PTSD'') and up to 17 percent of Operation Enduring Freedom and Operation Iraqi Freedom veterans exposed to sustained ground combat report PTSD symptoms;

Whereas up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD;

Whereas the Department of Veterans Affairs reports that more than 438,000 veterans were treated for PTSD in 2010 alone;

Whereas many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues;

Whereas PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD and help ensure that those suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 27, 2011, as ''National Post-Traumatic Stress Disorder Awareness Day'';

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

Mr. CONRAD. Mr. President, today I am introducing for the second year in a row a Senate resolution to designate June 27 as National Post-Traumatic Stress Disorder Awareness Day. That date was inspired by the birthday of North Dakota National Guard Staff Sergeant Joe Biel. Staff Sergeant Biel served two tours of duty in Iraq as a Trailblazer, part of a unit responsible for route clearance operations. Each day, Joe's mission was to go out with his unit to find and remove Improvised Explosive Devices and other dangers from heavily traveled roads to make it safe for coalition forces and Iraqi civilians to travel. As a result of those experiences, Joe suffered from PTSD and, tragically, took his own life in April 2007. There is absolutely no doubt that Joe Biel is a hero who gave his life for our country.

I learned of Joe's story because friends from his platoon, the 4th Platoon, A Company, of the North Dakota National Guard's 164th Combat Engineer Battalion, have organized an annual motorcycle ride across the state of North Dakota in his memory. The Joe Biel Memorial Ride serves as a reunion for the 164th, a memorial for a lost friend, and a beacon to those suffering from PTSD and other mental issues across the region. The key point made to me by the event's organizer, Staff Sergeant Matt Leaf, is that we have to raise awareness of this disease so that the lives of servicemembers, veterans, and other PTSD sufferers can be saved by greater awareness of and treatment for this disorder.

For many, the war does not end when the warrior comes home. All too many servicemembers and veterans face PTSD symptoms like anxiety, anger, and depression as they try to adjust to life after war. We cannot sweep these problems under the rug. PTSD is real. The Department of Defense and the Department of Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and its symptoms, but many challenges remain. More must be done to inform and educate veterans, families and communities on the facts about this illness and the resources and treatments available.

That is why SSG Leaf and his fellow Trailblazers started the Joe Biel Memorial Bike Ride. That is why I began the effort to create a National PTSD Awareness Day last year. It is why I am introducing this Resolution once again. Actions like this may not seem that important to some, but they are. They garner attention, raise awareness, and help to eliminate the stigma

surrounding mental health issues. These efforts are about letting our troops, past and present, know it is okay to come forward and say they need help. It's a sign of strength, not weakness, to seek assistance. It is my hope that this message will be heard. In the words of SSG Leaf, ''maybe if we all take a minute to listen, we can stop one more tragedy from ever happening again.''

SENATE RESOLUTION 203—RECOGNIZING ''NATIONAL FOSTER CARE MONTH'' AS AN OPPORTUNITY TO RAISE AWARENESS ABOUT THE CHALLENGES OF CHILDREN IN THE FOSTER CARE SYSTEM, AND ENCOURAGING CONGRESS TO IMPLEMENT POLICY TO IMPROVE THE LIVES OF CHILDREN IN THE FOSTER CARE SYSTEM

Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. BEGICH, Mr. AKAKA, Mr. COCHRAN, Ms. COLLINS, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERRY, Mr. INHOFE, Ms. SNOWE, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas ''National Foster Care Month'' was established more than 20 years ago to bring foster care issues to the forefront, to highlight the importance of permanency for every child, and to recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 420,000 children living in foster care;

Whereas there are 115,000 children in foster care awaiting adoption;

Whereas 57,000 children are adopted out of foster care each year;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas the number of available foster homes is declining, and there are only 2.8 foster homes for every 10 children in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines, and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas more than 29,000 youth ''age out'' of foster care without a legal permanent connection to an adult or family;

Whereas the number of youth who ''age out'' of foster care has steadily increased for the past decade;

Whereas children who ''age out'' of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3949) provides for new investments and services to improve the outcomes of children and families in the foster care system; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes ''National Foster Care Month'' as an opportunity to raise awareness about the challenges that children in the foster care system face;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as ''National Foster Care Month'';

(4) acknowledges the special needs of children in the foster care system;

(5) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(6) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to help children in the foster care system reunite with their biological parents or, if the children cannot be reunited with their biological parents, find permanent, safe, and loving homes.

SENATE RESOLUTION 204—DESIGNATING JUNE 7, 2011, AS ''NATIONAL HUNGER AWARENESS DAY''

Mr. CASEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. LUGAR, Mr. MORAN, Mr. LEAHY, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to:

S. RES. 204

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that approximately 50,200,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 33,000,000 are adults and 17,200,000 are children;

Whereas the Department of Agriculture data also show that households with children experience nearly twice the rate of food insecurity as those households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled ''Household Food Security in the United States, 2009'' and published by the Economic Research Service of the Department of Agriculture found that in 2009, the most recent year for which data exist—

(1) 14.7 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 21.3 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.5 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the United States;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 50,000 local, community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2011, as ''National Hunger Awareness Day''; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 386. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 387. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 388. Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concurrent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

TEXT OF AMENDMENTS

SA 386. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

''§ 922A. Attorney General's discretion to deny transfer of a firearm

''The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

''(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

''§ 922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

''The Attorney General may determine that—

''(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

''(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.'';

(2) in section 921(a), by adding at the end the following:

''(36) The term 'terrorism' includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

''(37) The term 'material support or resources' has the same meaning as in section 2339A of this title.

''(38) The term 'responsible person' means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.''; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

''922A. Attorney General's discretion to deny transfer of a firearm.

''922B. Attorney General's discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).''.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting ''or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end; and

(II) by adding at the end the following:

''(III) was issued after a check of the system established pursuant to paragraph (1);'';

(ii) in clause (ii), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;'';

(4) in paragraph (4), by inserting '', or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''; and

(5) in paragraph (5), by inserting '', or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title'' after ''or State law''.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.''.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (9) the following:

''(10) who has received actual notice of the Attorney General's determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title,''.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''Any'' and inserting ''Except as provided in paragraph (3), any''; and

(2) by adding at the end the following:

''(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.''.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)'';

(2) by striking ''revoke any license'' and inserting the following: ''revoke—

''(A) any license'';

(3) by striking ''. The Attorney General may, after notice and opportunity for hearing, revoke the license'' and inserting the following: '';

''(B) the license''; and

(4) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

''(2) The Attorney General's action''.

(g) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: ''However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.''.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: ''With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(h) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: ''If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely

upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the comma at the end and inserting ''; or''; and

(3) by inserting after paragraph (3) the following:

''(4) constitutes an act of terrorism, or providing material support or resources for terrorism,''.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking ''**Remedy for erroneous denial of firearm**'' and inserting ''**Remedies**'';

(B) by striking ''Any person denied a firearm pursuant to subsection (s) or (t) of section 922'' and inserting the following:

''(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B''; and

(C) by adding at the end the following:

''(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General's determination under section 922A or 922B of this title. The court shall sustain the Attorney General's determination upon a showing by the United States by a preponderance of evidence that the Attorney General's determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court's own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General's determination satisfies the requirements of section 922A or 922B.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:

''925A. Remedies.''.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting ''or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,'' after ''is ineligible to receive a firearm''; and

(B) by inserting ''except any information for which the Attorney General has determined that disclosure would likely compromise national security,'' after ''reasons to the individual,''; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting ''or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,'' after ''or State law,''; and

(ii) by inserting '', except any information for which the Attorney General has determined that disclosure would likely compromise national security'' before the period at the end; and

(B) by adding at the end the following: ''Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.''.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; or''; and

(2) by adding at the end the following:

''(10) has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.''.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting ''; or'' at the end; and

(2) by inserting after paragraph (7) the following:

''(8) who has received actual notice of the Attorney General's determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title,''.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking ''Upon'' and inserting ''Except as provided in subsection (j), upon''; and

(2) by adding at the end the following:

''(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.''.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking ''if in the opinion'' and inserting the following: ''if—

''(A) in the opinion''; and

(3) by striking ''. The Secretary's action'' and inserting the following: ''; or

''(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

''(2) The Attorney General's action''.

(p) ATTORNEY GENERAL'S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''However, if the denial or revocation is based upon an Attorney General determination under subsection (j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.''; and

(2) in paragraph (2), by adding at the end the following: ''In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.''.

(q) ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or in subsection (j) of this section (on grounds of terrorism)'' after ''section 842(i)''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting ''or in subsection (j) of this section,'' after ''section 842(i),''; and

(B) in clause (ii), by inserting '', except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security'' after ''determination''.

(r) CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking ''or (5)'' and inserting ''(5), or (10)''.

(s) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) CONTENTS.—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlines in Homeland Security Presidential Directive 11 (dated August 27, 2004).

SA 387. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. PROTECTIONS FOR BOOKSTORES AND LIBRARIES.

(a) EXEMPTION OF BOOKSTORES AND LIBRARIES FROM ORDERS REQUIRING THE PRODUCTION OF ANY TANGIBLE THINGS FOR CERTAIN FOREIGN INTELLIGENCE INVESTIGATIONS.—Section

501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

''(i) PROHIBITION ON SEARCHING FOR OR SEIZING MATERIAL FROM A BOOKSELLER OR LIBRARY.—

''(1) IN GENERAL.—No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials that contain personally identifiable information concerning a patron of a bookseller or library.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

''(3) DEFINITIONS.—In this subsection:

''(A) BOOKSELLER.—The term 'bookseller' means any person or entity engaged in the sale, rental or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

''(B) DOCUMENTARY MATERIALS.—The term 'documentary materials' means any document, tape or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication, including access to the Internet.

''(C) LIBRARY.—The term 'library' has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

''(D) PATRON.—The term 'patron' means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

''(E) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.''.

(b) NATIONAL SECURITY LETTERS.—Section 2709(f) of title 18, United States Code, is amended to read as follows:

''(f) EXCEPTION FOR LIBRARIES AND BOOKSELLERS.—

''(1) IN GENERAL.—A library or a bookseller is not a wire or electronic communication service provider for purposes of this section, regardless of whether the library or bookseller is providing electronic communication service.

''(2) DEFINITIONS.—In this subsection:

''(A) BOOKSELLER.—The term bookseller means any person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

''(B) LIBRARY.—The term library has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)).''.

SA 388. Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concurrent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; as follows:

In the resolving clause, insert before the period at the end the following: ''and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act')''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 26, 2011, at 10:15 a.m. in SH–216.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The U.S.-Korea Free Trade Agreement.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''In Our Way: Expanding the Success of Native Language & Culture-Based Education.''

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

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

SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2011, from 2–4 p.m. in Dirksen 106.

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

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be temporarily granted to Kyle Parker, a staff member of the Commission on Security and Cooperation in Europe, which I cochair, during the pendency of this colloquy in which I am engaging with Senator MCCAIN.

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

EXECUTIVE SESSION

NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

Ms. KLOBUCHAR. Mr. President, I move to proceed to executive session to consider Calendar No. 118, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The motion is agreed to.

The clerk will report the nomination.

The bill clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

Patrick J. Leahy, Kent Conrad, John F. Kerry, Sheldon Whitehouse, Amy Klobuchar, Benjamin L. Cardin, Jeff Bingaman, Barbara Boxer, Jeff Merkley, Ron Wyden, Robert Menendez, Jeanne Shaheen, Bernard Sanders, Frank R. Lautenberg, Jack Reed, Patty Murray, Richard J. Durbin

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that on Monday, June 6, 2011, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 118; that there be 1 hour for debate equally divided in the usual form prior to the cloture vote; further, that the mandatory quorum under rule XXII be waived.

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

LEGISLATIVE SESSION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 56, H.R. 754.

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

The bill clerk read as follows:

A bill (H.R. 754) to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

Mrs. FEINSTEIN. Mr. President, I am very pleased that the Senate will be passing the fiscal year 2011 intelligence authorization bill today.

This is now the second year in a row that we have been able to pass an authorization bill, after 6 years without doing so.

The bill authorizes funding for fiscal year 2011 for the 16 different agencies across the U.S. Government that make up the intelligence community. Unlike the fiscal year 2010 bill, which was enacted last October, this bill also contains a classified annex, which is the main mechanism the Intelligence Committee has to set the level of intelligence spending and direct how it is used.

The bill adds hundreds of millions of dollars above the President's request for intelligence activities for fiscal year 2011. However, in anticipation of tighter future budgets, the bill also takes some initial steps to prepare the intelligence community for likely smaller budgets and personnel decreases in the coming years.

The bill includes a number of legislative provisions, including:

A section requiring the intelligence community to prevent another security disaster, such as the recent leaks of classified information to Wikileaks, through the implementation of automated information technology threat detection programs that must be fully operational by the end of 2013;

A provision improving the ability of government agencies to detail personnel to needed areas of the intelligence community;

A commendation of intelligence community personnel for their role in bringing Osama bin Laden to justice and reaffirming the commitment of the Congress to use the capabilities of the intelligence community to disrupt, dismantle, and defeat al-Qaida and affiliated organizations.

With the passage of this legislation, I believe we have restored the committee's ability to do oversight, and we are now on track to pass intelligence authorization bills each year.

I very much appreciate the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, in this effort. We have worked closely together to craft this legislation, and to secure its passage.

I also thank Chairman ROGERS and Ranking Member RUPPERSBERGER for their efforts on the House Permanent Select Committee on Intelligence. We worked well together on the fiscal year 2011 legislation to bring forward coordinated bills to the House and the Senate, and I look forward to continue to work together to enact the fiscal year 2012 intelligence authorization bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage of the bill.

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

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill (H.R. 754) was passed.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that 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. Without objection, it is so ordered.

FASTER FOIA ACT OF 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 31, S. 627.

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

The bill clerk read as follows:

A bill (S. 627) to establish the Commission on Freedom of Information Act Processing and Delays.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the part struck through and insert the part printed in italic.]

S. 627

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the ''Faster FOIA Act of 2011''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the ''Commission'' for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of [16] *12* members of whom—

(A) [3] *2* shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) [3] *2* shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) [3] *2* shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) [3] *2* shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the [3] *2* appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least [2] *1* shall have experience [in academic research] *as a FOIA requestor, or* in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; [and]

(D) [make] *any* recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited[.]*; and*

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

(ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

[(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.]

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—

(1) IN GENERAL.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) PAYMENT OF EXPENSES.—

(A) STAFF SALARIES.—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for salaries of the National Archives and Records Administration.

(B) ADMINISTRATIVE SUPPORT SERVICES.—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

[(i) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.]

(i) TRAVEL EXPENSES.—

(1) IN GENERAL.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I commend the Senate for unanimously passing the Faster FOIA Act of 2011. This important bill will establish a bipartisan commission to examine the root causes of agency delays in processing Freedom of Information Act—FOIA—requests, and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator CORNYN and I first introduced this bill in 2005, because we were concerned about the growing problem of excessive FOIA delays within our Federal agencies. During the intervening years, the problem of excessive FOIA delays did not go away. That is why in 2010, we reintroduced this bill and the Senate unanimously passed it last year. After the Judiciary Committee's hearing in March on FOIA, we reintroduced this bill yet again—with the hope that the Congress will finally enact this good government legislation. Today, the Senate is doing its part to achieve that goal.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A recent report released by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of these reforms. These delays are simply unacceptable. The bipartisan FOIA commission established by this bill will help to reverse this trend.

The commission created by the Faster FOIA Act will make key recommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The commission will also study why Federal agencies are more and more relying on FOIA exemptions to withhold information from the public. In addition, the commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will also be made up of government and non-governmental representatives with a broad range of experience related to handling FOIA requests.

I have said many times over the years that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senator WHITEHOUSE who has cosponsored this bill.

In addition, I thank the Judiciary Committee's ranking member, Senator GRASSLEY, for working with me on this bill and his help in securing its passage in the Senate. I commend and thank the many open government and FOIA advocacy groups that have supported this bill, including OpenTheGovernment.org, the Project on Government Oversight and the Sunshine in Government Initiative.

I hope that the House of Representatives will promptly pass this good government legislation, so that the Commission on Freedom of Information Act Processing Delays can begin its work.

Ms. KLOBUCHAR. 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 that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 627), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 627

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) SHORT TITLE.—This Act may be cited as the ''Faster FOIA Act of 2011''.

(b) ESTABLISHMENT.—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the ''Commission'' for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act'').

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members of whom—

(A) 2 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 2 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 2 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 2 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 1 shall have experience as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) TIMELINESS OF APPOINTMENTS.—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) STUDY.—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful;

(D) any recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited; and

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

(ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) STAFF AND ADMINISTRATIVE SUPPORT SERVICES.—

(1) IN GENERAL.—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) PAYMENT OF EXPENSES.—

(A) STAFF SALARIES.—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for salaries of the National Archives and Records Administration.

(B) ADMINISTRATIVE SUPPORT SERVICES.—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) INFORMATION.—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) TRAVEL EXPENSES.—

(1) IN GENERAL.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

APPROPRIATE SITING ON CHAPLAINS HILL IN ARLINGTON CEMETERY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. Con. Res. 4 and that the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A resolution (S. Con. Res. 4) expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

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

Mrs. MURRAY. Mr. President, I would like to take a moment to speak on the passage of S. Con. Res. 4, as amended, which would allow for the establishment of a Jewish Chaplains Memorial on Chaplains Hill in Arlington National Cemetery.

Since their inclusion in the Chaplain Corps in 1862, Jewish Chaplains have played a vital role in supporting members of the Armed Forces. In Arlington National Cemetery, Chaplains Hill serves as a memorial for military chaplains who have died in service to their country.

Chaplains play a critical role in the lives of our Nation's soldiers, providing spiritual guidance and emotional support in their times of need. In addition to their spiritual role, chaplains still remain a part of the military and give their lives in the line of duty.

Mr. President, in particular, one story poignantly tells of the service and sacrifice that chaplains make on behalf of their fellow servicemembers. On January 23, 1943, the USAT Dorchester was attacked by an enemy submarine while off the coast of Newfoundland. Four Army chaplains remained on the sinking vessel ensuring that surviving crew members would be able to reach the lifeboats, even surrendering their own lifejackets to crewmembers in need. As the ship began to sink, the chaplains banded together to pray for the safety of the crew. In honor of that selfless act, Congress created the Chaplain's Medal of Honor, also known as the Four Chaplains Medal. One of the chaplains was Rabbi Alexander D. Goode, a lieutenant in the Army, who is one of the 13 Jewish Chaplains who would be honored by the memorial that this Resolution would establish.

I would like to thank the many groups and individuals involved in this project. Specifically, I would like to acknowledge the efforts of Rabbi Harold Robinson, RADM CHC USN Retired, Kenneth Kraetzer, Mr. Sol Moglen and Ms. Shelley Rood. Without the work of these dedicated individuals, the sacrifice Jewish Chaplains have made on behalf of this Nation would remain unmemorialized in Arlington National Cemetery.

Ms. KLOBUCHAR. I ask unanimous consent that the Murray amendment,

which is at the desk, be agreed to, the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The amendment (No. 388) was agreed to as follows:

(Purpose: To express the sense of Congress on the establishment of an advisory commission on memorials at Arlington National Cemetery and facilitate evaluation and approval of future monuments and memorials at the cemetery)

In the resolving clause, insert before the period at the end the following: ''and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act')''.

The concurrent resolution (S. Con. Res. 4), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended with its preamble, reads as follows:

S. CON. RES. 4

Whereas 13 Jewish chaplains have died while on active duty in the Armed Forces of the United States;

Whereas Army Chaplain Rabbi Alexander Goode died on February 3, 1943, when the USS Dorchester was sunk by German torpedoes off the coast of Greenland;

Whereas Chaplain Goode received the Four Chaplains' Medal for Heroism and the Distinguished Service Cross for his heroic efforts to save the lives of those onboard the Dorchester;

Whereas Army Chaplain Rabbi Irving Tepper was killed in action in France on August 13, 1944;

Whereas Chaplain Tepper also saw combat in Morocco, Tunisia, and Sicily while attached to an infantry combat team in the Ninth Division;

Whereas Army Chaplain Rabbi Louis Werfel died on December 24, 1944, at the young age of 27, in a plane crash while en route to conduct Chanukah services;

Whereas Chaplain Werfel was known as ''The Flying Rabbi'' because his duties required traveling great distances by plane to serve Army personnel of Jewish faith at outlying posts;

Whereas Army Chaplain Rabbi Meir Engel died at the Naval Hospital in Saigon on December 16, 1964, after faithfully serving his country during World War II, the Korean War, and the Vietnam War;

Whereas Army Chaplain Rabbi Morton Singer died on December 17, 1968, in a plane crash while on a mission in Vietnam to conduct Chanukah services;

Whereas Army Chaplain Rabbi Herman Rosen died in service of his faith and his country on June 18, 1943;

Whereas Chaplain Rabbi Herman Rosen's son, Air Force Chaplain Solomon Rosen, also died in service of his faith and his country, on November 2, 1948;

Whereas Army Chaplain Rabbi Nachman Arnoff died in service of his faith and his country on May 9, 1946;

Whereas Army Chaplain Rabbi Frank Goldenberg died in service of his faith and his country on May 22, 1946;

Whereas Army Chaplain Rabbi Henry Goody died in service of his faith and his country on October 19, 1943;

Whereas Army Chaplain Rabbi Samuel Hurwitz died in service of his faith and his country December 9, 1943;

Whereas Air Force Chaplain Rabbi Samuel Rosen died in service of his faith and his country on May 13, 1955;

Whereas Air Force Chaplain Rabbi David Sobel died in service of his faith and his country on March 7, 1974;

Whereas Chaplains Hill in Arlington National Cemetery memorializes the names of 242 chaplains who perished while on active duty in the Armed Forces of the United States; and

Whereas none of the 13 Jewish chaplains who have died while on active duty are memorialized on Chaplains Hill: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker, to be paid for with private funds, to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States, so long as the Secretary of the Army has exclusive authority to approve the design and site of the memorial marker and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the ''Commemorative Works Act'').

Ms. KLOBUCHAR. 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.

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

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

NATIONAL CANCER RESEARCH MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 172 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 172) recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as ''National Cancer Research Month.''

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

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that Senator CARDIN be added as a cosponsor.

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

Ms. KLOBUCHAR. 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 any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas in 2011, cancer remains one of the most pressing public health concerns in the United States, with 1,500,000 Americans expected to be diagnosed with cancer and more than 500,000 expected to die from the disease;

Whereas the term ''cancer'' refers to more than 200 diseases that collectively represent the leading cause of death for Americans under age 85, and the second leading cause of death for Americans overall;

Whereas the national investment in cancer research has yielded substantial returns in research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves the United States economy $500,000,000,000;

Whereas advancements in the understanding of the causes, mechanisms, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas the 5-year survival rate for all cancers has improved during the 30 years prior to the date of approval of this resolution to more than 65 percent, and as of 2011, there are more than 12,000,000 cancer survivors living in the United States;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and Federal, State, and local governments have led to advanced breakthroughs, early detection tools that have increased survival rates, and a better quality of life for cancer survivors; and

Whereas advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's disease, HIV/AIDS, and macular degeneration: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of cancer research and the invaluable contributions of the researchers in the United States and worldwide and who are dedicated to reversing the cancer epidemic;

(2) designates May 2011 as ''National Cancer Research Month''; and

(3) supports efforts to make cancer research a national and international priority so that one day the more than 200 diseases known as cancer are eliminated.

NATIONAL FOSTER CARE MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 203, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 203) recognizing ''National Foster Care Month'' as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

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

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

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

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas ''National Foster Care Month'' was established more than 20 years ago to bring foster care issues to the forefront, to highlight the importance of permanency for every child, and to recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 420,000 children living in foster care;

Whereas there are 115,000 children in foster care awaiting adoption;

Whereas 57,000 children are adopted out of foster care each year;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas the number of available foster homes is declining, and there are only 2.8 foster homes for every 10 children in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines, and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas more than 29,000 youth ''age out'' of foster care without a legal permanent connection to an adult or family;

Whereas the number of youth who ''age out'' of foster care has steadily increased for the past decade;

Whereas children who ''age out'' of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) provides for new investments and services to improve the outcomes of children and families in the foster care system; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes ''National Foster Care Month'' as an opportunity to raise awareness about the challenges that children in the foster care system face;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as ''National Foster Care Month'';

(4) acknowledges the special needs of children in the foster care system;

(5) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(6) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to help children in the foster care system reunite with their biological parents or, if the children cannot be reunited with their biological parents, find permanent, safe, and loving homes.

NATIONAL HUNGER AWARENESS DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 204, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 204) designating June 7, 2011, as ''National Hunger Awareness Day.''

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

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

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

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that approximately 50,200,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 33,000,000 are adults and 17,200,000 are children;

Whereas the Department of Agriculture data also show that households with children experience nearly twice the rate of food insecurity as those households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled ''Household Food Security in the United States, 2009'' and published by the Economic Research Service of the Department of Agriculture found that in 2009, the most recent year for which data exist—

(1) 14.7 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 21.3 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.5 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the United States;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 50,000 local, community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 7, 2011, as ''National Hunger Awareness Day''; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States.

MEASURE READ THE FIRST TIME—S. 1125

Ms. KLOBUCHAR. Mr. President, I understand that S. 1125, introduced earlier today by Senator LEAHY, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1125) to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

Ms. KLOBUCHAR. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, and pursuant to the provisions of Public Law 107–306, as amended by Public Law 111–259, announces the appointment of the following individual to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: John H. Young, of Virginia.

APPOINTMENT AUTHORITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that from Friday, May 27, through Friday, June 3, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

SIGNING AUTHORITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that from Thursday, May 26, through Friday, June 3, the majority leader, Senator KLOBUCHAR, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

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

Ms. KLOBUCHAR. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 49, 97, 106, 107, 111, 121, 122, 123, 124, 125, 126, 127, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168; and nominations placed on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy, and Public Health Service, with the exception of: Kenia P. Altamirano, Rebecca M. Kibel, Timothy N. Onserio, Justin R. Plott, Brandy Torres; that the nominations be confirmed en bloc, 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 to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations were considered and confirmed en bloc as follows:

DEPARTMENT OF DEFENSE

Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary of Defense for Personnel and Readiness.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force 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 L. Goldfein

DEPARTMENT OF VETERANS AFFAIRS

Allison A. Hickey, of Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Steve L. Muro, of California, to be Under Secretary of Veterans Affairs for Memorial Affairs.

DEPARTMENT OF JUSTICE

Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance.

DEPARTMENT OF THE TREASURY

Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

EXPORT-IMPORT BANK OF THE UNITED STATES

Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

Sean Robert Mulvaney, of Illinois, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

DEPARTMENT OF STATE

George Albert Krol, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Daniel Benjamin Shapiro, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Henry S. Ensher, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Stuart E. Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

NATIONAL SCIENCE FOUNDATION

Cora B. Marrett, of Wisconsin, to be Deputy Director of the National Science Foundation.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Martha Wagner Weinberg, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Paula Barker Duffy, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Cathy N. Davidson, of North Carolina, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Constance M. Carroll, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Albert J. Beveridge III, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

NATIONAL COUNCIL ON DISABILITY

Clyde E. Terry, of New Hampshire, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

Janice Lehrer-Stein, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

UNITED STATES INSTITUTE OF PEACE

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the

United States Institute of Peace for the remainder of the term expiring September 19, 2011.

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years. (Reappointment)

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring September 19, 2011.

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

NATIONAL SECURITY EDUCATION BOARD

Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force 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. Brooks L. Bash

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. David E. Deputy

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be major general

Brig. Gen. James D. Demeritt
Brig. Gen. Joseph K. Martin, Jr.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Mark A. Atkinson
Brigadier General William J. Bender
Brigadier General Brian T. Bishop
Brigadier General Christopher C. Bogdan
Brigadier General Michael J. Carey
Brigadier General John B. Cooper
Brigadier General Samuel D. Cox
Brigadier General Barbara J. Faulkenberry
Brigadier General Russell J. Handy
Brigadier General Michael A. Keltz
Brigadier General Steven L. Kwast
Brigadier General Frederick H. Martin
Brigadier General Thomas J. Masiello
Brigadier General Earl D. Matthews
Brigadier General Robert P. Otto
Brigadier General John W. Raymond
Brigadier General Darryl L. Roberson
Brigadier General Anthony J. Rock
Brigadier General Jay G. Santee
Brigadier General Rowayne A. Schatz, Jr.
Brigadier General John F. Thompson
Brigadier General Thomas J. Trask
Brigadier General Joseph S. Ward, Jr.
Brigadier General Jack Weinstein
Brigadier General Robert E. Wheeler
Brigadier General Martin Whelan
Brigadier General Stephen W. Wilson
Brigadier General Tod D. Wolters

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. David H. Buss

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David J. Buck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Gilmary M. Hostage III

The following named officer for appointment in the United States Air Force 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. Mark F. Ramsay

IN THE ARMY

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 brigadier general

Col. Mark W. Palzer

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 major general

Brig. Gen. Gerald E. Lang

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Charles R. Bailey

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Omer C. Tooley, Jr.

To be brigadier general

Col. Brian R. Carpenter

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Charles G. Chiarotti
Colonel David W. Coffman
Colonel Thomas A. Gorry
Colonel Paul J. Kennedy
Colonel Joaquin F. Malavet
Colonel Niel E. Nelson
Colonel Loretta E. Reynolds
Colonel Russell A. Sanborn
Colonel George W. Smith, Jr.
Colonel Craig Q. Timberlake
Colonel Mark R. Wise
Colonel Daniel D. Yoo

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard P. Mills

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. George J. Flynn

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under the title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John R. Allen

The following named officer for appointment as Commander, Marine Forces Reserves to the grade indicated in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5144:

To be lieutenant general

Maj. Gen. Steven A. Hummer

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Read Adm. Kendall L. Card

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. Robert S. Harward, 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 vice admiral

Vice Adm. Mark D. Harnitchek

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN222 AIR FORCE nominations (12) beginning MICHAEL D. DIETZ, and ending DOREEN F. WILDER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN367 AIR FORCE nominations (516) beginning JAY O. AANRUD, and ending SCOTT C. ZIPPWALD, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN436 AIR FORCE nominations (3) beginning MATTHEW J. BRONK, and ending JOY C. TABER, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN437 AIR FORCE nomination of Paul L. Dandrea, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN493 AIR FORCE nomination of Jeffrey A. Bailey, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN494 AIR FORCE nomination of James A. Mace, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN495 AIR FORCE nominations (24) beginning BERNADETTE A. ANDERSON, and ending DWAYNE B. WILHITE, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN496–1 AIR FORCE nominations (85) beginning JEFFERY D. AEBISCHER, and ending KURT V. WOYAK, which nominations

were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN498 AIR FORCE nominations (112) beginning LA RITA S. ABEL, and ending MICHAEL J. ZENK, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011

PN519 AIR FORCE nomination of Peter J. Avalos, which was received by the Senate and appeared in the Congressional Record of May 9, 2011.

IN THE ARMY

PN438 ARMY nominations (14) beginning KEITH W. ALFEIRI, and ending DIANA TORRES, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN460 ARMY nominations (6) beginning MARK J. BERGLUND, and ending MICHAEL S. SARVER, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN499 ARMY nomination of Michael P. Harry, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN500 ARMY nominations (989) beginning JOSEPH L. AARON, JR., and ending JOSEPH V. ZULKEY, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN521 ARMY nominations (679) beginning CHARLES M. ABEYAWARDENA, and ending G001231, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

PN522 ARMY nominations (565) beginning LISA M. ABEL, and ending CODY L. ZACH, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

IN THE COAST GUARD

PN419 COAST GUARD nomination of William C. Dwyer, which was received by the Senate and appeared in the Congressional Record of April 8, 2011.

PN420 COAST GUARD nominations (5) beginning Jessica L. Bohn, and ending Jeremy A. Weiss, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2011.

IN THE FOREIGN SERVICE

PN308 FOREIGN SERVICE nominations (9) beginning Carmine G. D'Aloisio, and ending James F. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2011.

PN405 FOREIGN SERVICE nominations (99) beginning Patricia M. Aguilo, and ending Michelle Zjhra, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2011.

IN THE MARINE CORPS

PN179 MARINE CORPS nomination of Angella M. Lawrence, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN192 MARINE CORPS nomination of Michael R. Cirillo, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN236 MARINE CORPS nominations (328) beginning CARLTON W. ADAMS, and ending WAYNE R. ZUBER, which noininations were received by the Senate and appea red in the Congressional Record of February 3, 2011.

IN THE NAVY

PN152 NAVY nomination of James P. McGrath, III, which was received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN199 NAVY nomination of Steven M. Wechsler, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN200 NAVY nomination of Fernando Harris, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN205 NAVY nomination of Stephen K. Revelas, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN240 NAVY nomination of Bradley S. Hawksworth, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN288 NAVY nomination of Douglas L. Edson, which was received by the Senate and appeared in the Congressional Record of February 28, 2011.

PN329 NAVY nomination of Stephen J. Parks, which was received by the Senate and appeared in the Congressional Record of March 9, 2011.

PN330 NAVY nomination of Hung Cao, which was received by the Senate and appeared in the Congressional Record of March 9, 2011.

PN425 NAVY nomination of Tracy T. Skipton, which was received by the Senate and appeared in the Congressional Record of April 8, 2011.

PN439 NAVY nomination of David T. Carpenter, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN440 NAVY nomination of Brent J. Kyler, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN441 NAVY nomination of Peter W. Ward, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN442 NAVY nomination of Pablito V. Quiatchon, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN443 NAVY nomination of Robert H. Buckingham, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN445 NAVY nomination of Bryan F. Butler, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN459 NAVY nominations (31) beginning WILLIAM H. ALBERT, and ending MICHAEL WITHERILL, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN501 NAVY nomination of Valerie R. Overstreet, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN502 NAVY nominations (4) beginning NADESIA V. HENRY, and ending JOHN A. SALVATO, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN536 NAVY nomination of Thomas P. Fantes, which was received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN537 NAVY nomination of Cynthia E. Wilkerson, which was received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN538 NAVY nominations (2) beginning DAVID T. CARPENTER, and ending TIMOTHY M. CHEN, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN539 NAVY nominations (3) beginning ROBERT D. PAVEL, and ending SHAUN C. SHILLADY, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN560 NAVY nomination of Kendall C. Jones, Jr., which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN561 NAVY nomination of Kirk R. Parsley, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN562 NAVY nomination of Christian F. Jensen, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN563 NAVY nomination of Joseph M. Holt, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PUBLIC HEALTH SERVICE WITH EXCEPTIONS

PN527 PUBLIC HEALTH SERVICE nominations (68) beginning Manisha Patel, and ending Christopher M. Sheehan, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN528 PUBLIC HEALTH SERVICE nominations (258) beginning Alice Y. Guh, and ending Ukegbu J. Ugochi, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, MAY 27; TUESDAY, MAY 31; FRIDAY, JUNE 3; AND MONDAY, JUNE 6, 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 27, for a pro forma session only, with no business conducted; that when the Senate adjourns on Friday, May 27, it stand adjourned until 10 a.m. on Tuesday, May 31, for a pro forma session only, with no business conducted; that when the Senate adjourns on Tuesday, May 31, it stand adjourned until 10:30 a.m. on Friday, June 3, for a pro forma session only, with no business conducted; and that when the Senate adjourns on Friday, June 3, it stand adjourned until 2 p.m. on Monday, June 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, 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; finally, that at 4:30 p.m., the Senate proceed to executive session under the previous order.

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

PROGRAM

Ms. KLOBUCHAR. Mr. President, the first rollcall vote when we return will be at 5:30 p.m. on Monday, June 6. That vote will be on the motion to invoke cloture on the nomination of Donald Verrilli to be Solicitor General of the United States.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. KLOBUCHAR. 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 8:30 p.m., adjourned until Friday, May 27, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

LEON E. PANETTA, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE, VICE ROBERT M. GATES.

UNITED STATES TAX COURT

KATHLEEN KERRIGAN, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS, VICE HARRY A. HAINES, TERM EXPIRED.

ALBERT F. LAUBER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS, VICE STEPHEN J. SWIFT, RESIGNED.

NATIONAL SCIENCE FOUNDATION

ARNOLD F. STANCELL, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE BARRY C. BARISH, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012, VICE ANDREW SAUL, RESIGNED.

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2016. (REAPPOINTMENT)

CENTRAL INTELLIGENCE AGENCY

DAVID H. PETRAEUS, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, VICE LEON E. PANETTA.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MERLE D. HART

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY R. MACRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TOBY C. SWAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DANIEL J. HERNANDEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND R. DELGADO III
HENRY A. MILLER
JOHN A. OKON
STEVEN P. SOPKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN S. CRAWMER
BRIAN K. JACOBS
JAMES M. PARISH
TIMOTHY H. PFANNENSTEIN
JOSEPH A. RODRIGUEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CLIFFORD W. BEAN III
HEIDI K. BERG
MICHAEL A. CONNER
WILLIAM J. DIEHL
JEFFREY S. SCHEIDT
ANDREW D. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN J. AVERETT
JAMES H. DARENKAMP
JAMES A. IMANIAN
THOMAS W. LECHLEITNER, JR.
WILLIAM G. RHEA
JOHN A. WATKINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS W. ARNY IV
REGINALD BAKER
CARLOS S. GUZMAN
JAMES L. MCREYNOLDS
WILLIAM G. MILLER
GREGORY H. MOLINARI
BRIAN A. TREAT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHRISTOPHER D. BOWNDS
CHRISTOPHER A. HARRIS
JANET E. LOMAX
CATHERINE M. MASAR
ROMUEL B. NAFARRETE
JULIE J. ONEAL
STUART C. SATTERWHITE
KARIN A. VERNAZZA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES T. DENLEY
JOHN D. DENTON
FRANCIS P. FOLEY
TERRY C. GORDON
JEROME A. HINSON
FREDERICK A. MCGUFFIN
PATRICK J. MCLAUGHLIN
JOHN M. SHIMOTSU
THOMAS B. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ELIZABETH J. FRENCH
ROSANNE I. HARTLEY
GLORIA S. KASCAK
CATHY M. MCCRARY
FRITZI J. MCDONALD
MICHELLE L. MCKENZIE
JULIE C. MCNALLY
JOY L. MURRAY
YVONNE TAPIA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS W. ARMSTRONG
GUNTER I. BRAUN
BRUCE L. DESHOTEL
HORACIO FERNANDEZ
PIERRE A. FULLER
RAYMOND D. GOYET, JR.
PAUL HARVEY
JOHN P. NEWCOMER
MICHAEL J. SINGLETON
JAMES S. TALBERT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN W. CARSON III
MARC R. DELAO
STEPHEN J. DONLEY
MARK T. GERONIME
GLENN W. HUBBARD
NICHOLAS L. MERRY
ALEX D. STITES
DEAN A. VANDERLEY
STANLEY W. WILES
CHARLES S. WILLMORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KARL A. ANDINA
BRADY J. BARTOSH
RONALD M. BISHOP, JR.
MARK C. BRUINGTON
STEPHEN J. COMSTOCK
ANDREW C. EST
JOHN B. GAILEY
KYLE G. KARSTENS
JASON K. LOPEZ
ANGELO R. L. SMITHA
CHARLES M. STUART
NORMAN M. TOBLER II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SYED N. AHMAD
GREGORY R. BART
WILLIAM M. BOLAND
JEFFREY C. CASLER
ROBERT J. CROW
KRISTA J. DELLAPINA
DANIEL E. ELDREDGE
CAREN L. MCCURDY
ANN K. MINAMI
JILLIAN L. MORRISON
GREGORY J. SMITH
LISA B. SULLIVAN
SCOTT F. THOMPSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THOMAS J. ANDERSON
MICHAEL J. BARETELA
SCOTT M. BROWN
JOHN A. CHRISTENSEN
SCOTT A. DAVIS
GARRETT J. FARMAN
JAMES K. KALOWSKY
KEITH W. LEHNHARDT
JOHN J. LUND
WILLIAM B. MCNEAL
CASEY J. MOTON
MARK H. OESTERREICH
DOUGLAS B. OGLESBY
ROBERT D. PHILLIPS
DARREN R. PLATH
JOHN J. SZATKOWSKI
ALLAN R. WALTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KYLE B. BECKMAN
CHRISTOPHER C. BONE
STEVEN V. BROCK
GARY M. BRUCE
ROBIN A. Y. DAHLIN
ROBERT J. ENGELHARDT
WILLIAM P. GARRITY, JR.
STEVEN L. HORRELL
DAVID M. HOUFF
GREGORY A. HUSMANN
DARRYL F. JACKSON
JAMES H. LEWIS III
SHERYL S. RICHARDSON
KELLY A. ROBINSON
STEVEN B. SHEPARD
MICHAEL J. VERNAZZA
TRACY A. VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TIMOTHY A. ACKERMAN
MARC E. A. ARENA
WILLIAM C. BEUTEL
FRANK A. BIVINS
PETER C. COLELLA
KARINE M. CURETON
NADJMEH M. HARIRI
DONALD A. LONERGAN
DAVID A. LOWREY
KAREN M. LYNCH
BRETT T. METCALF
JOSEPH B. MICHAEL
JOSEPH D. MOLINARO
CHARLES W. I. PADDOCK
KEVIN T. PRINCE
BRIAN K. RITTER
IVAN ROMAN
WILLIAM G. SHOEMAKER
JONATHAN M. STAHL
JERRY TORRES
RANDALL J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY A. ARITA
REBECCA L. BATES
DAVID N. BREIER
MARQUEZ F. CAMPBELL
DAVID C. COLLINS
CATHLEEN M. DONOHUE
KIMBERLY A. FERLAND
TONYA A. HALL
GARY B. HOYT
CHRISTOPHER J. IRWIN
CHRISTINE W. MANKOWSKI
SCOTT A. MCCLELLAN
BRUCE M. MILLER
JULIE K. MILLER
ALAN F. NORDHOLM

PATRICK W. PAUL
LYNDA M. RACE
STEVEN E. RANKIN
PHILLIP M. SANCHEZ
TODD C. SANDER
MARY S. SEYMOUR
RITA G. SIMMONS
PAULINE M. TAYLOR
RUBY M. TENNYSON
PETER P. TOLAND, JR.
JONATHAN P. WILCOX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RAYMOND W. BICHARD
PAUL J. BOURGEOIS
ROBERT A. BROOKS, JR.
JOHN D. CASSANI
KURT M. CHIVERS
WILBURN A. CLARKE
RACHEL M. FANT
MARK R. GOODRICH
JAMES C. GOUDREAU
PHILIPPE J. GRANDJEAN
ARISTIDES ILIAKIS
KEVIN M. JONES
BERNARD D. KNOX
JAMES A. LAPOINTE
KYLE P. LUKSOVSKY
PATRICK J. MCCLANAHAN
THOMAS J. MOREAU
DANIEL J. NOLL
PATRICK J. OCONNOR
GARY J. POWE
MICHAEL L. RENEGAR
JEFFREY A. SCHMIDT
JOHN D. SORACCO
KURT J. WENDELKEN
MARK S. WHEELER
EDWARD L. ZAWISLAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

KARLYNA L. D. ANDERSEN
ADAM W. ARMSTRONG
ANTHONY G. BATTAGLIA
CHARLES R. BENSON
DAVID T. BEVERLY IV
MICHAEL A. BIDUS
STEVEN J. BLIVIN
DAVID C. BLOOM
KEVIN D. BUCKLEY
RONALD B. BURBANK
LLOYD G. BURGESS
TIMOTHY H. BURGESS
EDWARD G. BUTLER II
DONALD R. CARR
WILLIAM R. CARTER
TIMOTHY L. CLENNEY
PATRICK W. CLYDE
EUGENIO G. CONCEPCION II
SCOTT A. COTA
JOHN G. CRABILL
NANCY R. DELANEY
PAUL J. DEMIERI
DARIN L. DINELLI
RICHARD R. DOBHAN
BARBARA J. DROBINA
THEODORE D. EDSON
KURT R. EICHENMULLER
KATHRYN ELLIOTT
ERIC A. ELSTER
BRIAN T. FITZGERALD
KIM M. FORMAN
KIRK P. GASPER
ERIC M. GESSLER
MARK M. GOTO
JONATHAN C. GROH
TIMOTHY W. HALENKAMP
JOHN V. HARDAWAY
JAMES F. HARRIS
STELLA M. HAYES
RUSSELL B. HAYS, JR.
ROBERT D. JACKSON
CHRISTINE L. JOHNSON
LORI M. KREVETSKI
THOMAS R. LATENDRESSE
CHRISTOPHER T. LEWIS
MATTHEW L. LIM
ROBERT J. LIPSITZ
JOHN W. LOVE
SCOTT A. LUZI
LISA M. MCGOWAN
JEFFREY D. MCGUIRE
DAVID B. MCLEAN
JOANNE F. MCMANAMAN
DEANA J. MILLER
DIPAK D. NADKARNI
LORRAINE S. NADKARNI
JOHN W. NELSON
THOMAS J. NELSON
WILLIAM S. PADGETT
SHELLEY K. PERKINS
KYLE PETERSEN
CHRISTOPHER H. REED
EDWARD A. REEDY
ROBERT D. REUER
ALLISON J. ROBINSON
THOMAS D. ROBINSON
ANDREW A. RUSNAK
MCHUGH L. A. SAVOIA
ERIK J. SCHWEITZER
GEORGE J. SEMPLE
ERIC M. SERGIENKO
ERIC S. SHERCK
WILLIAM T. SHIMEALL
ALFRED F. SHWAYHAT
CLIFFORD L. SMITH
BRETT V. SORTOR
FREDERIC R. SYLVIA
DAVID A. TARANTINO, JR.
JAMES E. TOLEDANO
THERON C. TOOLE
JACK W. L. TSAO
ANDREW F. VAUGHN
TODD L. WAGNER
GRANT C. WALLACE
ROLAND O. WILLOCK
JEFFREY WINEBRENNER
KIMBERLY S. WYATT
JAMES C. YOUNG
CRAIG M. ZELIG
TARA J. ZIEBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LYNN ACHESON
EDWARD L. ANDERSON
ERIC J. ANDERSON
WILLIAM S. ANDERSON
MONTY G. ASHLIMAN, JR.
SEAN R. BAILEY
CARROLL W. BANNISTER
MICHAEL W. BAZE
ROBERT E. BEAUCHAMP
PAUL A. BECKLEY
MARK D. BEHNING
ROBERT W. BODVAKE
BRENT M. BREINING
JODY G. BRIDGES
PUTNAM H. BROWNE
DANIEL J. BRUNK
DANIEL W. BRYAN II
WILLIAM A. BULIS
WARREN R. BULLER II
KENNETH B. CANETE
HERBERT E. CARMEN
FRANCIS X. I. CASTELLANO
WYATT N. CHIDESTER
HEEDONG CHOI
JAMES L. CHRISTIE
ROBERT J. CLARK
VINCENT T. CLARK
KENNETH M. COLEMAN
CHRISTOPHER M. CORGNATI
MICHAEL R. COUGHLIN
MARK A. CREASEY
DENNIS R. CREWS
JEFFREY R. CRONIN
JAMES E. CROSLEY
GORDON A. CROSS
ROGER L. CURRY, JR.
JEFFREY J. CZEREWKO
RICHARD J. DAVIS
RICHARD W. DAVIS
EDWARD W. DEVINNEY II
NICHOLAS J. DIENNA
THOMAS C. DISY
THAD J. DOBBERT
CRAIG M. DORRANS
ALAN D. DORRBECKER
RICHARD J. DROMERHAUSER
MARK A. EDWARDS
CHRISTOPHER M. ENGDAHL
ERIK O. ETZ
MATTHEW G. FLEMING
PETER G. GALLUCH
EDWARD M. GALVIN
JAMES R. GARNER
BRIAN M. GARRISON
DAVID T. GLENISTER
STEVEN A. GLOVER
GREGORY W. GOMBERT
BRIAN J. GOSZKOWICZ
DALE F. GREEN
JEFFREY M. GRIMES
WILLIAM R. GROTEWOLD
WILLIAM J. GUARINI, JR.
MARK D. HAMILTON
SAM R. HANCOCK, JR.
MARTIN H. HARDY
STEVEN M. HARRISON
CHRISTOPHER H. HEANEY
RICHARD B. HENCKE
RAYMOND J. HESSER
KYLE P. HIGGINS
LYLE E. HOAG
TERENCE A. HOEFT
BRIAN A. HOYT
MICHAEL P. HUCK
JEFFREY D. HUTCHINSON
BURCHARD C. JACKSON
TROY S. JACKSON
KRISTIN E. JACOBSEN
GLENN R. JAMISON
CHARLES A. JOHNSON
STANLEY C. JONES
FREDERICK W. KACHER
MICHAEL I. KATAHARA
DAVID D. KINDLEY
JAMES A. KIRK
SCOTT L. KNAPP
KEITH A. KNUTSEN
TIMOTHY J. KOTT
JEFFREY R. KRUSLING
TRENTON S. LENNARD
KEVIN P. LENOX
GLEN S. LEVERETTE
ROBERT W. LYONNAIS
SHAWN P. MALONE
PETER M. MANTZ
WESLEY R. MCCALL
JEFFREY W. MCCAULEY
MICHAEL J. MCCLINTOCK
RICHARD C. MCCORMACK
RUSSELL S. MCCORMACK
DOUGLAS A. MCGOFF
KEVIN MCGOWAN
JOHN P. MCGRATH
WILLIAM C. MCKINNEY
BRENDAN R. MCLANE
MICHAEL M. MCMILLAN, JR.
JOHN V. MENONI
DAVID J. MERON
JAMES R. MIDKIFF
GERALD N. MIRANDA, JR.
TROY E. MONG
KEITH G. MOORE
MICHAEL R. MOORE
BRIAN C. MOUM
SCOTT W. MURDOCK
GERALD D. MURPHY
FRANK W. NAYLOR III
KENNETH A. NIEDERBERGER
DONALD A. NISBETT, JR.
NORBERTO M. D. NOBREGA
RICHARD F. OCONNELL
ROBERT R. OSTERHOUDT
MATTHEW D. OVIOS
DAVID M. PADULA
ENRIQUE N. PANLILIO
ROBERT E. PAULEY
STEVEN PETROFF
JESSICA PFEFFERKORN
CHRISTOPHER T. PHILLIPS
CURTIS K. M. PHILLIPS
JOSEPH N. POLANIN
MATTHEW S. PREGMON
MARK A. PROKOPIUS
FRED I. PYLE
CARL S. REED
LEONARD E. REED
FERDINAND A. REID
BARON V. REINHOLD
CURT A. RENSHAW
TIMOTHY A. REXRODE
GARY J. RICHARD
MICHAEL B. RILEY
KEVIN M. ROBINSON
JON P. RODGERS
MALACHY D. SANDIE
GREGORY M. SANDWAY
CARLOS A. SARDIELLO
LOUIS J. SCHAGER, JR.
THEODORE H. SCHROEDER
TRAVIS C. SCHWEIZER
VINCENT W. SEGARS
GREGORY M. SHEAHAN
TODD M. SIDDALL
ANTHONY L. SIMMONS
COURTNEY B. SMITH
JOHN J. SNIEGOWSKI
PAUL C. SPEDERO, JR.
TIMOTHY S. STEADMAN
LEIF E. STEINBAUGH
MICHAEL J. STEVENS
JAMES G. STONEMAN
STEPHEN R. TEDFORD
THOMAS R. TENNANT
JACK S. THOMAS
MARVIN E. THOMPSON
MONTE L. ULMER
MATTHEW R. VANDERSLUIS
MICHAEL S. VARNEY
PETER G. VASELY
DARRYL L. WALKER
DOUGLAS H. WALKER
HOWARD WANAMAKER
CARDEN F. WARNER
MARK W. WEISGERBER
ANDREW N. WESTERKOM
CRAIG M. WEVLEY
ERIC S. WIESE
GEORGE M. WIKOFF
RICHARD A. WILEY
CHRISTOPHER T. J. WILSON
HAROLD T. WORKMAN
GREGORY J. ZACHARSKI
JOHN M. ZUZICH

CONFIRMATIONS

Executive nominations confirmed by the Senate, May 26, 2011:

DEPARTMENT OF DEFENSE

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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 L. GOLDFEIN

DEPARTMENT OF VETERANS AFFAIRS

ALLISON A. HICKEY, OF VIRGINIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS.

STEVE L. MURO, OF CALIFORNIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

DEPARTMENT OF JUSTICE

DENISE ELLEN O'DONNELL, OF NEW YORK, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

DEPARTMENT OF THE TREASURY

DANIEL L. GLASER, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

EXPORT-IMPORT BANK OF THE UNITED STATES

WANDA FELTON, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013.

SEAN ROBERT MULVANEY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015.

DEPARTMENT OF STATE

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

DANIEL BENJAMIN SHAPIRO, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

HENRY S. ENSHER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

STUART E. JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012.

NATIONAL SCIENCE FOUNDATION

CORA B. MARRETT, OF WISCONSIN, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016 .

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

CATHY N. DAVIDSON, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016 .

CONSTANCE M. CARROLL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

ALBERT J. BEVERIDGE III, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

NATIONAL COUNCIL ON DISABILITY

CLYDE E. TERRY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

UNITED STATES INSTITUTE OF PEACE

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011.

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

NATIONAL SECURITY EDUCATION BOARD

MICHAEL E. GUEST, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ANA MARGARITA GUZMAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

CHRISTOPHER B. HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. BROOKS L. BASH

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DAVID E. DEPUTY

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JAMES D. DEMERITT
BRIG. GEN. JOSEPH K. MARTIN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MARK A. ATKINSON
BRIGADIER GENERAL WILLIAM J. BENDER
BRIGADIER GENERAL BRIAN T. BISHOP
BRIGADIER GENERAL CHRISTOPHER C. BOGDAN
BRIGADIER GENERAL MICHAEL J. CAREY
BRIGADIER GENERAL JOHN B. COOPER
BRIGADIER GENERAL SAMUEL D. COX
BRIGADIER GENERAL BARBARA J. FAULKENBERRY
BRIGADIER GENERAL RUSSELL J. HANDY
BRIGADIER GENERAL MICHAEL A. KELTZ
BRIGADIER GENERAL STEVEN L. KWAST
BRIGADIER GENERAL FREDERICK H. MARTIN
BRIGADIER GENERAL THOMAS J. MASIELLO
BRIGADIER GENERAL EARL D. MATTHEWS
BRIGADIER GENERAL ROBERT P. OTTO
BRIGADIER GENERAL JOHN W. RAYMOND
BRIGADIER GENERAL DARRYL L. ROBERSON
BRIGADIER GENERAL ANTHONY J. ROCK
BRIGADIER GENERAL JAY G. SANTEE
BRIGADIER GENERAL ROWAYNE A. SCHATZ, JR.
BRIGADIER GENERAL JOHN F. THOMPSON
BRIGADIER GENERAL THOMAS J. TRASK
BRIGADIER GENERAL JOSEPH S. WARD, JR.
BRIGADIER GENERAL JACK WEINSTEIN
BRIGADIER GENERAL ROBERT E. WHEELER
BRIGADIER GENERAL MARTIN WHELAN
BRIGADIER GENERAL STEPHEN W. WILSON
BRIGADIER GENERAL TOD D. WOLTERS
BRIGADIER GENERAL TIMOTHY M. ZADALIS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID H. BUSS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID J. BUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GILMARY M. HOSTAGE III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE 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. MARK F. RAMSAY

IN THE ARMY

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 brigadier general

COL. MARK W. PALZER

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 major general

BRIG. GEN. GERALD E. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. CHARLES R. BAILEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. OMER C. TOOLEY, JR.

To be brigadier general

COL. BRIAN R. CARPENTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL CHARLES G. CHIAROTTI
COLONEL DAVID W. COFFMAN
COLONEL THOMAS A. GORRY
COLONEL PAUL J. KENNEDY
COLONEL JOAQUIN F. MALAVET
COLONEL NIEL E. NELSON
COLONEL LORETTA E. REYNOLDS
COLONEL RUSSELL A. SANBORN
COLONEL GEORGE W. SMITH, JR.
COLONEL CRAIG Q. TIMBERLAKE
COLONEL MARK R. WISE
COLONEL DANIEL D. YOO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD P. MILLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GEORGE J. FLYNN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN R. ALLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

To be lieutenant general

MAJ. GEN. STEVEN A. HUMMER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KENDALL L. CARD

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. ROBERT S. HARWARD, 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 vice admiral

VICE ADM. MARK D. HARNITCHEK

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL D. DIETZ AND ENDING WITH DOREEN F. WILDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JAY O. AANRUD AND ENDING WITH SCOTT C. ZIPPWALD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW J. BRONK AND ENDING WITH JOY C. TABER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

AIR FORCE NOMINATION OF PAUL L. DANDREA, TO BE MAJOR.

AIR FORCE NOMINATION OF JEFFREY A. BAILEY, TO BE COLONEL.

AIR FORCE NOMINATION OF JAMES A. MACE, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH BERNADETTE A. ANDERSON AND ENDING WITH DWAYNE B. WILHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY D. AEBISCHER AND ENDING WITH KURT V. WOYAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH LA RITA S. ABEL AND ENDING WITH MICHAEL J. ZENK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATION OF PETER J. AVALOS, TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH KEITH W. ALFEIRI AND ENDING WITH DIANA TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

ARMY NOMINATIONS BEGINNING WITH MARK J. BERGLUND AND ENDING WITH MICHAEL S. SARVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

ARMY NOMINATION OF MICHAEL P. HARRY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSEPH L. AARON, JR. AND ENDING WITH JOSEPH V. ZULKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

ARMY NOMINATIONS BEGINNING WITH CHARLES M. ABEYAWARDENA AND ENDING WITH G001231, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

ARMY NOMINATIONS BEGINNING WITH LISA M. ABEL AND ENDING WITH CODY L. ZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ANGELLA M. LAWRENCE, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL R. CIRILLO, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH CARLTON W. ADAMS AND ENDING WITH WAYNE R. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

IN THE NAVY

NAVY NOMINATION OF JAMES P. MCGRATH III, TO BE CAPTAIN.

NAVY NOMINATION OF STEVEN M. WECHSLER, TO BE CAPTAIN.

NAVY NOMINATION OF FERNANDO HARRIS, TO BE COMMANDER.

NAVY NOMINATION OF STEPHEN K. REVELAS, TO BE CAPTAIN.

NAVY NOMINATION OF BRADLEY S. HAWKSWORTH, TO BE COMMANDER.

NAVY NOMINATION OF DOUGLAS L. EDSON, TO BE CAPTAIN.

NAVY NOMINATION OF STEPHEN J. PARKS, TO BE COMMANDER.

NAVY NOMINATION OF HUNG CAO, TO BE COMMANDER.

NAVY NOMINATION OF TRACY T. SKIPTON, TO BE COMMANDER.

NAVY NOMINATION OF DAVID T. CARPENTER, TO BE CAPTAIN.

NAVY NOMINATION OF BRENT J. KYLER, TO BE CAPTAIN.

NAVY NOMINATION OF PETER W. WARD, TO BE COMMANDER.

NAVY NOMINATION OF PABLITO V. QUIATCHON, TO BE LIEUTENANT COMMANDER .

NAVY NOMINATION OF ROBERT H. BUCKINGHAM, TO BE CAPTAIN.

NAVY NOMINATION OF BRYAN F. BUTLER, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM H. ALBERT AND ENDING WITH MICHAEL WITHERILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

NAVY NOMINATION OF VALERIE R. OVERSTREET, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH NADESIA V. HENRY AND ENDING WITH JOHN A. SALVATO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

NAVY NOMINATION OF THOMAS P. FANTES, TO BE CAPTAIN.

NAVY NOMINATION OF CYNTHIA E. WILKERSON, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DAVID T. CARPENTER AND ENDING WITH TIMOTHY M. CHEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. PAVEL AND ENDING WITH SHAUN C. SHILLADY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

NAVY NOMINATION OF KENDALL C. JONES, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KIRK R. PARSLEY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTIAN F. JENSEN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH M. HOLT, TO BE LIEUTENANT COMMANDER.

IN THE COAST GUARD

COAST GUARD NOMINATION OF WILLIAM G. DWYER, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH JESSICA L. BOHN AND ENDING WITH JEREMY A. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2011.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARMINE G. D'ALOISIO AND ENDING WITH JAMES F. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PATRICIA M. AGUILO AND ENDING WITH MICHELLE ZJHRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2011.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MANISHA PATEL AND ENDING WITH CHRISTOPHER M. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH ALICE Y. GUH AND ENDING WITH UKEGBU J. UGOCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011. WITH THE FOLLOWING EXCEPTIONS: KENIA P. ALTAMIRANO, REBECCA M. KIBEL, TIMOTHY N. ONSERIO, JUSTIN R. PLOTT, AND BRANDY TORRES.