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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, July 1, 2011, at 10 a.m.

Senate

WEDNESDAY, JUNE 29, 2011

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

PRAYER

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

Let us pray.

Lord of wonders beyond all majesty, You are holy. We lift our hearts to You today in gratitude for Your goodness and mercy that continue to follow us. Today, guide our lawmakers by Your grace. Lord, show them Your ways; teach them Your path. May the law of love direct their labors, opening the door of new opportunities for service. Empower them to turn from the thoughts, words, and deeds that violate righteousness.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND 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, June 29, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, after leader remarks, the Senate will be in morning business for 1 hour. The Republicans will control the first half and the majority the final half.

Following morning business, the Senate will resume consideration of S. Res. 679, the Presidential Appointment Efficiency and Streamlining Act. At 11 a.m. there will be up to five rollcall votes on several amendments and passage of S. 679. We are hopeful some of the amendments will be disposed of by voice vote. Following disposition of the Presidential appointment bill, the Senate will begin consideration of S. Res. 116 which comes out of the Rules Committee. Additional rollcall votes on amendments to the resolution are expected today.

MEDICARE

Mr. REID. Madam President, often very good ideas, no matter how important, take time to ripen. Even when they are ripe they need dedicated advocates to make them a reality. Let me give one example.

President Harry Truman once said:

Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. And the time has now arrived for action to help them attain that opportunity and help them get that protection.

But in 1945 when he spoke those words to Congress, the time had not yet truly arrived. In fact, it would be another 20 years before Truman's good idea was realized. It would be 20 years before Truman became the first of 19 million Americans to receive a Medicare card.

President Lyndon Johnson signed Medicare and Medicaid into law in the Truman Presidential Library in Independence, MO. The law took effect almost a year later, 45 years ago this week, on July 1, 1966.

At the time Medicare took effect, only half of Americans 65 and older had access to health care coverage. A third of American seniors lived in poverty. ''Poverty was so common that we did not know it had a name,'' President Johnson said, describing a time before Medicare.

Today, virtually every American over 65 has access to health care and the number of seniors who live below the poverty line has dropped by 75 percent. That is no accident. Medicare provides 47 million Americans with the

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

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access to care and protection from poverty that President Truman envisioned 65 years ago, and Medicare and Medicaid do not only protect seniors from poverty, they also protect those seniors' children. Forty-six years ago, middle-class families often spent themselves into the poorhouse honoring their commitment to their moms and dads. Today's seniors and their children have the security that Medicare and Medicaid will be there to honor that commitment—to providing health care and nursing home care when they need it.

But Medicare doesn't only save American seniors money, it saves their lives. In 1964, just before Medicare was signed into law, seniors lived an average of not quite 70 years. Today the national average is more than 78 years. There is, perhaps, no achievement greater than that. This law literally extended Americans' life expectancy. Forty-six years ago, before signing Medicare into law, President Johnson made this vow:

> No longer will this Nation refuse the hand of justice to those who have given a lifetime of service and wisdom and labor to the progress of this progressive country.

Democrats intend to honor that solemn vow of President Johnson. But today Medicare is under siege. Republicans would trade away the health and safety of today's seniors for the sake of tax breaks for billionaires, wealthy oil companies, and corporations that ship jobs overseas. They would trade that sense of security, that ''hand of justice'' Johnson described, for the sake of tax breaks on their corporate jets and their yachts. Their ideological budget would end Medicare as we know it, once again subjecting seniors to the rising costs of health care. Democrats refuse to let that happen.

A lot has changed since 1966 and that law. New technologies and medicines are there for diabetes, Alzheimer's, Parkinson's. We now have hip replacements and chemotherapy, all pioneered in the late 1960s, and they are now performed in the United States every single day. Medicine has changed for the better.

But one thing has not changed. Seniors need Medicare. In fact, the rising cost of health care today means seniors need Medicare's protection more now than ever. That is why we will never stop fighting to preserve this successful program. As long as I am in the Senate, I will oppose Republican plans to weaken or undermine it, because the Republicans' plan to weaken Medicare is an idea whose time will never come.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

BALANCED BUDGET AMENDMENT

Mr. MCCONNELL. Madam President, over the past several days the American people have watched a serious debate unfold right here in Washington about our Nation's debt and about the future of our economy, and for many the debate has been extremely illuminating. It has done a lot to clarify where the two parties stand. Both sides agree that our deficits and our debt are unsustainable. But beyond that, the differences are stark.

Republicans believe if you increase spending to the point that you can no longer pay the bills, then you need to find a way to cut costs. Democrats seem to think if you increase spending to the point that you can no longer pay the bills, you need to find other people to pick up the tab. This is a fundamental difference between the two parties.

Republicans think Democrats should be held accountable for the way they have mismanaged the national checkbook over the past 2 years and Democrats seem to think that taxpayers should take the hit.

Democrats spend beyond their means and now they expect a bailout from the taxpayers. That is what this debate is all about. It is about holding Washington accountable, for a change. It is about drawing a line in the sand and saying, no, the taxpayers will not bail out politicians. It is about refusing to subsidize the Democrats' irresponsible spending habits another day. Democrats have shown through their reckless spending over the past 2 years that they are not at all concerned about our fiscal future. They should not expect to be rewarded for that.

The entire Democratic approach to this debate has been astonishing, really. I mean, here we are in the midst of two national crises: 14 million unemployed and more than $14 trillion in debt—14 million unemployed and $14 trillion in debt—chronic unemployment and record deficits and debt. And what are the Democrats proposing? Higher taxes and more spending. In the middle of a jobs crisis they want to slam already struggling businesses with a massive tax hike. In the middle of a debt crisis they want to borrow and spend more money as a solution to the problem. This is not a negotiation, it is a parody.

In a discussion about reducing the debt, they want to increase spending. Let me say that again. In a discussion about reducing the debt, they want to increase spending. In the middle of a jobs crisis they want to raise taxes—even as they claim to support job creation. Which is it? Yesterday the President went to a manufacturing plant to tout jobs. Yet even as he was speaking, his administration was looking to saddle manufacturing companies, including the one he was visiting yesterday, with billions of dollars in new taxes.

According to a letter from a group of trade associations, including the National Association of Manufacturers, this particular tax would be ''devastating'' to manufacturers. The President himself said as recently as 6 months ago that keeping taxes where they are enables businesses to hire more workers. Six months ago the President said that. In other words, he was saying that raising taxes leads to fewer jobs. So he can call for tax hikes but he cannot call for tax hikes and job creation. It is one or the other—six months ago making the argument that tax hikes lose jobs; today out touting jobs on the one hand and pushing for higher taxes on the other. He can't have it both ways.

The Democrats' spending spree has brought us to the brink of an economic calamity and now they are telling taxpayers they will not do anything to prevent it unless the taxpayers hand over more money in the form of tax hikes. And they have the nerve to call their critics immoral. I want to know what you call spending trillions more than you have and then expecting others to pick up the tab; that is what this is all about, spending trillions more than you have and expecting somebody else to pick up the tab.

Does anybody seriously propose tax hikes as a solution to a job crisis? Who proposes more spending as a solution to a debt crisis? Who thinks if we raise the debt limit now without enacting serious spending cuts and meaningful reforms first it will lead to greater fiscal discipline later? There is an important principle at stake in this debate. It is not about rich versus poor. It is not about an election. It is about whether Washington will ever be held accountable for its mistakes. That is why Republicans refuse to let the taxpayers take the hit when it comes to reducing the debt, and that is why all 47 Republicans in the Senate support a balanced budget amendment to the U.S. Constitution.

The debate we have been having over the past few days shows more than ever why we need a balanced budget amendment in Congress. A balanced budget amendment would require that lawmakers stop spending money we don't have. When we come back after July 4, we will fight for an opportunity to vote for it. Broke or balanced, that is the choice. The American people should know where their Senators stand on this issue of accountability. Senators can talk all day long about the importance of balancing the books and living within our means, but a vote in favor of the balanced budget amendment will show we actually mean it. A vote against it will show that they don't.

Look, no one denies that both parties are guilty of spending beyond our means. But this White House has taken

wasteful spending to new heights, and its allies in Congress are all too quick to defend it. The last time the Senate voted on a balanced budget amendment, the government's annual deficit was about $100 billion, the national debt was about $5.5 trillion, and it failed by a single vote—a single vote. Today, the annual deficit is $1.6 trillion, and the national debt is $14.5 trillion.

The President and his party need to be held accountable. The fiscal mess they have helped create calls for rehab. That is what the balanced budget amendment would provide—a spending straitjacket. No more blank checks. If Democrats won't pass a budget of their own, it is time Americans impose a budget on them. Americans are not about to let Democrats use another crisis as an excuse to expand the size of government.

If ever there were a time for Washington to pass through a crisis and come out smaller on the other side, it is right now. Republicans are totally united in this effort. All we need is 20 Democrats to join us. Washington should be forced to make the kinds of difficult choices the rest of the country has to make. Lawmakers should have to make the case for a spending increase before they approve it. Never again can they just spend away and then demand in the teeth of a crisis that taxpayers cough up the money—as I said earlier, the taxpayer bailout.

It is time to put the American people back at the helm of our ship of state, and if that is what this vote achieves, then this debate we are having this summer will have been well worth it. If Washington is forced to finally reform its ways, then one day we will look back and say that the American people won this debate, and we will say the balanced budget amendment was just the thing we needed to get the house in order. Broke or balanced, that is the choice before us.

I look forward to this vote. The American people clearly want it. Let's hold Washington accountable, and let's begin to restore power to the people who sent us here not to do our own will but to carry out theirs. That is the principle at stake. It is about the kind of government we want to have—a government of the people or a government above the people. That is the choice. Much depends on the outcome.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent to engage in a colloquy with my Republican colleagues.

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

BALANCED BUDGET AMENDMENT

Mr. HATCH. Madam President, today we are beginning what might prove one of the most consequential debates in American history. The American people are demanding that Congress debate and pass a balanced budget amendment to the Constitution. They are going to get that debate, and I am confident that if Congressmen and Senators listen to their constituents, the citizens of this Nation are going to have the opportunity to ratify a balanced budget amendment this year. All 47 Republican Members of the Senate are of one mind on the need for a balanced budget amendment to the Constitution. We have listened to our constituents who are pleading with us to take action that will permanently resolve our debt crisis and keep us from getting into this situation again.

The situation is a disaster. We all know the numbers: three straight trillion-dollar-plus deficits; $14.5 trillion in debt and rising every day; $62 trillion in total liability that this government owns. Since Democrats last passed a budget—that was over 790 days ago—our national debt has risen by $3.2 trillion, and now the administration is asking for more.

We simply cannot do this anymore. Madam President, 100 percent of our tax revenues are spent on mandatory spending and interest on the debt. Every other penny is borrowed. The money is simply not there to finance a government of this size, and everyone knows this, although not everyone will admit it. They know deficit spending and skyrocketing debt have come to an end. Our Nation's current debt-to-GDP ratio is 95 percent. Countries with debt above 95 percent of GDP have growth that is 1 percent below normal, resulting in a loss of 1 million jobs. Our debt is a lead weight around the neck of the economy.

But in the current negotiations over the debt limit, the administration insists that it is Republicans who, by refusing to pass an increase of the debt limit that does not include meaningful efforts to address our fiscal situation, are holding back the economic recovery and undercutting the stock and bond markets. This has things exactly backward. The markets understand that our long-term deficit projections are moving toward a full-blown debt crisis. The markets understand that we are currently on the glidepath to Greece. The markets would respond like gangbusters to spending cuts, spending caps, and a balanced budget amendment that brings our long-term fiscal problems under control.

I am more convinced than ever that a balanced budget amendment to the Constitution is essential if we are to right our fiscal ship. This is not the first time we have been down this road, but the stakes could not be higher this time, and the amendment could not be better designed to address the crisis. Our amendment is not just an amendment for fiscal balance, it is an amendment that takes on the root cause of our current debt crisis; that is, government spending. Our amendment requires a balanced budget. It establishes a spending cap of 18 percent of GDP, and it establishes supermajority requirements for tax increases or future debt-limit increases.

We will hear a number of tired arguments against the BBA. Its opponents will say the amendment is not properly vetted. We have been talking about the balanced budget amendment for decades, and if we had passed it back in 1997, when it fell by 1 vote short of being sent to the States for ratification, we would not be in the mess we are in today.

They will say it stacks the deck by requiring spending cuts rather than tax increases to balance the budget. This is an issue I will address at length, but the American people understand the solution to a spending crisis is not to give the government more money to spend, especially this government.

They will say a balanced budget amendment is unnecessary and Congress just needs to do its job. But we have heard this over and over before, and the American people know that waiting for Congress to balance the budget and shrink the size of government without a constitutional amendment is less fruitful than waiting for Godot.

They will say the spending cuts required as a result of this BBA will hurt children and the elderly. But the real harm to our children will be when we hand them a future of national indebtedness and dim economic prospects, and the real harm to the elderly will be the coming bankruptcy of the Nation's entitlement programs—the guaranteed result of the President's failure to lead on entitlement reform.

Finally, they will say the Constitution should not be amended. I agree that it should not be amended lightly, but the Founders themselves expected that changing circumstances and national emergencies would demand amendments to the Constitution from time to time.

The American people understand that this is one of those times. In this country, the people are sovereign, the Constitution is their Constitution, and they are demanding that Congress pass a balanced budget amendment and send it to them and the States for ratification.

My hope is that the party of Thomas Jefferson will listen to their constituents and follow their founder's lead,

keeping faith in the people and their good sense and stewardship over the Constitution.

Later this summer we will vote on a balanced budget amendment. God willing, this fall the people in the States will start down the road to ratification.

I am proud to be joined this morning by several of my colleagues who have been critical leaders on the balanced budget amendment. Each brings a unique perspective to this debate, and I think it is great that they are standing up to lead on this issue.

I yield 5 minutes to my colleague, the junior Senator from Kentucky. He is a remarkable spokesperson for limited government, and I am glad to have him on my side in the coming fight for the balanced budget amendment.

Mr. PAUL. Madam President, the balanced budget amendment is interesting when you look at polls and ask the American public: Do you approve of what Congress is doing? Do you approve of congressional action? Do you think they are doing a good job? It is actually 14 percent to 15 percent of the American public who think we are doing a good job. The other side of that equation is, you ask the American public: Do you think a balanced budget amendment would help Congress do a better job? It is 75 percent to 80 percent of the American public who think we would do a better job if we had a balanced budget amendment.

I don't think this is a partisan issue. I would ask the Senator from Utah—and perhaps an opinion from the Senator from Texas—do you think this should be a partisan issue or do you think this goes beyond partisanship, and can we get the Democrats to understand this isn't a Republican-Democratic issue but really an issue for the good of the country?

Mr. HATCH. Well, that should go way beyond partisanship. If we pass it here by the requisite two-thirds vote and we pass it in the House, which we will, this will be submitted to the States, and then the States can make their determination whether or not we have a balanced budget amendment. The Democrats who hate the balanced budget amendment—some of them; in fact, most of them—all they have to do is get 13 States to defeat it. We have to get 38 States to win. Frankly, we will win this because the American people are with us. And this is the right thing to do. It is the right thing to do at this time. It is the only thing that is going to get us to right this fiscal ship.

Mr. PAUL. What does the Senator say to those who say that statutory caps would work, something like Gramm-Rudman or something like pay-as-you-go? What is his answer?

Mr. HATCH. Gramm-Rudman lasted all but a year and a half, 2 years, before the same people went on a spending spree again, although it was a light spending spree compared to today. Today it is multitrillions of dollars.

I have to tell you that has never worked. We have to put a straitjacket into this matter where the Congress has to live the way 49 States have to live. There is only one State that doesn't require a balanced budget in its State constitution. Why should we have a requisite desire—not only desire but rule to have a balanced budget as well? I am convinced that we have to do it after being in the Senate for 35 years and seeing, year after year after year, people unwilling to do this.

Mr. PAUL. And I think what is interesting, if you look at this and you really look at polling data and say: Who is for the balanced budget amendment, it goes across all party lines. If you look at Independents, Democrats, if you look at Republicans, it is in the high sixties to the midseventies in the percentage of the public who would like to see this. And I think it goes hand in hand that they don't think we are doing a good enough job here and that we need more backbone, and the Constitution is supposed to be our backbone. The Constitution helps us to do a good job, to help restrain the size and growth of government.

I can't see an argument against this, and I really don't understand how a vast majority of the public can be for this and yet this body still refuses to act.

Mr. HATCH. I agree with the Senator. I think the Senator makes very good points there. Frankly, I know this body very well. I am the most senior Republican. I have been here 35 years. I have seen year after year after year excuses to go into debt, excuses to deficit spend, excuses for why they are putting our country into this terrible state of bankruptcy—just plain excuses. And, of course, they hide behind the fact that they are trying to do it for the good of the people. It is not for the good of the people. It is not good to not live within your means, and unfortunately that is what has been going on here all of the time I have been here.

Mr. PAUL. I think one of the alarming things we see is that on the course we are taking now, if we do nothing dramatic to reform the process—if we don't pass the balanced budget amendment—within about a decade, the budget will be entirely consumed by entitlements and interest. This is being driven by something beyond the control of Republicans, beyond the control of Democrats, and out of everyone's hands. It has to do with the fact that we are living longer and there are fewer young people and more old people because a lot of babies were born after World War II.

These are demographic facts we can't escape. When we look at some of the charts about what goes on with this, we see what happens if we do nothing. We see the projected debt way out here. Most of this debt problem is entitlements. We have to come together as parties. The balanced budget amendment will help us do this, but then we need to acknowledge that these problems exist and we need to come together—both parties—to figure out solutions.

I think the balanced budget amendment may well be what forces us to have a discussion. To be good legislators, we need to decide priorities instead of just adding on new program after new program. We have 80 different Federal programs that are work programs. We need to think about consolidating and minimizing government. I think the balanced budget amendment would allow us to have a discussion in this body on where we can cut spending.

Mr. HATCH. Madam President, I wish to thank the distinguished Senator from Kentucky. I think he states it very well. That is the whole purpose of the balanced budget amendment. So I thank him for his cogent remarks and his erudition.

Last week, I signed a pledge that many people in this body are hearing about from their constituents. It is called the cut, cap, and balance pledge. Those of us who signed this pledge committed ourselves to significant spending cuts, a cap on government spending, and a balanced budget amendment to the Constitution as a condition for supporting any increase in the debt limit. I was pleased to work with my colleague from Utah, Senator LEE, in developing a balanced budget amendment that is supported by every Republican in this body. Of course, we worked with many others as well, especially Senator CORNYN. I am now pleased to be working with him on the goals of the cut, cap, and balance coalition, a remarkable group of grassroots activists committed to getting our Nation's spending under control.

Madam President, I yield 5 minutes to my friend and colleague from Utah, Senator LEE.

Mr. LEE. I thank my distinguished colleague, my senior Senator from Utah, Mr. HATCH, for his leadership on the balanced budget amendment over the years. He has been a consistent and stalwart advocate for the cause of amending the Constitution in such a way that restricts Congress's ability to engage in deficit spending.

It is the practice of perpetual, reckless deficit spending that has created this almost $15 trillion debt we are now dealing with. It is this practice of perpetual, excessive deficit spending that has fueled the expansion of the Federal Government far beyond the limits the Founding Fathers had in mind and far beyond the natural limits this government can handle.

It is important to remember we are now spending through the Federal Government more than 25 percent of our annual GDP. More than one-quarter of every dollar that moves through the American economy is consumed by Washington. This is a problem. This is a problem, and it is, unfortunately, not something that is at all consistent with where we have been historically as Americans.

We have to remember that for about the first 140 years of our Republic's existence under the Constitution, our Federal spending was nowhere near this high as a percentage of GDP. Between 1790 and the early 1930s, the Federal Government tended to spend between 1.5 and 4 percent of GDP every single year, year in and year out. There were two blips, two exceptions—one during the Civil War and one during World War I and its immediate aftermath. But after those cycles passed, we went right back to where we had been before. That started to change in the 1930s and we have been on a gradual upswing almost ever since then to where we are now above 25 percent.

But it gets worse. By the year 2035, we are predicted to be spending almost 34 percent of gross domestic product by the Federal Government every single year. As a result, the Federal Government will be commanding a very substantial portion of the American economy. That makes every American less free. The more government spends—the more money it has access to and the more it borrows on our behalf—the less free we become, the less individual liberty we have to spend our money, to use our resources, to devote our lives to the pursuits we choose.

That is why the cut, cap, and balance pledge is necessary to support individual liberty and to protect our most basic freedoms, because it will protect us from the inexorable growth of the government.

We are at an important time in American history. We are at a time when we are being asked to extend our debt limit once again; a time when we are being asked to say: Yes, we are going to give the Federal Government authority to borrow even more money against our unborn children and grandchildren. This is a problem.

One reason we are willing to sign this pledge is that we are willing to say: OK. We have been put on a path with government spending at this rate. We can't halt that spending immediately. We are willing to consider raising the debt limit but if and only if certain conditions have been satisfied to make sure this doesn't continue in perpetuity. We need cuts. We need some kind of significant cuts to our spending right now. We need some kind of statutory spending cap to put us on a gradual glidepath toward a balanced budget. Most importantly, we have to amend the U.S. Constitution so as to say this will not continue in perpetuity and future Congresses will not be able to do what Senator HATCH referred to a minute ago, which is exempt itself out of statutory spending caps once it has adopted them.

We can't bind future Congresses to cut $2 trillion over the course of a decade or more because we can't command future Congresses to do what we want it to do unless, of course, we amend the Constitution, which is why we have to do that right now. This is essential to economic progress in America. This is essential to economic well-being and to individual liberty in America.

I would love to talk with anyone who wants to about this. I have invited Utahans who may be in town and I invite anyone within the sound of my voice, here or elsewhere, to join me in my office this Wednesday—today—and every Wednesday at 3:30, when we have what we refer to as a JELL-O bar. Utah consumes more JELL-O per capita than any State in the Union. We serve up JELL-O and we will talk about the cut, cap, and balance pledge.

Thank you very much.

Mr. HATCH. Madam President, I thank the Senator from Utah. He is a wonderful Senator and he serves as a leader in this area.

I don't have enough good words to say about my friend from Texas, my colleague, Senator CORNYN, who was a judge on the Supreme Court in Texas before coming here. From the minute he set foot in this Chamber, he has been a strong conservative, committed to constitutional government. From the beginning of this Congress, he knew we needed to pass a balanced budget amendment, and we are going to need him in this fight.

I yield 5 minutes to my friend and colleague from Texas, Senator CORNYN.

Mr. CORNYN. Madam President, I join my colleagues from Kentucky and the junior Senator from Utah in recognizing the leadership of the senior Senator from Utah, Mr. HATCH, on this even more compelling issue today than it was even back in 1997, the balanced budget amendment.

I couldn't help but be struck by the figures the senior Senator from Utah mentioned earlier when he said that in 1997, the House of Representatives passed the balanced budget amendment. It came to the Senate and failed by one vote. The deficit in 1997 was roughly $107 billion. Today, it is $1.5 trillion. The national debt in 1997, if I recall what the Senator said—and he can correct me if I am wrong—today it is roughly $14.3 trillion, approaching $15 trillion. Back in 1997, it was $5 trillion. Did I get those figures roughly correct?

Mr. HATCH. The Senator did. Back in 1997, we lost by one vote. I was leading the fight on the floor. We had 67 votes and one of our Senators flipped on us at the last minute and we lost it by one vote.

Mr. CORNYN. I agree with the Senator from Kentucky who says this is not a partisan issue. As a matter of fact, back in 1997 a lot of our Democratic colleagues joined Republicans to vote in favor of a balanced budget amendment. If there is an issue that threatens not only the economy but also our national security today more than the national debt, I don't know what it is.

The Chairman of the Joint Chiefs of Staff, Admiral Mullen, said the single largest threat to our national security is the debt. Secretary of State Hillary Clinton said the debt sends a message of weakness internationally.

I was just over at the Heritage Foundation giving a speech. They are studying the role of China in the world, the rise of China, but particularly what I was concerned about, and the subject of my remarks, was the fact that the Treasury Department estimates that $1.1 trillion of U.S. debt is held by the Communist Chinese Government. That is one-third of all our outstanding debt. We know that at least on one occasion, a retired Chinese general said that if we didn't do what China wanted, they would then threaten to disrupt our economy by selling off the debt they own. So my colleagues may care to comment.

Larry Lindsey, the renowned economist, wrote an article recently where we cited three things that worry him the most about high unemployment and the lassitude of the private sector. He said it is slow economic growth, of course, because many in the private sector are discouraged—the entrepreneurs who create jobs, the job creators who would otherwise expand—and slow economic growth concerns him. I think in the first quarter it was 1.8 of our gross domestic product. It is not enough to generate jobs to get people back to work and one reason for our high unemployment.

He said the other two issues that worry him the most are, one, the interest payments on our national debt. He points out that because of the Federal Reserve policy, the interest rates on our national debt are at below historic norms. He points out, for example, if inflation were to kick in or the Federal Reserve, for some reason, should decide to tighten its policy and raise interest rates, what it would do to balloon the interest payments alone on our national debt in a way that would threaten our ability to fund national defense or other issues as well.

Two, he also points out the exploding costs of the health care bill, with more and more employees incentivized to dump people onto the State-based exchanges subsidized by taxpayers as opposed to their employers.

I wonder if any of my colleagues—I see the Senator from Kentucky—may have some comments about the interest on the debt and what he views as a threat to our economy and our security.

Mr. PAUL. From that same article, it is interesting that he talks about what happens if interest rates rise. For every point of an interest rate rising, it adds $140 billion. So he talks about getting back to the historic average of 5.4 percent, that over 10 years it would add $4.9 trillion to our debt problem. But here is the rub. We are having discussions where people are saying we are going to cut $2.5 trillion over 10 years. Senator HATCH points out we cannot bind future Congresses. Senator LEE said the same thing. So when they promise us that they are going to cut $2.5 trillion, compare that to what happens if interest rates rise. One, we

can't bind future Congresses, but if interest rates rise, all of a sudden we have $5 trillion in extra expenses.

We must bind future Congresses and we must bind ourselves by amending the Constitution.

Mr. CORNYN. Madam President, I couldn't agree more with the Senator from Kentucky. This is the silent but potentially deadly threat to our whole economy. If interest rates were to go up, if China purchases more of our debt, they are not going to buy it at current rates; we are going to have to offer a better rate of return.

The ACTING PRESIDENT pro tempore. The Senator has consumed 5 minutes.

Mr. CORNYN. So I join my colleagues in supporting the balanced budget amendment. I look forward to the vote on this amendment—sometime during the week of July 18 I think we are shooting for. We invite our colleagues on the other side to join us. The reason we are here today is because it is important to let the people across the country know what we are doing, the solution we are proposing, and to ask them to encourage other Senators and Congressmen to support it because this is the single most important thing we could do to get our economy back on track and to save generations in the future.

Mr. HATCH. Madam President, I thank my colleague for those cogent remarks.

My colleague from North Dakota, Senator HOEVEN, knows a thing or two about balancing budgets. As a former Governor, he knows this is something States have to do every day. Governors and legislatures balance their books by making the tough decisions the Federal Government is too often unwilling to make.

So I yield the remaining time to my friend and colleague from North Dakota, Senator HOEVEN.

Mr. HOEVEN. Madam President, I thank my esteemed colleague, the senior Senator from Utah, for taking the lead on this balanced budget amendment. I am pleased to join him, pleased to be one of the original cosponsors, and I am extremely pleased every member of the Republican caucus—all 47 Senators are supporting this balanced budget amendment and doing everything we can to reach across the aisle and bring our Democratic colleagues with us and then to send this balanced budget amendment to a vote—to pass this balanced budget amendment by a two-thirds vote—and then send it out to the States for ratification. Three-fourths of the States would have to ratify it as well. I believe they will.

What a great way for us to join together at the Federal and State level to make sure we live within our means, that we balanced our budget, that we do the things we need to do to not only get this economy back on track but to make sure future generations can enjoy the great country, the great opportunity we and those who have gone before us have enjoyed in the United States of America. We have that opportunity. We need to seize that opportunity by passing this balanced budget amendment.

As the senior Senator from Utah correctly mentioned just a minute ago, I had the opportunity—the great honor and privilege—to serve my State as Governor. As a matter of fact, at the time I was elected to the Senate, last year, I was the longest serving Governor in the United States. I served for a decade. Every single year we balanced our budget.

Madam President, 49 of the 50 States have some form of balanced budget requirements. The only one that does not is Vermont. Forty-nine States have that requirement. This year, so far, 46 of the States are expected to balance their budgets.

Families balance their budgets. Businesses have to balance their budgets. Cities have to balance their budgets. States have to balance their budgets. The Federal Government needs to balance its budget. It is not doing that.

When we look at the statistics—we have gone through them before, but these statistics we have to continue to talk about; our current situation is something we have to continue to talk about with the American people—right now, our revenues are $2.2 trillion. The annual revenues to the Federal Treasury, $2.2 trillion. Our expenses are $3.7 trillion. That is about a $1.5 trillion, 1.6 trillion deficit each and every year.

When we roll that up, that is why we are now at $14.5 trillion in debt, and that debt continues to grow. But it is similar to any debt, as any family can tell us or any business can tell us or any State can tell us, that as we continue to accumulate and grow that deficit and accumulate that debt, it gets harder and harder to get on top of it. It is akin to having credit cards. As one continues to charge and add to that balance on the credit card, it gets more and more difficult to get on top of that debt and deficit and reduce it.

So we have to get started. We have to get going. The task gets harder, not easier. That is what the balanced budget amendment is all about. We need the President to lead. When we talk about getting this debt under control, we need the President to lead. We cannot have a situation where we spend more and then simply borrow more or try to raise taxes to cover that spending. That is making it worse. We need this administration to join us. We need our colleagues to join us, to get a grip on this spending, to start by passing this balanced budget amendment.

If we look back to the decade of the 1980s and then into the 1990s and we look at President Reagan and his approach and his leadership for this country, he came and said: We have the most dynamic economy in the history of the world, so we have to create an environment, a pro-jobs, pro-growth environment that stimulates job creation, that stimulates private investment, that puts people back to work, that gets this economy growing. As we get that economy growing, we have the resources then to do the things we need to do: to invest in infrastructure, to make sure we take care of those who need help, to make sure we have health care for our citizens. But at the same time—at the same time—we need to control our spending and live within our means. That is the rising tide that lifts all boats. That is how we make sure everybody participates in the great opportunity that is the very foundation of this country.

But to get back to that point, we need this balanced budget amendment. We need this fiscal discipline in Washington to make sure we continue to honor the legacy we have, the legacy we have been given, and that we continue to make this country the country of opportunity. I know we can do it.

I thank the Senator from Utah for his leadership in this effort, and I thank my colleagues for joining together on this balanced budget amendment. I ask all our colleagues to join with us so we can pass it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HOEVEN. Madam President, I yield the floor.

Mr. HATCH. Madam President, I thank my colleagues. I ask unanimous consent for 1 additional minute and to give the other side an additional minute.

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

Mr. HATCH. I thank the Acting President pro tempore.

I thank my colleagues. They have made some very prescient points on how important this balanced budget amendment is.

By the President's own Actuary, by 2020, our national debt will be over $20 trillion. The interest alone will be over $1 trillion. We will not have any money for the poor, the sick, and the needy because we have not lived within our means. We simply have to get spending under control. The only way to do that is to do what all these 49 States have to do every year; that is, balance our budget through a requisite constitutional amendment.

Let me make one last point; that is, I do not know why the Democrats—some Democrats—fight against this. Because literally, even if we pass it through both Houses of Congress by the requisite two-thirds vote, there is still going to be a big battle in the States, and if they hate it, they can fight it out there in the States.

I think the reason they fight it is they know if we pass it here, it is going to pass through the States very fast because almost every State knows what we have to do. Almost everybody of intelligence knows what we have to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

SHORT MEMORIES

Mr. HARKIN. Madam President, just listening to my good friend from Utah speaking—and he is a good friend of mine—and others who have been speaking for the last half hour, memories are short, very short—I mean very short. Forget about the attention span. Memories are very short. How soon we forget that at the end of the Clinton years, after we had worked with President Clinton to pass measures that brought in more revenues that kept our spending under control, we had 4 years of balanced budgets—4 years—not only of balanced budgets but budget surpluses.

When President Clinton left office, he left George W. Bush the biggest surplus ever in our history. CBO said if we just continued on with the policies we had, we would have paid off the national debt by 2010. But what did the Republicans do? They came riding into town in 2001. They got the White House. They got the Senate. They got the House. What did they do? They took that surplus we had and said: Hey, we have to give this to the wealthy. We have to have tax cuts for the wealthiest in our society. That is what they did. How did they do it? They snuck it through on something called reconciliation—a budget measure which means we cannot filibuster it, and it only takes 50 votes. That is what the Republicans did. They squandered it—squandered it—to give more to the wealthiest in our society. Look what has happened since then.

Then we had two unpaid-for wars. George Bush got us in those wars. Don't pay for them; we will just borrow it from China, borrow it from other countries. Then a new prescription drug benefit, unpaid for. We will just borrow more money.

Now these same Republicans who ran up the deficit, squandered the surplus, are now saying we have to balance the budget on the backs of the middle class. We have to balance the budget on those who already are hurting so much. But, no, we cannot raise revenues on the wealthy. Oh, no. No, no, we cannot do that.

As I said, memories are short. They all want a balanced budget amendment now. Why don't we do what we did under the Clinton years? Let's have the same kind of economic policies we had then? Then we will have balanced budgets. But, no, not my Republican friends. No. They say they want to limit government spending to 18 percent of GDP. I would like to ask: Where does that number come from? Why is it 18 percent? Why isn't it 18.5 percent? Why isn't it 17.75 percent? Why isn't it 19.23 percent? Where does 18 percent come from?

Let me tell you where this comes from. The last time the Federal Government was 18 percent of GDP spending was 1967, before Medicare got underway. So read between the lines what the Republicans are saying: If they could get that down to 18 percent, they can do away with Medicare, which is what they want to do anyway. The Republicans want to do away with Medicare. If we can get the Federal Government's role of spending down to 18 percent, we are back where we were in 1967. Guess what. We can get rid of Medicare and turn it back over to the private insurance companies. That is what the Ryan budget did. That is what the Republican budget did. That is what they all voted for.

So when they tell us about 18 percent of GDP, think Medicare. Think Medicare. Goodbye Medicare. That is what they are after.

BOLD VISIONS

Mr. HARKIN. Madam President, we have reached a point of maximum danger—maximum danger—in our fragile economic recovery. We are mired with the most protracted period of joblessness since the Great Depression. Businesses are reluctant to invest and hire for the simple reason there is not sufficient demand for goods and services, largely because—why—so many people are unemployed, 20 million. People are mired in debt. Even those who are working are insecure about their employment. So for most Americans in the middle class and lower income, this is still a deep recession.

I have come to the floor repeatedly in recent weeks to warn against the folly—the folly—of Washington's current obsession with making immediate Draconian cuts to the Federal budget, something that by its very nature will drain demand, reduce growth, and destroy jobs.

The Federal Reserve Board Chairman, Ben Bernanke, warned just last week:

> In light of the weakness of the recovery, it would be best not to have a sudden and sharp fiscal consolidation in the very near term. It would be a negative for growth.

Here in the Washington bubble, many—especially those on the opposite side of the aisle—have persuaded themselves that the biggest issue is the budget deficit. But outside the beltway, outside Washington, Americans are most concerned with a far more urgent deficit: the jobs deficit.

I am also concerned about a third deficit that I think we have: a deficit of vision. I am disturbed by our failure to confront the current economic crisis with the boldness and the vision that earlier generations of Americans summoned in times of national challenge.

Our Republican friends reject the very possibility that the Federal Government can act to spur economic growth, boost competitiveness, and create good middle-class jobs. That is their ideological position, and they are sticking to it, even in the face of contrary facts. It is based on a profound misreading or perhaps nonreading of American history.

As Americans, we pride ourselves on our robust free enterprise system. But there are some things—big national undertakings—that the private sector simply is not capable of doing. At critical junctures, going back to the beginning of our Republic, the Federal Government has stepped to the plate. We have acted decisively to spur economic growth, foster innovation, and create jobs.

So let's go back. Let's do a little analysis of our history.

The Founding Fathers are very much in vogue these days, so let's go back to that time. Let's go back to Alexander Hamilton, a hero of the Revolutionary War, our first Treasury Secretary. In 1791 Hamilton presented the Congress the landmark report on manufacturers, a set of policies designed to strengthen our new economy.

His plan was adopted by Congress. It included tariffs to raise revenue and to protect our domestic manufacturing base. Hamilton's plan was a historic success. It was echoed several decades later by Congressman Henry Clay's famous ''American System.'' In the burst of nationalism following the War of 1812, Clay advocated for major new Federal investments in infrastructure. Of course, at that time he did not call it infrastructure, he called it internal improvements.

Clay led the Congress in raising new revenues to finance subsidies for roads, canals, bridges, and projects designed to expand commerce and knit the Nation together. One of those internal improvements was the Cumberland Road, our first truly national road. It began in Maryland and stretched over the Alleghenies more than 600 miles to Illinois. It was Henry Clay of Kentucky and other westerners who pushed to extend the road from Wheeling, WV, to Columbus, OH.

But, again, go back and read your history. Clay was bitterly opposed by those who said the Federal Government could not afford to build the roads and canals and had no business doing so. It sounds familiar to what I am hearing on the other side of the aisle today. History shows that the naysayers were wrong on all counts.

The Cumberland Road opened the West to settlers and commerce and development. Of course, the most visionary 19th century advocate of Federal investments to spur economic growth was a Republican, the first Republican President, Abraham Lincoln.

Despite the disruption of the Civil War, Lincoln insisted on moving the Nation forward through bold Federal investments and initiatives. In 1862 he signed the Pacific Railway Act, authorizing huge Federal land grants to finance construction of the Transcontinental Railroad, one of the great technological feats of the 19th century. To produce the rails in America rather than shipping them in from England, he enacted a steep tariff on foreign steel in order to jump-start the American steel industry.

Lincoln did much more. He created the Department of Agriculture to do more research, distributed free land to

farmers, and used government agents to promote new farm machinery and agricultural techniques. As a proud graduate of Iowa State University, I know Lincoln also dramatically increased higher education by creating the land-grant college system.

Taken together, these initiatives during Lincoln's Presidency—I remind you, he was doing all of this during the Civil War—had a transformative effect on the U.S. economy. We created new industries, expanded opportunity, and created millions of new jobs. He did this despite the fact that the Federal Government was deeply in debt and running huge deficits. Imagine that. Abraham Lincoln.

These Republicans always go to their Lincoln Day dinners. Why do they not start talking about what Abraham Lincoln did to spur economic growth and create jobs in our country at a time when our Federal Government was in a deficit? It is almost humorous to imagine how the Republicans of today would have reacted to Lincoln's agenda. They would have attacked him, I am sure, as reckless and irresponsible. They would whine that we are broke; we cannot afford to invest in the future. I am sure the tea party contingent in the Republican Party would have demanded that Lincoln be expelled from the Republican Party.

Moving into the 20th century, time and again the Federal Government has acted with boldness and vision to accomplish big things that were simply beyond the capacity of the private sector. During the Presidency of Franklin Roosevelt, with the private sector paralyzed by the Great Depression, the Federal Government responded with an astonishing array of initiatives to restart the economy, restore opportunity, and create jobs.

The list is far too long, but I would mention rural electrification, the Civilian Conservation Corps and what they did to plant trees and greenways all over America, the Tennessee Valley Authority, which brought opportunity and power to the deeply impoverished Appalachia, Hoover Dam, Grand Coulee Dam, bringing power and water across the Southwest and the Northwest.

Millions of unemployed Americans, including my father—if you come over to my office, I will show you my dad's WPA card, Works Progress Administration. He got a job with dignity, thanks to the Works Progress Administration. They built thousands of infrastructure around our country: roads and dams and schools, bridges, many of which we are still using today eight decades later.

I would point out one project my father worked on: Lake Ahquabi State Park in Iowa, which my father worked on with other WPA people to help build. We are still using it today.

By the end of the Second World War, wartime investments by the Federal Government had created an industrial colossus. FDR and Truman were followed then by a Republican President, Dwight Eisenhower. What did he do? Did he pull the plug on all of this? Well, let's look at history.

Eisenhower, a proud Republican, was determined to move America forward. He championed, at a time when the Federal deficits continued into the 1950s from World War II—because the national debt grew so big during World War II, we were still in debt during the 1950s. What did Eisenhower do? Did he say we have to retrench; we cannot do anything? No. He championed one of the greatest public works projects in American history, the construction of the Interstate Highway System.

The National Interstate and Defense Highways Act of 1956 ensured dedicated Federal funding to build a network today that encompasses over 46,000 miles of highways. A 1996 study of the system concluded:

> The interstate highway system is an engine that has driven 40 years of unprecedented prosperity and positioned the United States to remain the world's preeminent power into the 21st century.

Well, you know what. I will bet the tea party contingent of today's Republican Party would probably have tried to run Dwight Eisenhower out of the Republican Party.

In more recent times, the Federal Government has funded and spearheaded scientific discovery and innovation that has had a profound impact on our economy and created millions of high-value jobs.

Now, I know my time is limited. I want to mention a couple. It was the Federal Government—specifically the Defense Advanced Research Projects Agency, called DARPA—that created the Internet. No, I am sorry, my young friends, it was not Google; and it was not Microsoft, although Bill Gates built a great empire. It was the Federal Government that created the Internet, making possible everything we get from e-mail to social networking. Need I mention tweeting and the World Wide Web? This has revolutionized the way we do business, not only here but around the globe, and has created untold millions of jobs. It was not a private company; it was the Federal Government amassing the money that people pay in taxes to create the Internet.

Federal researchers at this same agency also created the global positioning satellite system, GPS. When you get in your car, you need to know where to go. You follow all of that. You think Garmin invented that? No. But the Garmin company and all of the rest of them—I should not single one out; there are a lot of competitors out there—are making the instruments. They are hiring people. The private sector is doing what it should do. But it was the Federal Government that created the global positioning satellite. It was taxpayers' dollars that put those 24 satellites in orbit and still keep them operating today.

Researchers at NASA, the National Aeronautics and Space Administration, have made dozens of technological breakthroughs over the years, everything from microchips to CAT scanner technology. Of course, in a discussion of the Federal Government's role in stimulating the economy, we have to mention the staggering achievements of the National Institutes of Health. More than 80 Nobel Prizes have been awarded for NIH-supported research.

Bear in mind too that unless basic research in biomedical sciences is funded by the Federal Government, most of it simply will not get done. Why? Because it is basic research. It is basic. It may not lead to something. A lot of it leads to dead ends. But the basic research is done. The applied research is built on that. The private sector then comes in, adapts it for drugs and interventions, and we spur the economy and we make people healthier.

The economic impact of NIH has been profound. Take one example, the Human Genome Project, mapping and sequencing the entire human gene. The Federal Government invested $3.8 billion in mapping and sequencing the human gene. Just last month, the Battelle Memorial Institute issued a report on the economic impact of the genomic revolution launched by this project.

Battelle estimates that as of 2010 the return on investment of the project, $3.8 billion; the return on investment total, $796 billion. The project has created an estimated 310,000 jobs and $244 billion in personal income. In 2010 alone, just 1 year, the project generated $67 billion in economic output.

The Federal Government, folks; the Federal Government did that. So in light of these statistics and the historical records I have just cited to the founding of our Republic, it is absurd to claim that the Federal Government cannot play a positive and even a profound role in boosting the economy, in spurring innovation, in creating jobs, and improving the standard of living of our people.

Republicans protest that Federal investments and innovation and research are about the government picking winners and losers. I hear that all the time. The truth is, initiatives such as the Human Genome Project are not about picking winners and losers. That is making all of us winners.

It is about the Federal Government stepping to the plate to undertake big, important national projects that the private sector is simply not equipped to do. At times of crisis such as during the Great Depression, and in the aftermath of the financial meltdown of 2008, the Federal Government has acted boldly to rescue the economy when the private sector was flat on its back and unable to function normally.

The Recovery Act passed by Congress soon after President Obama took office has manifestly succeeded in jumpstarting economic activity. Listening to all of my Republican friends, they say the Recovery Act failed. It failed. It failed. Well, according to the Congressional Budget Office, through the

end of 2010 the Recovery Act raised the real inflation-adjusted gross domestic product by as much as 3.5 percent and increased the number of employed Americans by as many as 3.3 million. But today the shot in the arm provided by the Recovery Act is winding down.

Quite frankly, we did not put enough in the Recovery Act to stretch it out for a longer period of time. The economy is still struggling. Our Democratic majority in this body has brought to the floor a series of job-creating bills, but Republicans have filibustered and killed every single one.

So I repeat. Yes, we face a large budget deficit. Yes, we have to address it in the intermediate and long term. In the immediate term we need to confront the jobs deficit. But we also face a deficit of a positive vision—a positive vision. We have failed to meet the challenges of our day with the boldness and the vision that our predecessors summoned in times past.

How much time do I have remaining?

The ACTING PRESIDENT pro tempore. Ten minutes remains for the Democratic side collectively.

Mr. HARKIN. I will just take about 3 more minutes.

Many Republicans are demanding that we permanently hobble the Federal Government, just as our predecessors did not want to build the roads and the highways and the canals in the past.

My friend from Utah had a chart that said ''broke or balanced.'' They claim our Nation is poor and broke. That is not true. That is not true. That negative, defeatist viewpoint is dead wrong. We remain the wealthiest Nation on Earth, with the highest per capita income of any major country on the face of the globe. But we have to act decisively, with the power of the Federal Government to boost the economy, foster innovation, and create good middle-class jobs. That is the most important thing.

Lastly, balanced budget? Let's just do what we did under the Clinton years, in which we had 4 years of balanced budgets and left the biggest surplus in our Nation's history. But the Republicans will not do that because they have a defeatist attitude. We need a more bold vision than what the Republicans bring forward to the American people.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak for 10 minutes.

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

COMBATING MILITARY COUNTERFEITS

Mr. WHITEHOUSE. Madam President, our Nation asks a lot of our troops. In return, we must give them the best possible equipment to fulfill their vital missions and come home safely. We have a powerful obligation to them to ensure the proper performance of weapons systems, body armor, aircraft parts, and countless other mission-critical products.

Today, however, America's military faces a significant and growing threat from counterfeit products entering the military supply chain.

I rise to speak about a bill I have introduced with Senator MCCAIN, Senator GRAHAM, and Senator COONS: the Combating Military Counterfeits Act of 2011. This bill will enhance the ability of prosecutors to keep counterfeit goods out of the military supply chain. In so doing it will help protect America's Armed Forces from the risk of defective equipment.

These counterfeit products do not meet military standards. As a result, they put troops' lives at risk, compromise military readiness, and cost the country enormous sums in replacement costs.

In the case of microelectronics, counterfeit parts also provide an avenue for cybersecurity threats to infiltrate military systems, possibly enabling hackers to track or even disable crucial national security applications.

With troops from Rhode Island and all over the United States serving overseas in Iraq and Afghanistan, we cannot accept criminals selling fake versions of products used by our troops. Unfortunately, however, this unacceptable threat to troop safety and national security is growing.

A report by the Government Accountability Office provides examples that demand stiff criminal punishment. It explains that the Defense Department found out in testing that what it thought was Kevlar body armor was in fact nothing of the sort and could not protect our troops the way proper Kevlar can. Our troops going out on patrol in fake body armor is simply unacceptable.

In another example, a supplier sold the Defense Department a part that it falsely claimed was a $7,000 circuit that met the specifications of a missile guidance system. Military grade chips are called that for a reason: they are required to withstand extreme temperature, force, and vibration. Chips that don't meet those specifications are prone to fail; for example, when a jet is at high altitude, when a missile is launching, or when a GPS unit is out in the rugged field. The possible consequences of such equipment failing are dire.

A January 2010 study by the Commerce Department quoted a Defense Department official as estimating that counterfeit aircraft parts were ''leading to a 5 to 15 percent annual decrease in weapons system reliability.''

The Commerce Department study, which surveyed military manufacturers, contractors, and distributors, reported approximately 2½ times as many incidents of counterfeit electronics in 2008 as in 2005. The high price of military grade products is going to attract more and more counterfeiters.

On a related matter, one source of the problem has been the often illegal dumping of U.S. electronic waste in countries such as China. Business Week reported in 2010 that used computer chips from old personal computers are fraudulently remarked in China as ''military grade'' chips and sold to U.S. military suppliers. A bill I introduced last week, the Responsible Electronics Recycling Act, would help address that issue by cracking down on the profligate dumping of electronic waste.

We should also evaluate this combating military counterfeits bill in the context of the relentless cyber attacks America weathers every day. The chip might not only be counterfeit, it might be the carrier for dangerous viruses and malware that may create windows our enemies can enter to sabotage our military equipment or to steal our military secrets.

I applaud those of my colleagues who have worked with the Department of Defense to ensure that it can keep counterfeits out of the supply chain.

I particularly appreciate the leadership of Chairman CARL LEVIN and Ranking Member JOHN MCCAIN of the Armed Services Committee. I am also pleased that the administration, and particularly its intellectual property enforcement coordinator, Victoria Espinel, is working hard to protect our military from counterfeits. I am also pleased that the National Intellectual Property Rights Coordination Center recently began Operation Chain Reaction, a new initiative targeting counterfeit items entering the military supply chain.

I strongly believe that strengthened criminal provisions should be part of our strategy going forward. As a former U.S. attorney I know the significant deterrent effect criminal sanctions can provide.

The Department of Justice has a vital role to play in using criminal investigations and prosecutions to identify and deter trafficking in counterfeit military goods.

To that end, the administration has endorsed increasing penalties for trafficking in counterfeit military goods as part of recent recommendations to Congress for better protecting American intellectual property. I am glad the administration has recognized the need for legislation, and I look forward to working with them to see the necessary changes made.

Our laws currently do not impose any special punishment for trafficking in counterfeit military goods. 18 U.S.C, section 2320, the counterfeit trafficking statute, provides heightened penalties for trafficking and counterfeits that result in bodily injury or death. But out on the battlefield it is not clear that the part will ever be recovered, and it is impossible sometimes to tell them the counterfeit caused the bodily injury or death.

As a result, traffickers in military counterfeits are less likely to face penalties that reflect the unacceptable

risk their counterfeits impose on our soldiers, our military readiness, our cybersecurity, and our national security.

The legislation I am introducing today with Senators MCCAIN, GRAHAM, and COONS addresses this inadequacy in our laws. I urge my colleagues to join me in seeing it passed into law soon. Traffickers should pay a heavy price if they knowingly sell the military a piece of counterfeit body armor that could fail in combat, a counterfeit missile control system that could short-circuit at launch, or a counterfeit GPS that could fail on the battlefield. Our troops deserve Kevlar that is Kevlar, and military grade chips that are military grade.

By creating an enhanced offense for an individual who traffics in counterfeits and knows that the counterfeit product either is intended for military use or is identified as meeting military standards, this bill will help. It doubles the statutory maximum penalty for such offenses, and it directs the sentencing commission to update the sentencing guidelines as appropriate to reflect Congress's intent that trafficking in counterfeit military items be punished sufficiently to deter this wrongful endangerment of our servicemembers.

The bill targets only particularly malicious offenders—those who already are guilty of trafficking in counterfeit goods and know they are selling military counterfeits.

This approach means the bill will not affect legitimate military contractors who might be unaware that a counterfeit chip has been entered into one of their products. It will not apply to makers of products that unintentionally fall short of military specifications. This bill is intended to help military suppliers by deterring the criminals who sell counterfeits to them or to their subcontractors. Manufacturers, such as the many high-tech innovators in Rhode Island, will actually benefit from the protection of their intellectual property.

I am grateful to have the support of the Chamber of Commerce, the Semiconductor Industry Association, the International Anti-Counterfeiting Coalition, and others. I look forward to working with them and other interested stakeholders to make this legislation as effective as possible at deterring this particularly reprehensible form of criminal activity.

Let me close by thanking Senator GRAHAM, Senator MCCAIN, and Senator COONS for joining me in introducing this bill today. As my colleagues know, Senator MCCAIN and Senator GRAHAM both have long stood out as champions for our troops. Senator COONS has already become a staunch defender of our national security and our Nation's intellectual property.

I very much look forward to working with them and other colleagues on this important bill.

All of us in the Senate have the privilege of visiting with and supporting our troops. We all know the sacrifices they make for our country. We all want to do everything we can to ensure that their equipment functions properly and that counterfeits do not compromise our Nation's military readiness or security. Passing the Combating Military Counterfeits Act of 2011 will be a valuable step toward these important goals.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 679, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

Pending:

DeMint amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts.

Portman modified amendment No. 509, to strike the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget.

DeMint amendment No. 511, to enhance accountability and transparency among various Executive agencies.

Toomey/Vitter amendment No. 514, to strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Madam President, I ask unanimous consent that notwithstanding the previous order for the votes to begin at 11 a.m., there now be 10 minutes equally divided between the two leaders or their designees prior to the votes; further, that there be 2 minutes equally divided between the votes; finally, that all rollcall votes after the first vote be 10-minute votes.

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

Mr. SCHUMER. Madam President, I will take the 5 minutes on our side.

Madam President, I rise and join my colleagues in strong support of the nominations reform package before us today. This bipartisan bill and resolution which we will vote on a bit later will effectively change the way the Senate does business, and it is long past time to do just that. It is not often that this body voluntarily takes steps to curb its own power. But for the good of our democracy, the Senate must become more efficient.

I thank my good friend and colleague, Senator LAMAR ALEXANDER, who has been a driving force behind this effort and has been steadfast in his resolve to make a change to this body. We have worked in a bipartisan way to resolve all the differences in a way that I would hope the Senate could work more often on more pieces of legislation.

I also thank the chair and ranking members of the Homeland Security Committee, Senators LIEBERMAN and COLLINS, for their input and expertise in drafting this piece of legislation and moving it quickly and productively through committee. Their impact on this process cannot be understated.

I thank Senator REID, the majority leader, and the Republican leader, Senator MCCONNELL. Back in January, when we were negotiating the reforms to the body, they set up our working group to look into the problem of executive nominations, and they supported and were an active part of our effort.

The Senate has always been known as a cooling saucer, but as of late it has become a subzero freezer. Nominees of impeccable qualifications and indisputable support have been frozen out of the confirmation process, and the backup in nominations also gridlocks other important legislative business. That is why the Senate, often known as the cooling saucer, is too often now a subzero freezer.

Today, we will be taking a meaningful and important step toward changing this. The rapid growth of the executive branch has put unanticipated burdens on the Senate, whose job it is to confirm the President's appointees. There is nothing wrong with the Senate doing a little prioritizing of its pending business.

Today, about one-third of the current Senate confirmable positions will now either not require confirmation at all or will enjoy a streamlined confirmation. By now we all know what S. 679 and S. Res. 116 do, but what will their impact be?

In short, this package of reform will help our government function better. One example of this is the working group that the bill creates to examine a ''smart form'' to streamline the paperwork submitted by a nominee. A nominee may now, today, have to complete three separate financial disclosure forms for the executive and legislative branches. Hopefully, the idea of not having to fill out mountains of paperwork will be appealing to prospective government servants.

Additionally, this bill and resolution we are voting on will help the Senate focus more like a laser beam on issues affecting the average American, such as jobs. The less time committees have to spend on nominees, the more time they can spend on improving the everyday life of Americans.

Over the last several decades we have seen an amazing increase in the nominees we have had to confirm. It has gotten out of hand, and that is something on which both sides can agree.

We are not abdicating our advice and consent duty, we are strengthening it. We are focusing on the positions that truly need it according to the Constitution.

This package represents the final piece to the reform deal that was set forth in January.

Last spring, motivated by the good work of Senator TOM UDALL of New Mexico, the Rules Committee undertook a detailed examination of the history and the application of the Senate rules, especially the filibuster.

After six hearings, and many conversations, we reached a historic point in January when something needed to be done.

Change happens slowly, we all know that, particularly in the Senate, and sometimes it is a product of compromise and deliberation. We all know this institution, as grand and wonderful as it is, could always benefit by change. Today, we have some of that change. Is it everything we want? No, far from it. But it will make a difference in the institution's effectiveness.

I wish, for a minute, to thank the chairs of our Senate committees and the ranking members as well. When we first spoke of this back in January to the introduction of the bill in March, through markup and now today, the chairmen have had a great impact on our efforts. We have listened to them and made changes they have suggested which, on reflection, we thought were worthwhile. We have listened to both the chairmen and ranking members, understood their positions, and wanted their ideas. All the while, however, they understood what we were attempting to do, and we appreciate their support.

In conclusion, before final passage of this bill, we will be voting on four amendments. It is our hope we can adopt Senators PORTMAN, UDALL, and CORNYN's amendment and Senator TOOMEY's amendment by voice vote. At the same time, I encourage my colleagues to vote against the two amendments offered by Senator DEMINT. One of the amendments he has offered would have harmful consequences if passed and could disrupt how the IMF does business. The other, while couched in transparency, essentially removes legislative affairs and public affairs positions from the bill. We have already agreed to remove the legislative affairs positions. The Senate should have some say in determining who is going to give information the Senate and others need, but we don't think the public affairs positions should have to go through Senate confirmation. All of these spokespeople report to Senate-confirmed individuals, where we have oversight. So we don't agree with that half of Senator DEMINT's proposal.

I wish once again to thank my colleague and friend Senator ALEXANDER. I wish also to thank Senators LIEBERMAN and COLLINS. In a few minutes, we will vote on final passage of S. 679 and S. Res. 116, and I urge my colleagues on both sides of the aisle to make a strong statement for more effective government by voting aye.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank Senator SCHUMER for his leadership, as well as Senator COLLINS and Senator LIEBERMAN. I will make my full remarks following the vote, but I do want to say this bill helps the Senate do its job under the Constitution. Article 2, section 2 tells us to designate those persons where we do not give advice and consent. We are reducing that total by 169, we are expediting about 272 more, and we are removing about 2,600 from the officer corps.

This is a good example of bipartisan work here, and I want to thank my colleagues for improving the bill, amending it, and pointing out things to us that needed to be changed. One of those individuals has been Senator DEMINT, and I yield the remainder of our time before the vote to Senator DEMINT to speak on his amendment.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

AMENDMENT NO. 501

Mr. DEMINT. I thank the Senator from Tennessee, Senator ALEXANDER, and Senator COLLINS, for their leadership on this issue. It is good to see Democrats and Republicans working together on something.

Unfortunately, like many of the things we work on, we are dealing with symptoms of a much deeper problem that we fail to recognize. The reason we have gone from a few hundred confirmations during President Kennedy's time to thousands today is because of the incredible exponential growth of the Federal Government—new departments everywhere, where we have new positions that have to be filled with nominees who are confirmed by the Senate. Rather than look at the behemoth we have created, we are moving to make it somewhat less accountable.

I appreciate the rationale behind this, but I do think we have to recognize when we are treating symptoms and not solving the problem. The problem has led to much of the debt, the spending and an out-of-control Congress and congressional interventions, because all of these agencies invade on the private sector. But I do appreciate the opportunity to speak and to offer an amendment.

The amendment we will be voting on in a few minutes does relate to the International Monetary Fund. This is a fund set up years ago to help struggling poor nations that get themselves in trouble. The United States has been the largest contributor for years. But the IMF has gone from being an international agency that helped in a limited number of difficult situations to one that is now huge; that has access to Americans' general fund. That is what I want to talk about today.

My amendment would deauthorize what we did in 2009 to open our bank account to bailouts all over the world. Americans have gotten plenty tired of our spending and our borrowing, and particularly the bailouts they have seen from Washington and how these bailouts have not worked but often made things worse. The international bailout fund is the International Monetary Fund.

In 2009, this Congress passed an additional $100 billion credit line to the International Monetary Fund. This can be drawn on without any congressional approval, without the President's approval. It is an open checkbook, in effect, that the International Monetary Fund can use, and they will use, during these difficult times, as we see irresponsible nations such as Greece that need international funds to continue their profligate spending.

We must deauthorize this. Our country is in dire straits—close to bankruptcy itself. The President is asking us, for the fourth time, to increase the debt limit of our Nation so we can borrow another $2 trillion on top of the $14 trillion we have already borrowed. We cannot afford to let the International Monetary Fund—which we discovered in the last month has some questionable management practices—access $100 billion more than they already have of our money and help bail out countries all over the world that have failed to make the difficult decisions.

Don't think for a moment this is helping the poor in other countries. This is a bailout for the big banks around the world that have made loans to governments and now expect the International Monetary Fund to back them. Americans saw enough of that during our own Wall Street bailouts. Yet this Congress approved $100 billion more, which has not been accessed yet but is available to the International Monetary Fund right now without our permission. We can stop that today with this amendment.

There is no excuse for giving away money around the world when we cannot even keep our promises here in America—promises we have made to our seniors and promises we have made to our veterans.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DEMINT. Madam President, I encourage my colleagues to maybe do one responsible fiscal thing in this session of Congress and at least put this on hold. Let's stop this authorized $100 billion for international bailouts.

Madam President, I yield the floor, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 501, offered by the Senator from South Carolina, Mr. DEMINT.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''nay.''

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

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—44

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

NAYS—55

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Johnson (SD)	Pryor
Blumenthal	Kerry	Reed
Boxer	Kirk	Reid
Brown (MA)	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Udall (CO)
Cochran	Lieberman	Warner
Conrad	Lugar	Webb
Coons	Manchin	Whitehouse
Durbin	McCaskill	Wyden
Feinstein	Menendez	
Franken	Merkley	

NOT VOTING—1

Udall (NM)

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 44, the nays are 55. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 509, AS MODIFIED

There is now 2 minutes of debate equally divided prior to the next vote on the Portman amendment.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I support this amendment. I am prepared to yield back any additional time.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 509), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote.

Ms. COLLINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 511

The ACTING PRESIDENT pro tempore. There will now be 2 minutes of debate prior to a vote on the DeMint amendment No. 511.

The Senator from South Carolina.

Mr. DEMINT. Madam President, this next amendment is about accountability and transparency. I thank the leadership teams on both sides for accepting most of the positions here for legislative affairs that interface on our behalf with the administration. There are eight more positions and that is all this amendment is about. They are public affairs positions that interface on behalf of the public with the administration. Certainly we can give the public the same accountability and transparency we ask for ourselves. These are the positions within the White House. If Americans have a problem in any area, whether it is defense contracting, Health and Human Services, HUD, Labor, they call a public affairs officer. These folks need to be accountable to us and we need to make sure they respond to the American people. There are only eight positions here that we are asking to go through the normal confirmation process.

I encourage my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Madam President, I rise in opposition to the amendment of Senator DEMINT. Yesterday the managers' amendment, which was agreed to, retained the Senate confirmation requirement for the legislative affairs positions so the only thing we are talking about here is the public affairs positions. Most of these positions in Cabinet level departments do not require Senate confirmation under our current process, and heaven help us if these public affairs people are making policy. They are not. They are just the messengers.

We need to reserve the Senate's advice and consent process for policymaking positions or those that have control over Federal funds. Neither of those criteria apply in this case.

I urge the rejection of the DeMint amendment.

Mr. DEMINT. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''nay.''

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

The result was announced—yeas 25, nays 74, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—25

Ayotte	DeMint	Inhofe
Barrasso	Enzi	Isakson
Chambliss	Graham	Lee
Coats	Grassley	Manchin
Corker	Hatch	Moran
Crapo	Heller	Nelson (NE)
Paul	Rubio	Vitter
Risch	Sessions	
Roberts	Snowe	

NAYS—74

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Hagan	Murkowski
Begich	Harkin	Murray
Bennet	Hoeven	Nelson (FL)
Bingaman	Hutchison	Portman
Blumenthal	Inouye	Pryor
Blunt	Johanns	Reed
Boozman	Johnson (SD)	Reid
Boxer	Johnson (WI)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Kirk	Schumer
Burr	Klobuchar	Shaheen
Cantwell	Kohl	Shelby
Cardin	Kyl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Thune
Coburn	Leahy	Toomey
Cochran	Levin	Udall (CO)
Collins	Lieberman	Warner
Conrad	Lugar	Webb
Coons	McCain	Whitehouse
Cornyn	McCaskill	Wicker
Durbin	McConnell	Wyden
Feinstein	Menendez	

NOT VOTING—1

Udall (NM)

The amendment (No. 511) was rejected.

Mr. LIEBERMAN. Madam President, I move for reconsideration and to lay that matter on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 514

The ACTING PRESIDENT pro tempore. There is 2 minutes, equally divided, on debate for the Toomey amendment.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe there is agreement on this amendment on both sides. The amendment makes sense, and, therefore, I yield back all time on both sides.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 514) was agreed to.

Mr. GRASSLEY. Madam President, I would like to express my concerns with S. 679, the Schumer/Alexander Presidential Appointment Efficiency and Streamlining Act. This bill would eliminate the Senate confirmation process for approximately 200 positions. Many of the positions proposed to be eliminated from the Senate process are officers dealing with transparency matters, such as positions dealing with public and congressional affairs, as well as officers dealing with budgetary matters, such as positions dealing with finances and grant administration.

In general, I am concerned that the legislation will eliminate the Senate's ability to provide its constitutional duty of advice and consent for individuals tasked with performing important government functions, and would allow these positions to become more like czars that are unaccountable to the people.

In addition, I am concerned that the legislation will impede the Senate's ability to conduct oversight of certain department programs, as well as reduce

Senators' ability to compel executive department and agencies to testify before Congress or answer written questions. For example, DOJ has a policy of not allowing line attorneys to testify before Congress, and the Obama Administration will not allow its czars to testify—a policy that could potentially apply to these individuals.

Further, often the only tactic a Senator has for compelling an agency to produce documents or provide answers to questions is to block a nominee until documents or answers are produced. This is especially true when the member seeking to conduct oversight is in the minority party. I have frequently employed this tactic to get documents/information from agencies, and generally have been successful when I've used this method in helping me with my oversight efforts.

As the current ranking member of the Senate Judiciary Committee, I would like to address the positions under Judiciary Committee jurisdiction proposed to be eliminated. Specifically, S, 679 would eliminate the Senate confirmation process for these 10 positions under Judiciary Committee jurisdiction:

Assistant Attorney General, Legislative Affairs, DOJ
Director, Bureau of Justice Assistance, DOJ
Director, Bureau of Justice Statistics, DOJ
Director, National Institute of Justice, DOJ
Administrator, Office of Juvenile Justice and Delinquency Prevention, DOJ
Director, Office for Victims of Crime, DOJ
Deputy Director, National Drug Control Policy, ONDCP
Deputy Director, Demand Reduction, National Drug Control Policy, ONDCP
Deputy Director, State and Local Affairs, National Drug Control Policy, ONDCP
Deputy Director, Supply Reduction, National Drug Control Policy, ONDCP

In addition, the Senate resolution would provide an expedited process for these positions under Judiciary Committee jurisdiction:

Members (2), Foreign Claims Settlement Commission
Members (11), Board of Directors, State Justice Institute

I believe that all these positions be removed from the legislation. Specifically with respect to the Judiciary Committee positions, I am concerned that several of these positions deal with policy implementation, grant administration and funding, statistics and data collection, as well as transparency and accountability. The DOJ inspector general noted that grant management was one of the top 10 challenges at DOJ. Several of these DOJ and ONDCP positions administer millions of dollars in grants. In addition, several groups have raised concerns because some of these positions compile data that can be skewed and distorted to support policy goals.

Prior nominees for some of these positions were opposed or withdrawn because they were not qualified. Further, I and others have blocked several of the nominees for these positions in the past to force agencies to comply with document production requests or to compel answers to my questions.

In addition to my concerns with the positions under Judiciary Committee jurisdiction, there are other committee jurisdiction positions in this legislation that I have a problem relinquishing my ability to review.

The bottom line is that S. 679 would hamper the Senate's ability to conduct effective oversight of the executive branch's programs. S. 679 would allow the Senate to relinquish its constitutional responsibilities of advice and consent in filling Federal offices, diminish the Senate's oversight duties, and make the executive branch less transparent and accountable to the people. While a few positions have been struck from the bill as reported out of Committee, like the Assistant Attorney General for Legislative Affairs at the DOJ, the other DOJ and ONDCP positions remain in the legislation and will now not be required to undergo Senate review. For the reasons I have just discussed, I will oppose this bill.

Mr. RUBIO. Madam President, at a time of staggering deficits, dangerously high debt, and lagging economic growth, I oppose S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011.

Our Nation is borrowing $4 billion a day with no end in sight and we have already hit our $14.3 trillion statutory debt limit. Sadly, my State of Florida struggles with a 10.6 percent unemployment rate, far higher than the national average of 9.1 percent. At a time when families and businesses are hurting, the Senate has not passed a budget in over 790 days.

The Senate should be focused on legislation that cuts spending and reduces our debt, saves entitlement programs for future generations, reforms our complex Tax Code, and reduces the crushing weight of Federal regulations on job creators. S. 679 does not accomplish any of these goals, and I cannot support it as our Nation careens towards bankruptcy and a diminished future.

Mr. LIEBERMAN. Madam President, we are on the verge of passing legislation that will streamline the executive branch nominations process and I want to congratulate the bill's authors—Senators SCHUMER and ALEXANDER—for their bipartisan accomplishment and thank them for their hard work.

This bill—S. 679, The Presidential Appointment Efficiency and Streamlining Act of 2011—removes about 170 non-policymaking positions from the list of Presidential appointments requiring Senate confirmation—plus over 2800 members of the Public Health Service and National Oceanic and Atmospheric Administration, NOAA, Officer Corps, whose appointments and promotions are also subject to the Senate's advice and consent.

This is not as many positions as the bill first contemplated. But it is a significant achievement nonetheless when you consider that the work that goes into vetting nominees must be multiplied by four because the White House, the Senate, the FBI and the Office of Government Ethics, OGE, all have to conduct their own thorough background investigations.

So by removing 170 positions we eliminate the need for 680 separate background investigations.

This frees up the Senate, the White House, the FBI and OGE to focus their efforts on vetting nominations for those critical positions where policy is made. And that should help speed up the vetting and confirmation process for these positions as well.

This act also establishes an executive branch working group to study and report to the President and Congress on the best ways to streamline all the paperwork nominees are required to fill out and consider consolidating it under a single ''smart form.''

Most nominees submit to at least four reviews, each represented by a separate packet of government forms, including a White House Personal Data Statement, questionnaires from the FBI and the Office of Government Ethics, and at least one questionnaire from the Senate committee of jurisdiction.

A ''smart form'' would be an electronic system for collecting and distributing background information for nominees requiring Senate confirmation that a nominee would have to fill out just once and the information would then be transferred to all the other relevant forms.

Before we vote, I wanted to stress the bipartisan nature of this effort.

In January, Majority Leader REID and Minority Leader MCCONNELL decided the nomination and confirmation process had become too slow and cumbersome and that this posed a serious national and economic security problem when crucial offices go unfilled for months and months.

They established a working group on executive nominations and appointed Senators SCHUMER and ALEXANDER—chairman and ranking member, respectively, of the Rules Committee—to lead it.

Senator COLLINS and I are also part of that group as chairman and ranking member of the Homeland Security and Governmental Affairs Committee.

Senators SCHUMER and ALEXANDER introduced their carefully crafted legislation on March 30, with a bipartisan group of 15 cosponsors. And on April 13 the Homeland Security and Governmental Affairs Committee, on a bipartisan vote, reported the bill favorably to the Senate.

The bill was brought to the floor, debated and further changes made in the spirit of compromise.

This is the Senate at its best. A problem was identified and both sides of the aisle worked together to craft a solution.

I urge my colleagues to support this legislation so future administrations will be able to get their teams in place more quickly and the Senate can focus

its energy on the qualifications of just the most important executive branch appointments as was intended by the Constitution.

Mr. ROCKEFELLER. Madam President, I want to express my strong support for the managers' amendment to S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011. I support this bill to make the conformation process more efficient and more responsive because it will enable many qualified individuals to take government positions without first going through a sometimes long and arduous confirmation process here in the Senate. I believe the confirmation process is an important constitutional duty of the Senate. But it is simply not needed for every position in the U.S. Government. Not every nominee requires the same level of scrutiny and process.

The Founders understood this issue well, as the Constitution is unusually precise in this regard. It specifically enables the Congress to do what we are doing today—to vest the appointment power for inferior officers with the President. And we are doing it because the confirmation process has become so cumbersome that the Federal Government is losing very able and attractive candidates. The confirmation process can take months, from the time the President submits a candidate's name to full consideration by the Senate. This long, drawn-out process prevents the public sector from attracting some of the best and brightest.

Although I have supported the goals of S. 679 since its introduction, a few critical changes were necessary to strengthen the bill. I, as well as several of my fellow committee chairs, shared these concerns with the bill's sponsors.

I appreciate the sponsors working to address our concerns in the managers' amendment. The amendment will still make the appointment process more efficient by taking hundreds of positions out of the confirmation process. But it will also maintain Senate confirmation for some key positions. The amendment will ensure Senate confirmation is required for the chief financial officer position in several agencies. The CFO is a critical position, as I am constantly reminded in my own interactions with one of the agencies in the Commerce Committee's jurisdiction in recent months. The managers' amendment will also retain confirmation for the Assistant Secretaries for Legislative Affairs, who are critical in working with Congress.

I congratulate Senators SCHUMER, ALEXANDER, LIEBERMAN, and COLLINS, and their staffs for their hard work on this important bill. We would not be here today without their efforts.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LIEBERMAN. Madam President, this will be on final passage. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The bill having been read the third time, the question is, shall it pass?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''nay.''

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

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—79

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

NAYS—20

Ayotte	DeMint	Lee
Boozman	Grassley	Moran
Burr	Hatch	Paul
Chambliss	Heller	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Vitter
Crapo	Johnson (WI)	

NOT VOTING—1

Udall (NM)

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 20.

Under the previous order requiring 60 votes for passage, the bill, as amended, is passed.

Mr. BOOZMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

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

The bill (S. 679), as amended, was passed, as follows:

S. 679

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 ''Presidential Appointment Efficiency and Streamlining Act of 2011''.

SEC. 2. PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.

(a) AGRICULTURE.—

(1) ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION.—Section 218(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918(b)) is amended—

(A) by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) RURAL UTILITIES SERVICE ADMINISTRATOR.—Section 232(b)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(b)(1)) is amended—

(A) by striking '', by and with the advice and consent of the Senate'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g(a)) is amended in the third sentence by striking ''by and with the advice and consent of the Senate''.

(b) COMMERCE.—

(1) CHIEF SCIENTIST; NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended by striking '', by and with the advice and consent of the Senate,''.

(c) DEPARTMENT OF DEFENSE.—

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''14''.

(B) ADMINISTRATION OF REDUCTION.—The Assistant Secretary of Defense positions eliminated in accordance with the reduction in numbers required by the amendment made by subparagraph (A) shall be—

(i) the Assistant Secretary of Defense for Networks and Information Integration; and

(ii) the Assistant Secretary of Defense for Public Affairs.

(C) CONTINUED SERVICE OF INCUMBENTS.—Notwithstanding the requirements of this paragraph, any individual serving in a position described under subparagraph (B) on the date of the enactment of this Act may continue to serve in such position without regard to the limitation imposed by the amendment in subparagraph (A).

(D) PLAN FOR SUCCESSOR POSITIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to the congressional defense committees on his plan for successor positions, not subject to Senate confirmation, for the positions eliminated in accordance with the requirements of this paragraph.

(2) MEMBERS OF NATIONAL SECURITY EDUCATION BOARD.—Section 803(b)(7) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(b)(7)) is amended by striking ''by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF SELECTIVE SERVICE.—Section 10(a)(3) of the Selective Service Act of 1948 (50 U.S.C. App. 460(a)(3)) is amended by striking '', by and with the advice and consent of the Senate''.

(d) DEPARTMENT OF EDUCATION.—

(1) ASSISTANT SECRETARY FOR MANAGEMENT.—Section 202(e) of the Department of Education Organization Act (20 U.S.C. 3412(e)) is amended by inserting after the first sentence the following: ''Notwithstanding the previous sentence, the appointments of individuals to serve as the Assistant Secretary for Management shall not be subject to the advice and consent of the Senate.''.

(2) COMMISSIONER, EDUCATION STATISTICS.—Section 117(b) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9517(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(e) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Notwithstanding any other provision of law, the appointment of an individual to serve as the Assistant Secretary for Public Affairs within the Department of Health and Human Services shall not be subject to the advice and consent of the Senate.

(f) DEPARTMENT OF HOMELAND SECURITY.—

(1) DIRECTOR OF THE OFFICE FOR DOMESTIC PREPAREDNESS; ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, GRANT PROGRAMS.—Section 430(b) of the Homeland Security Act of 2002 (6 U.S.C. 238(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION.—Section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(3) DIRECTOR OF THE OFFICE OF COUNTER-NARCOTICS ENFORCEMENT.—Section 878(a) of the Homeland Security Act of 2002 (6 U.S.C. 458(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) CHIEF MEDICAL OFFICER.—Section 516(a) of the Homeland Security Act of 2002 (6 U.S.C. 321e(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(5) ASSISTANT SECRETARIES.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a) is amended—

(A) by striking ''There'' and inserting ''(1) IN GENERAL.—Except as provided under paragraph (2), there'';

(B) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J), respectively; and

(C) by adding at the end the following:

''(2) ASSISTANT SECRETARIES.—If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.''.

(g) HOUSING AND URBAN DEVELOPMENT; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.—Section 4(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''eight'' and inserting ''7''; and

(3) by adding at the end the following:

''(2) There shall be in the Department an Assistant Secretary for Public Affairs, who shall be appointed by the President and shall perform such functions, powers, and duties as the Secretary shall prescribe from time to time.''.

(h) DEPARTMENT OF JUSTICE.—

(1) DIRECTOR, BUREAU OF JUSTICE STATISTICS.—Section 302(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(2) DIRECTOR, BUREAU OF JUSTICE ASSISTANCE.—Section 401(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) DIRECTOR, NATIONAL INSTITUTE OF JUSTICE.—Section 202(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(4) ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 201(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(b)) is amended by striking '', by and with the advice and consent of the Senate,''.

(5) DIRECTOR, OFFICE FOR VICTIMS OF CRIME.—Section 1411(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10605(b)) is amended by striking '', by and with the advice and consent of the Senate''.

(i) DEPARTMENT OF LABOR.—

(1) ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT AND PUBLIC AFFAIRS.—Notwithstanding section 2 of the Act of April 17, 1946 (29 U.S.C. 553), the appointment of individuals to serve as the Assistant Secretary for Administration and Management and the Assistant Secretary for Public Affairs within the Department of Labor, shall not be subject to the advice and consent of the Senate.

(2) DIRECTOR OF THE WOMEN'S BUREAU.—Section 2 of the Act of June 5, 1920 (29 U.S.C. 12) is amended by striking '', by and with the advice and consent of the Senate''.

(j) DEPARTMENT OF STATE; ASSISTANT SECRETARY FOR PUBLIC AFFAIRS AND ASSISTANT SECRETARY FOR ADMINISTRATION.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended—

(1) by striking '', each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and''; and

(2) by adding at the end the following: ''Each Assistant Secretary of State shall be appointed by the President, by and with the advice and consent of the Senate, except that the appointments of the Assistant Secretary for Public Affairs and the Assistant Secretary for Administration shall not be subject to the advice and consent of the Senate.''.

(k) DEPARTMENT OF TRANSPORTATION.—

(1) ASSISTANT SECRETARIES.—Section 102(e) of title 49, United States Code, is amended—

(A) by striking ''(e) THE DEPARTMENT'' and all that follows through ''An Assistant Secretary'' and inserting the following:

''(e) ASSISTANT SECRETARIES; GENERAL COUNSEL.—

''(1) APPOINTMENT.—The Department has 5 Assistant Secretaries and a General Counsel, including—

''(A) an Assistant Secretary for Aviation and International Affairs, an Assistant Secretary for Governmental Affairs, and an Assistant Secretary for Transportation Policy, who shall each be appointed by the President, with the advice and consent of the Senate;

''(B) an Assistant Secretary for Budget and Programs who shall be appointed by the President;

''(C) an Assistant Secretary for Administration, who shall be appointed by the Secretary, with the approval of the President; and

''(D) a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

''(2) DUTIES AND POWERS.—The officers set forth in paragraph (1) shall carry out duties and powers prescribed by the Secretary. An Assistant Secretary''.

(2) DEPUTY ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.—Section 106 of title 49, United States Code, is amended—

(A) in subsection (b), by striking ''. The Administration has a Deputy Administrator. They are appointed'' and inserting '', who shall be appointed''; and

(B) in subsection (d)(1), by striking ''The Deputy Administrator must'' and inserting ''The Administration has a Deputy Administrator, who shall be appointed by the President. In making an appointment, the President shall consider the fitness of the appointee to efficiently carry out the duties and powers of the office. The Deputy Administrator shall''.

(l) DEPARTMENT OF THE TREASURY.—

(1) ASSISTANT SECRETARIES FOR PUBLIC AFFAIRS AND MANAGEMENT.—Section 301(e) of title 31, United States Code, is amended—

(A) by striking ''10 Assistant Secretaries'' and inserting ''8 Assistant Secretaries''; and

(B) by inserting ''The Department shall have 2 Assistant Secretaries not subject to the advice and consent of the Senate who shall be the Assistant Secretary for Public Affairs, and the Assistant Secretary for Management.'' after the first sentence.

(2) TREASURER OF THE UNITED STATES.—Section 301(d) of title 31, United States Code, is amended—

(A) by striking ''2 Deputy Under Secretaries, and a Treasurer of the United States'' and inserting ''and 2 Deputy Under Secretaries'', and

(B) by inserting ''and a Treasurer of the United States appointed by the President'' after ''Fiscal Assistant Secretary appointed by the Secretary''.

(m) DEPARTMENT OF VETERANS AFFAIRS.—Section 308(a) of title 38, United States Code, is amended—

(1) by striking ''There shall'' and inserting ''(1) There shall'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''Each Assistant'' and all that follows through the period at the end; and

(3) by adding at the end the following new paragraphs:

''(2) Except as provided in paragraph (3), each Assistant Secretary appointed under paragraph (1) shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) The following Assistant Secretaries may be appointed without the advice and consent of the Senate:

''(A) The Assistant Secretary for Management.

''(B) The Assistant Secretary for Human Resources and Administration.

''(C) The Assistant Secretary for Public and Intergovernmental Affairs.

''(D) The Assistant Secretary for Operations, Security, and Preparedness.''.

(n) APPALACHIAN REGIONAL COMMISSION; ALTERNATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(2) of title 40, United States Code, is amended by striking ''by and with the advice and consent of the Senate''.

(o) COUNCIL OF ECONOMIC ADVISERS, MEMBERS.—Section 10 of the Employment Act of 1946 (15 U.S.C. 1023) is amended by striking subsection (a) and inserting the following:

''(a) CREATION; COMPOSITION; QUALIFICATIONS; CHAIRMAN AND VICE CHAIRMAN.—

''(1) CREATION.—There is created in the Executive Office of the President a Council of Economic Advisers (hereinafter called the 'Council').

''(2) COMPOSITION.—The Council shall be composed of three members, of whom—

''(A) 1 shall be the chairman who shall be appointed by the President by and with the advice and consent of the Senate; and

''(B) 2 shall be appointed by the President.

''(3) QUALIFICATIONS.—Each member shall be a person who, as a result of training, experience, and attainments, is exceptionally qualified to analyze and interpret economic developments, to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend national economic policy to promote full employment, production, and purchasing power under free competitive enterprise.

''(4) VICE CHAIRMAN.—The President shall designate 1 of the members of the Council as vice chairman, who shall act as chairman in the absence of the chairman.''.

(p) CORPORATION FOR NATIONAL AND COMMUNITY SERVICE; MANAGING DIRECTOR.—Section 194(a)(1) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(a)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(q) NATIONAL COUNCIL ON DISABILITY MEMBERS.—Section 400(a)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 780(a)(1)(A)) is amended by striking '', by and with the advice and consent of the Senate''.

(r) NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES; NATIONAL MUSEUM AND LIBRARY SERVICES BOARD; MEMBERS.—Section 207(b)(1) of the Museum and Library Services Act (20 U.S.C. 9105a(b)(1)) is amended—

(1) in subparagraph (D), by striking '', by and with the advice and consent of the Senate''; and

(2) in subparagraph (E), by striking '', by and with the advice and consent of the Senate''.

(s) NATIONAL SCIENCE FOUNDATION; BOARD MEMBERS.—Section 4(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(t) OFFICE OF NATIONAL DRUG CONTROL POLICY; DEPUTY DIRECTORS.—Section 704(a)(1) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) DIRECTOR.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

''(B) DEPUTY DIRECTORS.—The Deputy Director of National Drug Control Policy, Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Deputy Director for State, Local, and Tribal Affairs shall each be appointed by the President and serve at the pleasure of the President.

''(C) DEPUTY DIRECTOR FOR DEMAND REDUCTION.—In appointing the Deputy Director for Demand Reduction under this paragraph, the President shall take into consideration the scientific, educational, or professional background of the individual, and whether the individual has experience in the fields of substance abuse prevention, education, or treatment.''.

(u) OFFICE OF NAVAJO AND HOPI RELOCATION; COMMISSIONER.—Section 12(b)(1) of Public Law 93–531 (25 U.S.C. 640d–11(b)(1)) is amended by striking ''by and with the advice and consent of the Senate''.

(v) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) ASSISTANT ADMINISTRATOR FOR MANAGEMENT.—Notwithstanding section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), the appointment by the President of the Assistant Administrator for Management at the United States Agency for International Development shall not be subject to the advice and consent of the Senate.

(w) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND; ADMINISTRATOR.—Section 104(b)(1) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(b)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(x) DEPARTMENT OF TRANSPORTATION; ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION; ADMINISTRATOR.—Subsection (a) of section 2 of the Act of May 13, 1954, referred to as the Saint Lawrence Seaway Act (33 U.S.C. 982(a)) is amended by striking '', by and with the advice and consent of the Senate, for a term of seven years''.

(y) MISSISSIPPI RIVER COMMISSION; COMMISSIONER.—Section 2 of the Act of June 28, 1879 (33 U.S.C. 642), is amended in the first sentence by striking '', by and with the advice and consent of the Senate,''.

(z) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK.—

(1) IN GENERAL.—Section 1333 of the African Development Bank Act (22 U.S.C. 290i–1) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by striking ''(a) The President'' and all that follows through ''The term of office'' and inserting the following:

''(a) The President shall appoint a Governor and an Alternate Governor of the Bank—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.

''(b) The term of office''.

(2) CONFORMING AMENDMENTS.—Section 1334 of such Act (22 U.S.C. 290i–2) is amended—

(A) by striking ''The Director or Alternate Director'' and inserting the following:

''(b) The Director or Alternate Director''; and

(B) by inserting before subsection (b), as redesignated, the following:

''(a) The President, by and with the advice and consent of the Senate, shall appoint a Director of the Bank.''.

(aa) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended to read as follows:

''(a) The President shall appoint—

''(1) a Governor of the Bank and an alternate for the Governor—

''(A) by and with the advice and consent of the Senate; or

''(B) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate; and

''(2) a Director of the Bank, by and with the advice and consent of the Senate.''.

(bb) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g–1(a)) is amended to read as follows:

''(a) The President shall appoint a Governor, and an Alternate Governor, of the Fund—

''(1) by and with the advice and consent of the Senate; or

''(2) from among individuals serving as officials required by law to be appointed by and with the advice and consent of the Senate.''.

(cc) NATIONAL BOARD FOR EDUCATION SCIENCES; MEMBERS.—Section 116(c)(1) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9516(c)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(dd) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD; MEMBERS.—Section 242(e)(1)(A) of the Adult Education and Family Literacy Act (20 U.S.C. 9252(e)(1)(A)) is amended by striking ''with the advice and consent of the Senate''.

(ee) INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT; MEMBER, BOARD OF TRUSTEES.—Section 1505 of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4412(a)(1)(A)) is amended by striking ''by and with the advice and consent of the Senate''.

(ff) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENT.—Section 203(a)(3) of the Public Health Service Act (42 U.S.C. 204(a)(3)) is amended by striking ''with the advice and consent of the Senate''.

(2) PROMOTIONS.—Section 210(a) of the Public Health Service Act (42 U.S.C. 211(a)) is amended by striking '', by and with the advice and consent of the Senate''.

(gg) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS.—

(1) APPOINTMENTS AND PROMOTIONS TO PERMANENT GRADES.—Section 226 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3026) is amended by striking '', by and with the advice and consent of the Senate''.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 228(d)(1) of such Act (33 U.S.C. 3028(d)(1)) is amended by striking '', by and with the advice and consent of the Senate''.

(3) TEMPORARY APPOINTMENTS AND PROMOTIONS GENERALLY.—Section 229 of such Act (33 U.S.C. 3029) is amended—

(A) by striking ''alone'' each place it appears; and

(B) in subsection (a), in the second sentence, by striking ''unless the Senate sooner gives its advice and consent to the appointment''.

(hh) RULE OF CONSTRUCTION.—Notwithstanding section 3132(a)(2) of title 5, United States Code, removal of Senate confirmation for any position in this section shall not—

(1) result in any such position being placed in the Senior Executive Service; or

(2) alter compensation for any such position under the Executive Schedule or other applicable compensation provisions of law.

SEC. 3. APPOINTMENT OF THE DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; duties

''(a) APPOINTMENT.—

''(1) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation.

''(2) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

''(b) TERM OF OFFICE.—

''(1) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(2) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(3) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

''(4) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

''(c) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the

provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census; and

(B) shall assume the powers and duties of such Director for one term beginning January 1, 2012, as described in section 21(b) of such title, as so amended.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2012, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this section.

SEC. 4. WORKING GROUP ON STREAMLINING PAPERWORK FOR EXECUTIVE NOMINATIONS.

(a) ESTABLISHMENT.—There is established the Working Group on Streamlining Paperwork for Executive Nominations (in this section referred to as the ''Working Group'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Working Group shall be composed of—

(A) the chairperson who shall be—

(i) except as provided under clause (ii), the Director of the Office of Presidential Personnel; or

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

(C) individuals appointed by the chairperson of the Working Group who have experience and expertise relating to the Working Group, including—

(i) individuals from other relevant Federal agencies; and

(ii) individuals with relevant experience from previous presidential administrations.

(c) STREAMLINING OF PAPERWORK REQUIRED FOR EXECUTIVE NOMINATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Working Group shall conduct a study and submit a report on the streamlining of paperwork required for executive nominations to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(2) CONSULTATION WITH COMMITTEES OF THE SENATE.—In conducting the study under this section, the Working Group shall consult with the chairperson and ranking member of the committees referred to under paragraph (1) (B) and (C).

(3) CONTENTS.—

(A) IN GENERAL.—The report submitted under this section shall include—

(i) recommendations for the streamlining of paperwork required for executive nominations; and

(ii) a detailed plan for the creation and implementation of an electronic system for collecting and distributing background information from potential and actual Presidential nominees for positions which require appointment by and with the advice and consent of the Senate.

(B) ELECTRONIC SYSTEM.—The electronic system described under subparagraph (A)(ii) shall—

(i) provide for—

(I) less burden on potential nominees for positions which require appointment by and with the advice and consent of the Senate;

(II) faster delivery of background information to Congress, the White House, the Federal Bureau of Investigation, Diplomatic Security, and the Office of Government Ethics; and

(III) fewer errors of omission; and

(ii) ensure the existence and operation of a single, searchable form which shall be known as a ''Smart Form'' and shall—

(I) be free to a nominee and easy to use;

(II) make it possible for the nominee to answer all vetting questions one way, at a single time;

(III) secure the information provided by a nominee;

(IV) allow for multiple submissions over time, but always in the format requested by the vetting agency or entity;

(V) be compatible across different computer platforms;

(VI) make it possible to easily add, modify, or subtract vetting questions;

(VII) allow error checking; and

(VIII) allow the user to track the progress of a nominee in providing the required information.

(d) REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.—

(1) IN GENERAL.—The Working Group shall conduct a review of the impact of background investigation requirements on the appointments process.

(2) CONDUCT OF REVIEW.—In conducting the review, the Working Group shall—

(A) assess the feasibility of using personnel other than Federal Bureau of Investigation personnel, in appropriate circumstances, to conduct background investigations of individuals under consideration for positions appointed by the President, by and with the advice and consent of the Senate; and

(B) consider the extent to which the scope of the background investigation conducted for an individual under consideration for a position appointed by the President, by and with the advice and consent of the Senate, should be varied depending on the nature of the position for which the individual is being considered.

(3) REPORT.—Not later than 270 days after the date of enactment of this Act, the Working Group shall submit a report of the findings of the review under this subsection to—

(A) the President;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Rules and Administration of the Senate.

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is a Federal officer or employee shall serve without compensation in addition to that received for their services as a Federal officer or employee.

(B) MEMBERS NOT FEDERAL OFFICERS AND EMPLOYEES.—Each member of the Working Group who is not a Federal officer or employee shall not be compensated for services performed for the Working Group.

(2) TRAVEL EXPENSES.—The members of the Working Group 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 Working Group.

(3) STAFF.—

(A) IN GENERAL.—The President may designate Federal officers and employees to provide support services for the Working Group.

(B) DETAIL OF FEDERAL EMPLOYEES.—Any Federal employee may be detailed to the Working Group without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) NON-APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group established under this section.

(g) TERMINATION OF THE WORKING GROUP.—The Working Group shall terminate 60 days after the date on which the Working Group submits the latter of the 2 reports under this section.

SEC. 5. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

SEC. 6. EFFECTIVE DATE.

(a) PRESIDENTIAL APPOINTMENTS NOT SUBJECT TO SENATE APPROVAL.—The amendments made by section 2 shall take effect 60 days after the date of enactment of this Act and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.

(b) DIRECTOR OF THE CENSUS AND WORKING GROUP.—The provisions of sections 3 and 4 (including any amendments made by those sections) shall take effect on the date of enactment of this Act.

PROVIDING FOR EXPEDITED CONSIDERATION OF CERTAIN NOMINATIONS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. Res. 116, which the clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 116), to provide for expedited Senate consideration of certain nominations subject to advice and consent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

REMEMBERING SENATOR RICHARD BREVARD RUSSELL

Mr. ISAKSON. Mr. President, I rise for a moment—and I will be joined shortly by my colleague, the senior Senator from Georgia—to pay tribute to a great American who passed this Earth 40 years ago on January 21, 1971. His name was Richard Brevard Russell, Jr. He was one of the handful of Senators everybody and every historian rates as the finest of the Senate. He was a great Georgian with an interesting past.

He was elected to the State legislature in the 1920s and rose to be the speaker of the house of representatives in the State of Georgia. He then went on to be Governor of the State of Georgia from 1931 to 1932. During that time, he served as Governor at the same time another gentleman was serving as the Governor of New York, Franklin Delano Roosevelt. They became good friends.

President Roosevelt even became a constituent of Senator Russell's because, with his affliction, the springs of Warm Springs, GA, were where then-Governor, soon-to-be-President Roosevelt would come to heal and get better and thank his good friend, Richard Russell, for his support. It was that relationship that brought Richard Russell to be one of the first Governors in the United States to come out and endorse Franklin Roosevelt to be President of the United States.

In his career in the Senate, Richard Russell served with Franklin Delano Roosevelt. He served with Harry Truman—8 years side by side with Harry Truman. He served under President Dwight Eisenhower. He served under President John F. Kennedy. He served under Lyndon Johnson. In fact, in just a minute I will explain why he made Lyndon Johnson who he was. He finally passed away under Richard Nixon's first term as President of the United States. But back for a second to Richard Russell and Lyndon Baines Johnson.

Lyndon Baines Johnson became the President of the Senate and later became the President of the United States. In his own works, Lyndon Johnson credits Richard Russell with being the strength of his career as a Senator. In fact, so great was Senator Russell's control of the Senate that in a quote by Powell Moore, his press secretary, a few years ago, he said: When President Kennedy gave advice to newly elected Senators, he said the following:

If you want to learn how to be an effective Senator, you should start by going to see Dick Russell.

That is exactly what Lyndon Johnson did.

So good a friend of Lyndon Johnson was Richard Russell that every Sunday night in their careers in the Senate, Lady Bird would have Richard Russell over at the house to cook him dinner just to thank him for what he had done the week before for Lyndon Johnson. As Lyndon Johnson grew in power, he kept beside him Richard Brevard Russell of Georgia.

Richard Brevard Russell of Georgia is the greatest Senator who ever served from our State. Senator CHAMBLISS and I will be the first to tell you, we are way back in the back of the line when you compare our record to his record. He was a great Georgian. He was a great American.

When I was elected to the Senate and was asked to pick an office, I said: The only requirement I have is it be in the Russell Senate Office Building because I wanted to serve in the same building, named after the greatest Senator ever to serve from our State.

So on the 40th anniversary of his passing, I want to leave this Senate floor by reminding America we had a great Senator from Georgia whose lasting contribution to our country is indelible in the hearts and minds of our people: Richard Brevard Russell, a great American, a great Georgian, and one to whom all of us owe a great deal of thanks and a great deal of credit.

I yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator ISAKSON and appreciate his eloquent remarks on one of the great American public leaders, Richard Russell. I am honored to be in the Russell Office Building myself.

BUDGET CRISIS

Mr. President, I am deeply concerned about where we stand now with the budget crisis we are facing. We have no budget action that has been undertaken in the Senate. We have not done our bit. The House has passed a budget, a 10-year budget that is historic. It is honest. It will actually change the debt trajectory of America. But the Senate has not done anything.

Secret meetings are occurring. We are not told what is going on in those meetings. The deficit is clearly the largest issue facing our country at this time, I believe. Except for matters of war, it is the biggest issue, clearly, in the 14 years I have been here.

We are on an unsustainable path. It cannot continue. Every expert has told us that. But we remain not focused in any public way on how to solve it. Just meetings and leaks are occurring. Admiral Mullen, Chairman of the Joint Chiefs, said that the debt is the greatest threat to our national security. So this extraordinary fiscal crisis is facing us. Yet this Chamber has done nothing about it. We are borrowing 40 cents of every $1 we spend. In 3 months our gross debt will be larger than our entire economy. Our Nation's staggering debt is already costing millions of jobs because when you have a debt that is equivalent to 90 percent of your economy, it reduces growth by 1 percent. We are now at roughly 95 percent, going to 100 percent before the year is out.

More than 22 million Americans are out of work. A majority of Americans now fear the next generation will be worse off than theirs has been. In just 5 weeks, we are told we will reach the firm deadline on our Nation's $14.3 trillion debt. Then major reductions occur unless action is taken.

The Republican House has set forth their plan, but the Democratic Senate has not done so. This year the Senate has not produced a budget, has not met to work on a budget, and has not passed a budget in 791 days. We have not had a budget in 791 days. During that time we have increased the debt of the United States by $3.2 trillion and have spent over $7 trillion.

On the Senate floor we spend week after week on bills that have little or nothing to do with this increasing danger to our economy. We name courthouses and post offices, but we do not deal with the gathering financial storm. Now the Senate is scheduled to take a week off, to go into recess to celebrate the Fourth of July, Independence Day. We unite as a nation on that day to celebrate our heritage and way of life—a way that has been earned through hard work, responsibility, and sacrifice.

Before the Memorial Day recess, I presented to the majority leader a letter signed by 46 Republican Senators stating that we should not recess for the Memorial Day week but remain to do the work we need to do on our budget and financial plan.

Rather than face a vote on adjournment the leader opted for a series of pro forma sessions where the Senate gavels in, only to gavel out moments later, having once again not done any work. Rather than vote on it, that is what they decided to do.

So I renew today my request in that letter. We also owe the American people an honest, open debate on the debt limit, the debt ceiling we have. This should not be talks behind closed doors by only a few Senators, Congressmen, maybe the Speaker, the Vice President, or now maybe the President. Are they the ones to decides this? Aren't we all elected to do so?

Then should we be faced with a situation in which this small group, having produced what they consider the perfect deal, brings it to the Congress and demands, in a period of panic and fear, that it must be passed without any significant amendment or the country would have a crisis?

We have seen that before. Is that good business? I do not think so.

It is astonishing that we are so close now to the deadline we have been given without the Nation's President, our Chief Executive, having set forth a proposal on what he thinks we should do and should be included in a debt limit bill. Shouldn't the President tell us

that? He presides over the executive branch. All of the Cabinet people work for him. He has a 500-person Office of Management and Budget. We have a small staff on the Budget Committee where I am ranking member. Shouldn't he be providing some leadership, like Governor Christie, Governor Cuomo, Governor Brown, Governor Bentley in Alabama? Shouldn't we expect that?

The only concrete fiscal plan we have from the President is his February budget, which proved to be the emptiest promise of all, the most disappointing document. We were told by the President that his plan would not add more to the debt. In reality, it would grow the debt, if passed, by $13 trillion, doubling the entire debt of the United States again in the next 10 years. It would spend more than current spending projections. It would tax more and run up the debt more than current expected expenditures. It is an irresponsible budget.

So it is this kind of rhetoric that makes those of us in the Senate who are working on these issues concerned. We would need to see what the proposal is and have time to evaluate it. So I am calling on the President and the Vice President to make public the proposals they discuss during these secret meetings, including the tax hikes they have proposed. If they believe in these tax hikes, let the American people see them. Let's count up what it really means and let's evaluate them. Maybe there will be enough votes to pass that. I doubt it. Let the Congressional Budget Office provide an estimate of what the spending alterations and the tax alterations will be. Let the Budget Committee meet to address the impact of these proposals. It is time to remove the blindfold.

Since the election in November, the Congress, divided between a Democratic Senate and Republican House, has seen an increasing reliance on closed-door meetings to resolve our greatest public challenges. In so doing, I think Congress has once again ignored the public will. Ultimately, our challenges can only be solved through the Democratic process. Let's hold votes—dozens if necessary. Let's hold hearings. Let's have an open debate. Democracy may be messy. It may be contentious. But it is the best system we have and the only system that works.

The House Republican budget cuts $6 trillion in Federal spending over the next 10 years—$6 trillion. Let's hold votes to see whether the Democratic Senate is willing to reduce the spending that much. If not $6 trillion, than what about $5 trillion or $4 trillion?

The simple reality is that the American people expect us to reduce spending the way their cities, counties, and States are doing this very minute. They do not expect us to raise taxes to bail out Washington for reckless spending by raising taxes on the American people. Economic studies show again and again that spending cuts, not tax hikes, will result in greater growth and more successful debt reduction to make America competitive in the 21st century. We need a smaller, leaner, efficient government, not a heavy, more burdensome Tax Code.

So let's have the debate. Let's have it out here in the open. And let's allow the American people to participate and help decide. But until we work on a budget, until we work on the debt limit, until we work on the people's business, we do not have a right to go home and adjourn with a looming deadline—supposedly August 2—by which decisions have to be made. I believe to do so would be to fail the public.

This debt is the largest challenge of our generation. We have to meet that challenge. I don't believe it can be met by a small group of people meeting in secret. We need a national discussion about the threats we face. I have seen the studies in China, New Zealand. New Zealand had 22 years of deficits. They have had 16 years of surpluses since they made a national decision to get their finances in order, and the economy has grown far above the world average. That is what we need to be doing here. That is what our States, cities, and counties are doing.

I appreciate the opportunity to share these remarks. We have to rise to the occasion and face the defining issue of our time and put our Nation on a path to growth and prosperity and job creation, not a path to decline.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

REMEMBERING SENATOR RICHARD B. RUSSELL

Mr. CHAMBLISS. Mr. President, I rise today to honor the life and commitment of Senator Richard B. Russell to the State of Georgia and to our Nation.

Senator Russell died on January 21, 1971, 40 years ago as of this past winter.

Senator Russell devoted 50 years of his life to public service as a state legislator, as Governor of Georgia, and as U.S. Senator. I take great pride in recalling before this body the lasting imprint on the history of Georgia, the U.S. Senate, and our Nation that Senator Russell left behind. He was a natural-born leader who had the persuasive ability to unite men, a quality which aided in his rapid rise to positions of political power. He will be remembered as the most prominent of politicians of his time.

He began service in public office early in his life, serving in the Georgia House of Representatives at the age of 24. That was in 1921. His composed demeanor and civil nature quickly led to his nomination for Speaker of the Georgia House a few years later. He was the youngest Speaker ever elected in the Georgia House. Under Russell's guidance, the State of Georgia saw drastic improvements in the organization of State government. He went on to win the largest majority in the State's history for the election of Governor in 1931. It was in the midst of our Nation's most devastating economic downturn, and he was only 33 years old.

Despite all this, he succeeded in guiding Georgia out of the Great Depression. Through his tremendous efforts to promote economic development, he was ultimately able to create a balanced budget for the State.

His time in office is recognized as being one of the most significant eras in Georgia's history, creating economic relief for the State after only 18 months in office.

The powerful economic impact left behind by Senator Russell is still felt in Georgia today through many of the Federal facilities he brought to our State, as well as through the piece of legislation closest to Senator Russell's heart, and to my own: The National School Lunch Act.

He was sent to Washington by Georgians to serve in the U.S. Senate in 1933, making him then the youngest member ever to serve in the Senate. Senator Russell came to be one of this body's most respected members ever. He was looked upon by his colleagues for his leadership, integrity, equality and intellect. His colleague from Mississippi, Senator John Stennis, was once approached by a tourist, who told him he would like to see the Senate and asked him how to go about it.

At that moment, Stennis spotted Russell walking down the other end of the hall. Stennis told the tourist he could go to the Capitol to see the Senate Chamber, but if he really wanted to see the Senate, he should take a look at the man walking down the hall. ''He represents the living embodiment of United States Senate,'' Senator Stennis said.

During his time in office, his powerful position as chairman of the Senate Armed Services Committee aptly rendered him the label of ''Mr. Defense,'' a role for which he will continue to be remembered. He was known as one of the Nation's leading experts on military and defense policy, acting as adviser to six Presidents, valued for his knowledge and judgment. He was called ''a great patriot who never failed to facilitate the United States when its security was an issue'' by President Nixon.

In a dedication speech given on this very floor 15 years ago, Senator Sam Nunn recalled Senator Russell's ''strong belief in the independence and co-equal role of the Congress of the United States'' and his ''insistence that he had not served under six Presidents, but rather served with six Presidents, a real difference.''

Russell later served as this body's senior Senator, becoming President pro tempore of the Senate, putting him fourth in line to the succession of the Presidency. But beyond all of his accomplishments, what truly set Senator Russell apart from other men was his commitment to civility. He demonstrated his fair and conscientious nature on many occasions, most notably a he presided over the 1951 dismissal hearings of GEN Douglas McArthur, a

time in which his judicious handling of such a volatile event did much to diffuse an explosive situation. He effectively navigated the bipartisan barriers of the Senate through his unrelenting civility and trustworthiness, and, of course, his humor.

Once, when he was in need of a tailor, he asked his good friend, then-President Johnson, for a recommendation. Johnson gave him one, so Russell sent his suits over to the man. When the bill arrived, he just stared at it, dumbfounded. ''No wonder this country is going to hell if the President is willing to spend this much just to fix his suits!'' he exclaimed.

When I was first elected to the Senate in 2002, the Dean of the Senate at that time was Senator Robert Byrd, who sat right on the aisle across the way.

I will never forget that the first day, as I was sworn in, I went over and introduced myself to Senator Byrd, who was so well respected by everybody on both sides of the aisle and is without question the greatest historian within the Senate that the Senate has ever had, and he looked up at me and said, ''You hold Senator Russell's seat.'' I said, ''Yes, sir. That's right.'' He said, ''My favorite Senator was Senator Richard Russell.''

From then on, every time I would walk by Senator Byrd's seat when he was there, he would stop me and he would give me another anecdote about Senator Russell, about their close relationship, and about what a huge impact Senator Russell had on our Nation and on this institution during his 32 years of service.

Senator Russell devoted his life to public service with only one desire: to be remembered as an honorable man. We can all agree that his legacy more than fulfills that objective. His name lives on in our own Russell Senate Office Building and throughout the State of Georgia, giving evidence to the amount of honor deservedly bestowed upon this great man. His leadership skills, his honest dealings, and his fairness to both sides in an argument created a remarkable representative for the people he served. He was an unfailing champion in Washington, and a revered statesman of Georgia for more than 38 years.

The epitaph on his tombstone, at his home place in Winder, GA, is a simple carving: ''Richard B. Russell, Jr.—Senator from Georgia—1933–1971.'' Mr. President, that says it all.

There is only one Member of our body today who served with Senator Russell; that is, Senator INOUYE. Senator INOUYE has again, just like Senator Byrd, given me very many fond memories of Senator Russell.

It is a pleasure to serve with Senator INOUYE. I wish I had the opportunity to serve with Senator Russell because he truly was a great patriot, a great American, and a great champion for this institution.

I believe all of us here today can learn from the life of one of the greatest Senators in this body's 200 year history.

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.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Montana.

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

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

MONTANA FLOOD HEROES

Mr. BAUCUS. John Wooden, the legendary UCLA basketball coach who has won more Division I NCAA championships than anyone else, once said, ''Do not let what you cannot do interfere with what you can do.'' It takes teamwork to win 10 championships. I rise today to recognize the remarkable teamwork, championship level teamwork, that we are seeing back home in Montana during these floods.

This is the third time I have come to the Senate floor to share stories about the remarkable actions taken by regular folks across Montana. Their teamwork is making a huge difference. John Wooden would have been proud to coach this team. This is a championship team. And we need this kind of teamwork. Flooding continues to damage property and disrupt lives across Montana. The President has issued a major disaster declaration. Warm weather threatens to unlock water stored in record levels of mountain snowpack. The whole time I was at home, I had never seen anything like this, so much snow, yet melting so quickly.

The chart to my left is part of Wolf Point, MT. Wolf Point sits along the mighty Missouri River on the Fort Peck Indian Reservation. Floodwaters hit hard and hit fast, forcing 40 families from their homes. Many are still unable to return.

Darrin Falcon, pictured here, is the director of the Roads Department. He has used his expertise as an engineer to help his neighbors on projects of every scale. He constructed berms and dikes to prevent floodwaters from damaging more homes. He delivered sandbags to residents to protect major public infrastructure.

In one instance, an elderly neighbor was stranded; 300 feet of roadway around his home was underwater. Falcon went right to work and helped build a new road so his neighbor could spend that night at home. Falcon's work ethic and willingness to help make him a real Montana hero and is something to observe.

The Milk River has been dumping water into Glasgow for weeks. Floods have washed out roads and damaged bridges all across Valley County. County roads supervisor Rick Seiler and Wayne Waarvik have worked endless hours to keep roads open and residents safe after the Milk River burst its banks.

In a crisis such as this, roads are lifelines. Roads mean access to a doctor. Roads mean groceries and fresh water. Rick and Wayne, teaming up with the whole Valley County road crew, went above and beyond to keep these vital lifelines open.

Meanwhile, across town, Tanja Fransen, a meteorologist for the National Weather Service, was taking extraordinary steps to help her friends and her neighbors.

This is Tanja.

She would never abandon her post. She served as the voice of the National Weather Service across northeastern Montana. Tanja knew her neighbors; she knew they depended on her for the latest weather reports. Beyond that, of all things, Tanja, despite a broken leg in a cast, spent hours filling sandbags to protect homes along Cherry Creek. She went above and beyond the call of duty to make sure her friends and neighbors were equipped with the information they needed to stay safe throughout the disaster.

Tanja, I might say to you: Take some time out and let that broken leg heal.

Tanja asked that the entire team at the National Weather Service in Glasgow be recognized. That is just how generous she is. She did not want recognition for herself—it is her team. Working together, they helped Glasgow weather these difficult floods.

In Billings, MT, floods have left dozens of families without homes.

In a normal week, Jeff Rosenberry spends his time as assistant director for housing and student life. He makes sure students at MSU-Billings have a safe and comfortable place to stay during the school year.

This month, Jeff had extra work—work he very much enjoyed doing. Jeff stepped to the plate. He converted a resident hall into a home away from home for displaced families. I saw it and was very impressed. Jeff worked 15-hour days to make sure everyone felt welcome. He delivered food and water to hungry families. He also made sure everyone had the latest information about the floods. Ask anyone on the team helping these families, and they will tell you Jeff was the team captain. His hard work and generosity will long be remembered. The families who needed a place to sleep, of course, will never forget Jeff and his efforts.

Finally, the teamwork between our local disaster and emergency services coordinators and crews has been extraordinary. DES coordinators are the go-to leaders to help their communities respond to and recover from floods. They are the first to be called to help and the last to leave.

Montana's disaster and emergency services teams have been working nonstop. They are a model of public service. I hope Montanans everywhere will reach out and shake their hands, e-mail or write a letter and thank these heroes for their service. These remarkable Montanans remind us that sometimes it is all about teamwork. We are the strongest when we work together.

I am proud of these stories. I am asking Montanans to share their stories of ordinary folks doing extraordinary things for friends and neighbors, whether on Facebook, call my office—whatever works. We want to hear these inspiring stories because we want to help bring Montanans even closer together, showing we are working together.

Someone once observed that Montana is a big State, big geography, but not a lot of people. Montana is really one small town. We know each other—one or two degrees of separation. We know each other, and we are there to help each other. We are spread out in space but together in spirit.

In closing, I would like to share a humble thank-you for all Montanan heroes back home. I don't know what we would do without you. Thank you so much for your service.

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

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

THE NATIONAL DEBT

Mr. BLUNT. Mr. President, I am pleased to have a chance to talk about the work I think we should be doing this week and surely will do in the weeks to come. We are really discussing who we are going to be as a country, what model we are going to follow. Are we going to continue to be a country that believes we need to help create opportunity or are we going to be a country that believes the government needs to continue to accept more and more of the challenges of life?

Our debt today is over $14 trillion, and apparently that is not enough, so every discussion in Washington, including some that you are in, is focusing around the idea of how do we get even more ability to borrow more money so we can pay off the money we have already borrowed. There are 13 million Americans out of work today, looking for a job, and during that process we continue to spend money we don't have for things we don't have to have.

I think we ought to be focused totally on two things domestically right now. At the top of every list should be what do we do to create more private sector jobs and how do we get Federal spending under control. The Federal Government doesn't create private sector jobs in very many instances.

By the way, if we are going to have something we are going to be paying for 30 years, I hope we are investing in something that will last for 30 years.

But the most the Federal Government can do that impacts jobs is create an atmosphere that takes all the uncertainty out of the decisionmaking process. There are enough risks in creating jobs without having the additional risks of how fast can the utility bill go up, how high will the taxes be, and what new unknown regulations are you going to have to deal with. Frankly, those are the wrong messages in all three of those areas right now if you hope to be focused on the idea of how do we create jobs for those 13 million Americans who are looking for jobs and better jobs for the Americans who have jobs. What are we doing to encourage private sector job creation for the future?

We are now spending at the Federal level almost $1 out of $4, right at $1 out of every $4 that the economy can create in goods and services. The number for 40 years, ending in 2008, was $1 out of $5. There is a lot of difference in an economy—who competes for that dollar that the Federal Government is now spending that for 40 years was available for somebody else to get their hands on and use to create opportunity for somebody else? We have to get that under control.

The Cochairs of the President's own fiscal commission say we are looking at the most predictable economic crisis in the history of the country. There is a train moving down the track to a destination nobody wants to go, and it continues to move at that same speed. It is totally predictable. It is something we have to do something about, and we cannot continue to spend somewhere between $3.7 and $3.8 trillion in this spending year and collect $2.2 trillion.

I have said on this floor before that I am not sure anybody really has a good grasp of what $3.8 trillion is. But we do know that if you are making $22,000 and you are spending $38,500—oh, and you have already borrowed all the money anybody really should have ever loaned you—you have a problem you cannot deal with for very long without changing behavior.

That behavior has to change. It has to change in ways that look at the programs where we, up until now, have just been able to define who benefits from the programs without any real controls over how that money is spent. This year, the $2.2 trillion that I mentioned the Federal Government collected, that all was spent by the programs that we normally do not even appropriate money for because we have defined who gets that money. For the first time ever, those programs exceeded all the money that came in.

Most of those programs, of course, are the big programs we want to be sure are there as safety nets for people who have been told they need to rely on them. I think about 80 percent of that side of the budget is Medicare and Medicaid and Social Security. We need to see what we can do so those programs continue to work. But if all of that side of the budget spent all of the money, that means every other penny the Federal Government spent for an air traffic controller; for somebody to open the gates to a national park; sadly, for somebody to put on a military uniform or to put a gallon of jet fuel in a plane or to buy a gallon of paint for a ship—that was all done with borrowed money. We are defending the country on borrowed money. The No. 1 obligation of the Federal Government is just that. We have to figure out what to do to structurally begin to define how we spend the money that comes in and to make sure we don't spend more money than comes in.

That is why I am supporting the balanced budget amendment. I think we need to spend a lot of July talking about what we do to get this budget back in balance, how long it takes, and I look forward to that debate being the principal debate of the next month.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I have been listening very carefully to the remarks of my friend about what we have to do, what is in front of us. Of course, he is speaking for the Republican Party for a balanced budget amendment to the Constitution.

Let me say this: I want a balanced budget. That is what I want. I don't need an amendment to the Constitution to get me to vote for a balanced budget. What I want is for all sides to come together—that is what I want—and write a balanced budget. I want us to do it in a way that is responsible and do it in a way that is fair and do it in a way that protects our middle class, protects our kids, and stimulates economic growth by making smart investments and cutting out spending in areas we don't need it.

So all this yak about a balanced budget amendment—and I call it that, and I apologize if it sounds as though it is a derogatory term—it is just so much talk. Let's get to it.

I think we ought to go back to the people and the party that was the only party and the only people to balance the budget in 40 years. I hate to break it to my Republican friends, but that is the Democratic Party. We are the ones who did it. We did it when Bill Clinton came into office. We did it after hard work. We did it after painful cuts. We did it with smart investments. We did it with everybody paying their fair share, and we didn't need a balanced budget amendment to the Constitution to do it. It is a gimmick. We need a balanced budget, not a balanced budget amendment.

Let's look at what we did the last time this country ever had a balanced budget. Lucky for us, it wasn't that long ago. Lucky for us, a lot of us are still here who made that fateful vote. We didn't have one Republican voting for that budget, and when they came to the floor—I have all the quotes, chapter and verse—they said: This is horrible. It will never balance the budget. This is going to lead to a depression. This is the worst thing. But we know what happened. We not only balanced the budget, but we had a surplus. We not only had a surplus, but the debt

was going down so fast we thought we would never have to have Treasury bonds again. On top of that, we created 23 million jobs.

So I hope the public understands, when they hear Republican colleague after Republican colleague come to the floor saying we need to stay in all through July—fine with me. I will stay here through August. I will spend the night in the cloakroom, I don't care. Let's not talk about a balanced budget amendment to the Constitution. Let's talk about doing the hard work of balancing the budget. The way we do it, again, is to follow the lead of the plan that was laid out by President Clinton and which worked in the most amazing way beyond our greatest expectations.

What did we do? We looked at this deficit and we said: This is unacceptable. We went after programs that made no sense and we cut them. We either eliminated them or we cut them back. Then we asked: What are some investments we could make that would actually stimulate the growth of the private sector? I thought my friend, Senator BLUNT, was right. That is what we need to do. We need to stimulate growth in the private sector. At that time, the investments were on the high-tech side—high tech, biotech. Today, clearly, it is clean energy. That is what the whole world wants. That is where we ought to be leading. That is what our President knows. So we cut out programs that don't make sense. We invest where it makes sense to create jobs and then guess what we do. We make sure we have enough revenues coming in to pay for the priorities.

I have news for my Republican friends. It is not that hard. Go after the billionaires. They can't get themselves to do it, can they? Go after the billionaires and the millionaires, the people who aren't paying what they should be paying. But when the House had its chance, what did it do? It allowed the biggest tax breaks ever to continue for the billionaires and the millionaires and they killed Medicare. Medicare is gone. It is becoming some kind of a voucher program, where we can imagine some 90-year-old woman who is suffering from disease has to now go out and try to find out where she can buy an insurance plan. Tell me who is going to cover her, A; and, B, tell me if she has the strength to do that; and, C, her Medicare benefit no longer goes to her. Who does it go to? It goes to the insurance company. That is the plan the Republicans passed in the House, and they cut everything that is near and dear to the hearts of the American people. In addition to Medicare, they cut education. They cut funding for clean air, clean water. Highways they cut by a third, and here they talk about jobs on the other side, private sector jobs. The highway bill creates thousands and thousands and thousands of jobs in the private sector. They cut that bill by 36 percent.

So when I hear my Republican friends talk about the importance of balancing the budget and they are talking about a balanced budget amendment to the Constitution—why don't they show us their balanced budget? Because the one they showed us from the House was such a disaster that they lost a congressional seat they held for eternity. It is easy to talk about a balanced budget amendment. It is harder to balance the budget the fair way, and that is what we have to do.

My friend, Senator BLUNT, also talked about the importance of jobs. He is so right. I just ran for reelection. Jobs, jobs, jobs, the top three issues. Guess what. My Republican friends have filibustered every single jobs bill we brought to the floor. The last jobs bill is one I am very familiar with because it is a bill that came out of my committee. The whole committee voted, with one dissenting vote, for the Economic Development Administration to give seed money to areas in the country that need job creation and attract $7 of funds for every $1 of Federal money. It would have created 1 million jobs over 5 years. They filibustered it. They added amendments about the prairie chicken. They added amendments about things that had nothing to do with it, just to bring it down. They didn't even have—what is the word I am looking for? They didn't even speak against it when they voted against it at the end of the day. They didn't even come to the floor because they had nothing to say because it is a jobs bill, because it has passed every Congress since the 1960s. The last time it passed, it passed without a dissenting vote in the Senate in 2004 because the last President who signed it was George W. Bush. It is a jobs bill. They said no. Why? I go back to what their leader said. His top priority? Beating President Barack Obama. So we have to figure they are bringing every jobs bill down so this economy gets worse.

Let me tell my colleagues, it is not going to go down easy at home. It is not going to go down easy at home.

They killed a bill that MARY LANDRIEU brought out of her committee unanimously, a small business bill. It would have created thousands of small businesses. They voted it down. That bill was written by Warren Rudman, a Republican Senator. They voted it down. They filibustered it and voted it down. Why? They say jobs are their top priority. Why would they vote down a bill that was written by a Republican, that is passed without objection year after year after year? Why would they vote down another bill that was last signed by George W. Bush without a dissenting vote in the Senate? Why? Two jobs bills. Why? We have to ask ourselves why. Maybe they are willing to sacrifice jobs for political reasons. That is all I can come up with. I put that together with what MITCH MCCONNELL said.

Now their big push is a balanced budget amendment to the Constitution—a lot of talk. Balance the budget, folks. We know how to do it. End the wars. That is $1 trillion over 10 years. Go after the millionaires and the billionaires who don't pay their fair share. That is another $1 trillion over 10 years. That is $2 trillion, right there. Go after the people who never pay their taxes. Go after the oil companies that are ripping us off at the pump and taking the highest profits ever. It is not hard to do. Yes, we are willing to cut some things that don't make sense. We could have a $4 trillion package pretty easily if we are willing to look at it in a fair way.

I heard our President today speaking to the Nation through a press conference, and he was very sweet about this issue. I was saying to Senator DURBIN, as I watched him, he is explaining it to the people. Everybody has to give up something. If we want bipartisanship, that doesn't mean we all get what we want and somebody gets nothing. It means I give up some of the things I want and they give up some of the things they want. But we have declarations by the Republicans: We will never ever agree to any new revenues. Why? They just voted to eliminate the ethanol subsidy. That brings revenues. So why would they not take that to the table? How can they believe it is fair that billionaires sometimes pay less in terms of the effective tax rate than a secretary or a teacher or a nurse?

Come on. Come to the table. Don't come to the table with a balanced budget amendment to the Constitution. That doesn't do anything to balance the budget. It is a lot of talk. Balance the budget. Put a little faith in the people who know how to do it who did it before.

I was proud to vote to balance the budget. I was proud to vote for a fair budget. I was proud to be here when we saw 23 million jobs come. That didn't happen because we just said: Cut, cut, cut, cut, cut. End Medicare as we know it. It came because we were willing to look at what was working, what wasn't working, where to make the investments, where to make the cuts. We have to come to the table with everything on it. We have to say we are willing to listen to the other side. We need a fair plan. We have that as Democrats. We are not going to end Medicare. We are not going to hurt working people. We are going to do this in a fair way.

I hope the American people will put this together and connect all the dots. We have a Republican leader who has said on more than one occasion the most important thing is to defeat Barack Obama. We have a Republican Party that says it is for jobs and filibusters every single jobs bill that in the past they have broadly supported. We have Republicans walking out on the Vice President, taking their little teddy bear and their blankies and walking out of the negotiations because they didn't like the way the discussions were going. They walked out. Then, my friends on the other side—

and I thought Senator BLUNT was very eloquent on the point. He said we need two things. We need to work on job creation in the private sector—and I just showed that despite the language, they voted everything down—and then we have to take uncertainty out of the equation. That was his big point. He is so right. How do we take uncertainty out of the equation? Do not play politics with the debt ceiling. Do not play politics with it. Because I have read what economists say, that if we do not do this right, and we do not agree, and the debt ceiling becomes a victim of this partisanship, Treasury bonds of the United States of America will be junk bonds—will be junk bonds.

So you want to play games? Go home, go on the corner, and I will play you a game. But do not bring it in here. It is too serious. This is the greatest country there ever was.

My parents, one of whom was born outside of this country, told me that I should kiss the ground of America. And how proud I am that I am here. But I will tell you, if I see people who are willing to turn U.S. Treasury bonds into junk bonds, I am going to do everything I can in my life to make sure those who have done this will not be nameless or faceless. It is too important.

The fact that we are even playing these games is ridiculous. The fact that we cannot come together and shake hands and say this budget deficit is terrible, we are going to deal with it, we are going to deal with the debt, we are going to do what we did under Bill Clinton, we are going to balance the budget, we are going to create a surplus—we can do this. You shake hands on it. You have the parameters of the deal. You pass a debt ceiling that is clean. You send a message to the market.

I used to be a stockbroker. When the President would sneeze, the market would go down 200 points. That is how the market responds to these things. We do not have to be playing with the stock market, with the full faith and credit of the United States of America.

It is pretty simple if everything is on the table. If all you want to do is destroy Social Security and Medicare, it is not simple. But if you are willing to talk to us, to have a fair taxation system, where the Warren Buffetts of the world are at least paying as much in an effective tax rate as a nurse, there is something to talk about here. But do not go walking out of discussions and going home because you did not get 100 percent of what you want. Life does not work that way.

I speak as a mother, a grandmother, a Senator from the largest State in the Union when I say this: You do not get everything you want in a negotiation. The Republicans control the House. The Democrats control the Senate. The Democrats control the White House. Correct me if I am wrong: two-thirds Democratic. In a fair world, we would get two-thirds of what we want. But we are going to give up more. It ought to be a 50–50 deal. That is how you negotiate.

This is a tough time. If the other side thinks a balanced budget amendment to the Constitution balances the budget, it does not. You have to do the hard work of balancing the budget. You have to sit down in this tough time, in a tough, fragile economic recovery.

Remember when President Obama took over, we were bleeding 800,000 jobs a month. He had to handle two wars, unpaid for by George W. and his friends; a tax cut, unpaid for, to the richest people in America. He had to deal with a banking system that was frozen solid. He had to deal with an automobile industry that was going out of business. We had to work, and a few brave souls from the other side of the aisle worked with us, thank God, or who knows where we would be today.

And now, when we are finally moving out of this nightmarish economy—not quickly enough—we have Republicans filibustering jobs bill, then coming down here and saying how important jobs are, and saying how important it is there is certainty, when they are playing games with the debt ceiling.

I am an optimist. That is why I stay in this world I am in, and I thank the people of California for giving me the chance so many times. But there is a saying back home: Are you on the level? Are you on the level when you are in negotiations? Do you want to have a deal? Do you want to fix it? Do you want to work with us? I do not know when I see them filibustering jobs bills, when I see them walking out on the Vice President, when I see them saying: Oh, that is off the table, and this is off the table, and that is off the table, when they do not run this country. They run the House. I wonder: Where are we going?

When I hear people saying: What is the big deal if we do not pay our bills, if we do not lift the debt ceiling and we cannot pay our bills, what people have to understand is, lifting up the debt ceiling is not about the future payments, it is about payments due.

I said we had a balanced budget under Bill Clinton—and a surplus. We went into deficit mode when George Bush took over and did the tax cuts for the wealthiest among us, and did not pay for it, and did a prescription drug benefit and never paid for it, did two wars and never paid for them, and we got into big trouble.

What is the solution of my friends on the other side? We are walking out of the negotiations because we cannot talk about taxing billionaires or taking away corporate welfare from oil companies. God forbid. It makes me wonder, really, who is on the level.

We can do this. We did it before. It is not that hard. We just need people of good will. I will say to my friends on the other side: Forget the reelection of Barack Obama. Forget the next Presidential race. You will have your candidate and we will have ours, and that is for another day. Right now we are in this Chamber. We are talking about how to have a credible plan to get this deficit down, to get this debt down, to strengthen our economy, to strengthen job creation, to keep the middle class vibrant.

I hear some Republicans now on the Presidential trail talking about doing away with the minimum wage. Can you imagine going back to the days when the minimum wage was $4 an hour? I remember when it was 50 cents an hour. It dates me a bit. That is what we hear from the other side. Their vision is not a good vision for the young people of this country who are looking forward to a life at least as good as that of their parents.

In conclusion, this is not a time to play games or reach for a political advantage. This is not a time to hold the future of this country hostage to some ideological agenda or some pledge that somebody signed to some political person outside of this Chamber. Pledges signed—it is not about that. It is about putting America first. It is about putting our families first. It is not about amending the Constitution with a balanced budget amendment. It is about balancing the budget in a fair way.

The Republican plan that passed the House that started with PAUL RYAN did not balance the budget for 40 years. That is not a plan. We have to do better. But when you are willing, as they are, to say to millionaires and billionaires and trillionaires: You do not have pay your fair share, the revenues do not come in. What happens as a result, they have to kill Medicare—which they did in the House budget—they have to hurt education, make the Environmental Protection Agency a shadow of its former self.

I go out and look at polls. Eighty percent of the people want the EPA to stay out there and clean up the air and make sure we have safe drinking water. They want food inspections. They want air traffic controllers on the job. They want a next-generation air system.

This is the greatest country in the world. We do not have to walk away from our dreams. We just have to have everybody paying their fair share. If that happens, we can do this. And we need to end those wars that are so costly in so many ways. If we do those two things, we are on our way to a balanced budget. We are on our way to surpluses.

We can do this. The only thing standing in our way is politics. That is what it seems to me. If people think that more important than fixing this budget crisis is bringing down a President politically, we have a problem.

We take the oath of office, and we raise our right hand, we put our hand on the Bible, to be loyal to this country, to do right by this country. That is what we should be doing now.

If people want to stay in July, August, September, October, through Christmas, that is fine with me. But we have to have a plan that is fair. If we have a plan that is fair, we balance the

budget. We do it over time. We do it wisely. We create jobs. Interest rates remain low. We can do it because we did it before. The only people who have ever balanced the budget in the last 40 years have been the Democrats. That is a fact in evidence.

We have the path lights showing the way. It is fairness on spending; cut the things that do not work; fairness on taxation; make sure billionaires pay their fair share. We follow that path. We bring home our troops. We are golden. I think that is a pathway I would like to support.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise today to speak in favor of the balanced budget amendment.

Let me offer a thought or two as I get started today.

I had the privilege at one point in my political life to serve as the Governor of a great State, the State of Nebraska. I served in that capacity for 6 years. In that capacity, as in virtually every other State, we had a provision in our constitution, and it was not a gimmick at all. It was a very serious statement. It said, in a very straightforward way: Thou shalt have a balanced budget. It was as simple and as straightforward as that.

The other interesting thing about my State of Nebraska is that in addition to having that constitutional provision—and keep in mind, part of my oath of office, as Governor, was to uphold that constitution—but part of that was a requirement, a mandate, that we could not borrow money. In fact, I think the limitation, if I am not mistaken, was $50,000 or $100,000.

I would say to people back home, when I was Governor, that probably was a pretty handsome sum of money more than a century ago when that constitution was passed, but, in effect, today what that meant was that when we got down to the business of balancing our budget, as required by the constitution, I did not have the ability as Governor to issue bonded indebtedness to go out and borrow against the full faith and credit of my State to balance that budget.

In fact, I will tell you today, I am not even certain the State of Nebraska has a bond rating because it is unnecessary. Very simply, we followed a philosophy that we would not spend money we did not have. So we did not issue bonds to build highways. If we did not have the money in the bank and planned for where the money would come from in the years ahead—if it was a multiyear project—we did not do it. We did not build them.

Many who may be listening to this will say: Well, my goodness, how would that work? Here in this country we have $14 trillion worth of debt. Where would we be without all of that borrowing? In this last economic recession, the unemployment rate of Nebraska never rose over 5 percent. Today the unemployment rate in our State is 4.1 percent.

It never occurred to me that I should ever argue to the people of that great State that if they were successful, they should be punished for that success. Very much the opposite. I said: I want you to come to Nebraska, I want you to create your jobs here, and we are going to do everything we can to be your partner in that effort.

The current Governor has followed that same philosophy, and we often hear about those Governors who are doing a great job. I know of one; his name is Dave Heineman. He is the Governor of the State of Nebraska. He has balanced his budget, he has not borrowed money, and he has, during one of the toughest economic times since the Depression, under 5 percent. It is 4.1 percent today. He was my Lieutenant Governor.

At the national level, we did not follow that philosophy. I believe we are now at a crossroads because for decade after decade Washington has promised too much. It has said over and over again we can be all things to all people. But the real truth of it is, it never said how it planned to pay for it. The result is, we face a financial crisis unlike any financial crisis that maybe our Nation has ever seen. Do not believe my words. This is being studied by the hour, by the minute, by the second.

A recent Congressional Budget Office report confirms the assertion. Last week the CBO released its latest economic forecast. It is kind of a report of where we are headed as a nation, and it is grim by even the most liberal economic point of view.

The Congressional Budget Office now predicts that debt held by the public will exceed 100 percent of our gross domestic product by 2021, if we continue the current policies. Twelve months ago, when they released the report, it was equally as grim—well, I should not say equal because the number I have just cited got worse by 10 percent in just 12 months. Our debt is rising exponentially, exceeding 200 percent by 2037, and at that point we might as well just stop making the projection. Just think about this: Our great Nation in 25 years will have so much debt that the Congressional Budget Office cannot compute it.

Erskine Bowles has said many times before that this is a crisis that is predictable. He was one of the Chairs of the President's own deficit commission. CBO went on to say that ''growing debt also would increase the probability of a sudden fiscal crisis during which investors would lose confidence in the government's ability to manage its budget and the government would thereby lose its ability to borrow at affordable rates.''

It is Erskine Bowles who has said this crisis is so predictable. CBO also found that in the next 25 years, Federal health spending will increase by 50 percent as a share of GDP while Social Security spending will increase by 20 percent. What is happening is predictable.

My generation—I am right in the middle of the baby boomers—is starting to access all of the promises that have been made. It is no longer an option for us to just simply say: A little nip and a little tuck here, and we all give a little, and it all works out. There is a mountain of debt clearly ahead of us, and we can either do course corrections or, believe me, we will perish.

I have no qualms about saying that both parties made mistakes over the years. This is a bipartisan problem. But for some to advocate even more stimulus spending—which we heard in the last couple of weeks, repeating the misguided policies of the last 2 years, adding more debt on more debt on more debt—defies logic and common sense.

If stimulus spending were the answer, our economy would be firing on all cylinders today. But, unfortunately, even with that massive spending plan, that stimulus plan of $1 trillion when we add the interest, it has not yielded the results.

Remember the President's promise: We will keep unemployment under 8 percent. We just have to bite the bullet and spend all of this money. And here we are today with unemployment almost locked down at 9.1 percent. Just look at where our country was 2 years ago.

In January 2009, the debt was $10.6 trillion. I would argue that was far too much 2 years ago. Today, it is over $14.3 trillion and growing exponentially. We are talking about a 35-percent increase in our Nation's debt in 2 short years.

To put these numbers into perspective, today each U.S. citizen would have to pay $46,000 to pay off our national debt. That is $11,000 more than 2 years ago. Each American family—and I hope you are sitting down when you are listening to this—each American family would need to write a check for $127,000 just to square up the books, just to get the debt paid off. That is not even addressing the spending that is out of control today.

Looking at unemployment, in January 2009 the unemployment rate was absolutely unacceptable at 7.8 percent. Today, after almost $1 trillion of stimulus spending, unemployment has grown 17 percent, with almost 2 million more Americans who cannot find work notwithstanding their best efforts.

Maybe somebody is going to come down here and say: But there is other news you should be looking at. Well, I looked at some other news regarding health care costs. Contrary to the proponents of the health care overhaul, health insurance premiums for the average family have gone up 19 percent since 2009.

Put simply, doubling down on deficit spending has failed our economy. It has failed our American people. In fact, the President's plans have made it worse. So why would we want to repeat the same mistake? I thought raising the

$14 trillion debt limit was actually about reducing spending. Why would we arrange for a stimulus plan in order to raise the limit? Why would we be arguing for larding it up with more stimulus spending? When will we learn this hole we have dug for this great country requires us to quit digging?

There is no doubt that our debt problem is the defining issue of our time. I see two paths. We can continue to run up trillion-dollar deficits, operate the government with no budget—which has been standard fare for the last 790 days—double down on failed policy objectives that did not make any sense 2 years ago and have not improved with time, or we can be frank and candid and honest that we have promised more than our economy can afford to generate.

I have heard the arguments: Just tax those rich people some more. In fact, I spoke about that soon after I came to the Senate. There was this idea that if a person made over $250,000 a year, then they should be taxed more.

So I said: OK, if that is going to be the new mantra around here, just to balance the budget for a year, what would the effective tax rate have to be for everybody making over $250,000 just to balance the budget? I am not talking about paying off the deficit, just to do what Nebraska has done for years and years, balance the budget without borrowing money.

I spoke about this on the Senate floor. The rate would have to be 90 percent. That was 2 years ago. It is probably worse now. If does not make any sense. Is that the kind of encouragement upon which our Nation was founded? That is not a pathway to solvency; that is a pathway to destroying a great nation. Only one path will provide future generations what I grew up with, which was a land of opportunity, an America that my parents believed if you just worked hard and stayed out of trouble you could do just about anything, two dairy farmers who caused their kids to believe that they could experience greatness in this great country.

Well, let's be up front and honest about the road that we need to travel as a nation. We can get there. Our Nation has such a proud history. It has faced so many challenges. It has looked adversity in the face, and it has forced it down. Each and every time our great Nation has risen to the challenge.

So as we reflect and pay homage to the history of this great country in the days ahead, let's use this as an opportunity to work toward a solution to this challenge of our time, our debt crisis.

As the CBO report indicated:

Waiting to address the long-term budgetary imbalance and allowing debt to mount in the meantime would make future generations worse off—

That is your children and your grandchildren—

although some current generations could receive a benefit from that delay.

So am I to tell my children and grandchildren, so that I can benefit from just pushing this down the road, kicking this can down the road, that my kids and grandkids will pay the price for this? They will have their own wars to fight. I wish they were not going to, but they will. They will have their own new pandemics to deal with, and on and on.

But, you see, I started my adult life with our Nation owing $380 billion. In 5 years our Nation will owe $20 trillion. It will not be canceled at my death. It will be owed by those next generations.

My hope is that we can come down here, that we can be honest about the overpromises that have occurred, that we can speak candidly about the need to put in place forever a requirement that says to every Senator who follows me that, as hard as it is, we must balance the budget. The only way we can do that is by doing what our States have historically done—including my great State—and that is what it says in the Constitution.

It is not accidental that this proposal gets so much support in our country because, to the average family, it is what they do every day. We in Washington must come to grips with this and do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, may I inquire of the Chair what the status is on the bill? Are there pending amendments?

The PRESIDING OFFICER. Currently, there are no amendments pending.

AMENDMENT NO. 521

Mr. COBURN. Mr. President, I call up amendment No. 521.

The PRESIDING OFFICER. The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. UDALL of Colorado, Ms. COLLINS, Mrs. MCCASKILL, Mr. BURR, Mr. PAUL, Mr. BROWN of Massachusetts, and Mr. MCCAIN, proposes an amendment numbered 521.

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

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

The amendment is as follows:

(Purpose: To prevent the creation of duplicative and overlapping Federal programs)

At the end of the resolution, insert the following:

SEC. _____. PREVENTING DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS RESOLUTION.

(a) SHORT TITLE.—This section may be cited as the ''Preventing Duplicative and Overlapping Government Programs Resolution''.

(b) REPORTED LEGISLATION.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

(c) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

''6. (a) It shall not be in order in the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has prepared and posted on the committee website an overlapping and duplicative programs analysis and explanation for the bill or joint resolution as described in subparagraph (b) prior to proceeding.

''(b) The analysis and explanation required by this subparagraph shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.

''(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet or a bill or joint resolution is designated as 'emergency.' ''.

Mr. COBURN. Mr. President, about 3 months ago, one of the results of the last time we raised the debt limit was a report by the Government Accountability Office. Ninety-seven Senators in this body voted to put that in the last debt limit extension. What was that? That was a requirement for the Government Accountability Office over the next 3 years to list every program for us in every area so that we knew what we were doing.

The purpose for that amendment was—and that happened to have been my amendment. I went to the CRS and the Government Accountability Office and I said I want to know every program in defense, education, et cetera. They told me: It is impossible; we cannot do it. So collectively, as colleagues, we said that you will do this. It has been a big job. They have done a fantastic job on it thus far. I cannot wait until we get the second and third part.

One of the results in the first report the GAO gave to us showed close to $200 billion worth of duplication. Those are my numbers, not theirs, in terms of looking at it. Let's say I am twice wrong, and say it is $100 billion. The fact is, what we found in just the first third of looking at the Federal Government is that we have multiple duplicative programs that do exactly the same thing; they are just in different agencies or across agencies. In a moment, I will talk about what those are.

The response to that report was the greatest response GAO has ever had to any report they have ever listed. The curious thing about that is that 95 percent of what they reported was a culmination of reports I had asked for over the last 6 years put together, which means we had the information, as Members of Congress; we just would not use it. In other words, it didn't get up to the level of being recognized. When we saw it together, we all of a sudden started seeing the magnitude of the problem of duplication.

The purpose of this amendment—it is very straightforward—is that on average the Senate considers, in a session of Congress, in a Congress over 2 years, about 700 pieces of legislation. The Congressional Research Service now writes a report on each one of those and advises us about the legislation, what it does, what it doesn't do, and what is out there. But the one thing they don't do is tell us where it duplicates.

The purpose of this amendment is that with each of those bills, we would have the knowledge the GAO has put out there, which the CRS will then go and get and say: Here is what is out there, and you need to consider that as you consider, why do we need another program to do something we are already doing? What is wrong with the programs we have now that are not accomplishing this?

This great transparency is not just for us but for the American people. We add duplicative programs every year. It raises the question, where is the oversight?

The motivations here are wonderful. The motivations are to try to solve problems. Too often, we lack the information and the knowledge with which to make a great decision. The reason we lack that is because we fail in our duty to do oversight. So this information which would be provided becomes powerful. More importantly, it creates tremendous transparency for the American public in saying, for example, if we are going to create another job-training program—we have 47 of them right now that are funded by the Federal Government across 9 different government agencies. None of them are coordinated and all but three overlap each other. If we create another job-training program, maybe we ought to know what all these others are and why we need to create another one rather than make the ones we have now work. I would actually question why we have 47 job-training programs. But the problem is big.

Let me spend a moment and put some highlights into the RECORD. These are just highlights. This represents less than 10 percent of what the findings were of the last GAO report.

We have 101 programs for surface transportation. They are run across four different agencies.

We have 82 teacher quality improvement programs—82 separate programs across 10 different agencies, and they are not in the Department of Education. There are 10 different agencies—9 of which are outside of the Department of Education—that have teacher training programs.

We have 88 economic development programs run by 4 agencies costing $6.5 billion a year—88 separate economic development programs.

We have 80 programs to provide transportation for the disadvantaged, across 8 different agencies. We spend $314 million on it. That is a good cause, and it is something we can do, but 80 different programs?

We don't know what we are doing. So the purpose of this amendment—and it will require a rules change to have it—is to ask CRS to show what we are doing and what is there already, just as they analyze every other aspect of a bill before it comes to the floor. This won't be required on emergency legislation or required on committee reports or required on the filing of bills; it will only be mandated if a bill comes to the floor for consideration by my colleagues.

Let me finish.

We have 56 programs for financial literacy from 21 different agencies. Based on the talk we just heard from the last two Senators, we are the last people who ought to be teaching anybody about financial literacy when we are running the kind of deficit and debt we have and have the kind of duplication we have. Nobody who knows financial literacy would run 88 separate economic development programs and pay for the overhead of all of those through all these different agencies; rather, they would have 2 or 3 and have a concentrated program and direct the emphasis of that economic development program.

We have 21 programs for homeless assistance.

We spend $62 billion on 18 different food and nutrition assistance programs. We only need 2 or 3, not 18. We need to have metrics measuring whether we are effective in helping people with food and nutrition.

We have bureaucracy after bureaucracy, and each of them doesn't know what the other agencies are doing. There is no coordination, and there is no measurement of the effectiveness of what we are doing.

CRS claims they don't have the manpower to do this. They have 350 analysts who do nothing but analyze legislation. This would require one analyst, one time a year, to look at the duplication on a bill coming to the floor—one analyst, over a period of a year, one time, looking at it.

CRS is a great resource for me, and I want them to have the resources they need because the only way we get out of the bigger problems the Senator from Nebraska was talking about is having the knowledge of what we are doing today.

I hope my colleagues will consider this not as a partisan amendment but one to give us the information that gives us the power to make the best decisions for our country. We need to be making better decisions.

The final thing this will do is help us not create duplication again. It will let us know what we need to do; that is, before we pass it into legislation. I am so concerned as I look at bringing forward some options for my colleagues to look at in terms of solving our financial problems because everywhere I go, as we dig deeper into this, we see the duplication and inefficiency, the lack of direction, and the lack of pointed purpose to get an end result in program after program in the Federal Government. Some of those truly aren't our role, but on those that are our role, that we are responsible for constitutionally, it is the responsibility of the U.S. Congress and the U.S. Government—we ought to know what we are doing, and we ought to know what is being done out there already. We operate in a vacuum when we don't have this information.

It is my hope that my colleagues will support this in a way to give us information. There is nothing political about it. It is, how do we make better decisions and how do we do this in a way that will cause us not to create more duplication in the future, and it will cause us to ask the smart questions about legislation. You see, those questions don't get asked unless somebody goes and does the digging now.

My hope is that we would all be empowered by having greater knowledge over what we are doing. It is very simple and straightforward. It is my hope that we can accomplish that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Oklahoma on his remarks and participation in this debate.

Before long, we should have—whenever the majority leader decides—a vote on the Coburn amendment. We are in a position on this resolution that relevant amendments are in order. At the moment, we don't have any others. If we don't have others, then we will proceed to the final bill later this afternoon when the majority leader decides we should do that. We passed the bill this morning with 79 votes. I will have more to say about this resolution in a moment.

I wish to say something that is directly relevant to what the Senator from Oklahoma talked about. We keep

talking about duplication, which is an important part of our oversight responsibilities. Sometimes that leads to the elimination of government bureaucracies, which is a rare event.

Ronald Reagan once said a government bureau is the nearest thing to eternal life that we will ever see on this Earth. I had an example of that this morning, I say to the Senator from Oklahoma, in a Rules Committee hearing. The purpose of the hearing was to review the qualifications of three excellent men and women who were nominated by the President to serve on the Election Assistance Commission. But what I said at the hearing and what I would like to say on the floor—with all due respect to those excellent nominees—instead of considering the nominees, we should be abolishing the Commission because it doesn't have anything to do. It has finished its work and it ought to be abolished.

The Election Assistance Commission was commissioned in 2003. Since then, the Rules Committee didn't have one single oversight hearing on the Commission. My predecessor asked for an oversight hearing, but we didn't have one. I asked for one earlier this spring, and we didn't have one. At a time when we are borrowing 40 cents out of every $1 that Washington spends, we should not have been there this morning considering new appointments to a commission that is out of work. We should have been there considering recommending to this body that the Commission cease to exist.

This is why. It was created by the Help America Vote Act in 2002. It was authorized for 3 years and given certain tasks. The primary task was to distribute Federal payments to the States to help them upgrade their voting systems. We appropriated $3.2 billion for these payments. That has been distributed. Given our current financial situation, it is very unlikely that any more Federal payments will be forthcoming. We don't have any more money for that purpose. President Obama seems to agree with this, since in his last two budgets he has requested no funds for this purpose.

The Commission was also directed to develop voluntary voting system guidelines and a testing and certification program for voting machines. The actual work involved in this process is performed by another agency, the National Institute of Standards and Technology, which develops the guidelines, and the independent laboratories that conduct that testing. So in the spirit of Senator COBURN's comments, we don't need two agencies assigned the same responsibility.

Finally, the Commission was to act as a clearinghouse to collect and distribute information on best practices in election administration. Yet the intended beneficiaries of this service don't seem to have much use for it. The National Association of Secretaries of State—every State has one—a bipartisan organization made up of our country's chief State elections officials, has twice voted in favor of a resolution calling for abolition of this agency, the Election Assistance Commission.

So here we have a classic example of: I am the government. I am here to give you help you don't want. As a former State official myself—I was Governor of Tennessee—I have a little bit of a bias. I don't see the need for a Federal clearinghouse of best practices for secretaries of state. I don't know why the secretaries of state themselves can't do that. When I was a Governor, I didn't need a Federal agency telling me the best practices of the Governor of Oklahoma so I could use them in Tennessee. We had regular Governors' conferences, and we got to know each other pretty well. If Governor Graham of Florida had a good idea about education, I borrowed that. If I had a good idea on education, Governor Clinton borrowed that, and it worked pretty well. We didn't have to fly to Washington to have a clearinghouse.

So the tasks of this Commission have either been completed or can be performed by more appropriate entities. This is in the spirit of Senator COBURN's amendment. The Commission did its job. We should thank the Commission and their staff for their service.

But if the completion of their appointed task isn't enough of a reason to close it down, the Commission also appears to have a serious management problem or two. Though its mission has dwindled, its staff has grown. It has less to do but has more people doing it. The Commission had a staff of 20 in 2004. Last year, it had three times that many. It had 64 people—more staff needed for less work.

I am sure there are some very good people there. There must be, because the average salary—according to Congressman GREGG HARPER of the House of Representatives—for all the members of the Election Assistance Commission is over $100,000 a year. This year's budget submission from the Commission proposes spending $5.4 million to manage $3.4 million worth of programs. Does that make any sense, when the cost of overhead and staff salaries exceeds the programs they have to administer? Clearly, something is wrong.

That is precisely the kind of small thing in the big picture we are dealing with that adds up and up and up and creates an environment in which we seem to be content in spending more and more and borrowing 40 cents of every $1 we spend.

Finally, the Commission has an unfortunate history of hiring discrimination. The Office of Special Counsel found they engaged in illegal discrimination when, during the search for a general counsel, an employment offer was made and then withdrawn when the Democratic Commissioners discovered the applicant was a Republican. This resulted in a substantial financial settlement being awarded to the applicant; thereby forcing taxpayers to bear the cost of the illegal acts of Commissioners. Amazingly, it has been reported that in a subsequent interview with another applicant for the same position, one of these Commissioners again tainted the hiring process by asking the applicant what the Department of Labor has termed ''inappropriate questions about his military service.''

Apparently, the Commissioner didn't want Republicans or members of the military working at the Commission. The Department of Labor has reportedly found the applicant's claim of discrimination to be meritorious and, if not resolved, this case may be referred to the Office of Special Counsel.

I said this morning that the three men and women whom President Obama nominated seem to have exceptional backgrounds, and they are not to blame for any of these incidents. But what I also said was, since they seem to be exceptionally good nominees, maybe we should find a commission where there is something for them to do, instead of a commission that has finished its job and where we are just perpetuating it with employees who, on average, make $100,000 a year in salary, according to Congressman HARPER.

Even if we were to assume these nominees before us could right the ship and correct the problems, the question remains: Where would the ship sail, and why would they make the trip? Do we need the Commission, with its main job completed? Couldn't any remaining duties be better performed somewhere else? Can a government program ever be terminated?

As I said at the beginning of these remarks, Ronald Reagan once said: A government bureau is the nearest thing to eternal life that we will ever see. Shouldn't we try to use this opportunity to prove that Ronald Reagan was, in that case, wrong?

I congratulate the Senator from Oklahoma for his work on duplication. This isn't the first time. This is one of the many times he has spoken and acted on the subject. I offer this example of the Election Assistance Commission as one small step we could take in the right direction by, in the appropriate way, canceling the Commission instead of confirming three new nominees to it.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I failed to mention the cosponsors of this amendment, and they are Senator UDALL of Colorado, Senators COLLINS, MCCASKILL, BURR, PAUL, BROWN of Massachusetts, and Senator MCCAIN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 514

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the

Toomey amendment No. 514 be considered as having been adopted before the managers' amendment to S. 679.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

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

The PRESIDING OFFICER. Without objection, the Senator is recognized.

ALLEGED PASSPORT FRAUD

Mr. NELSON of Florida. Mr. President, I wish to quote from a publication.

Days after working at Guantanamo Bay prison in Cuba, a U.S. Navy veteran found himself behind bars—where he could remain for a decade—for alleged passport fraud.

I had to read that article—from CNN's Web site—twice. I couldn't believe it. But that is what it said.

Former U.S. Army SPC, now Navy reservist, U.S. PO2 Elisha Leo Dawkins—a 26-year resident of Florida—was arrested in April and has spent now more than 2 months behind bars in a Federal detention center in Miami, and a Federal indictment says the serviceman failed to acknowledge he had once applied for a passport when filling out a new application, something the prosecutors call passport fraud, but his public defender calls an innocent oversight. Petty Officer 2nd Class Dawkins now faces up to 10 years in prison if he is convicted.

Remember John Dillinger? He was sentenced not to 10 years but to 8½ years on a conviction for assault and battery with the intent to rob and conspiracy to commit a felony.

We all recognize that falsifying information on a passport has grave implications for our national security, and we want our government to be vigilant and to crack down hard on those who would attempt to sneak in here and do us harm. Zero tolerance. Zero. But according to Petty Officer Dawkins' Guantanamo naval base work evaluations, his superiors praised his work ethic and performance. He was a military photographer who, because of what he was photographing, had to have a secret clearance. By the way, he had that secret clearance when he was an Army photographer in Iraq. When he went into the Naval Reserves, they—and this is according to the U.S. Navy—gave reciprocity for the secret clearance for him to go into the Naval Reserves.

As the Miami Herald reports in today's edition, he took 7,500 photos during the 7 months of his service at Guantanamo, and this was after his 8 years in the Army, where he was in Iraq.

His evaluation right before this unexpected arrest by the U.S. Navy says that Dawkins ''always'' lived up to the core Navy values of ''honor, courage, and commitment.'' Honor, courage, and commitment, and he had that secret clearance while he was at Guantanamo. This morning's Miami Herald chronicles the sensitive photos he took of detainees at Guantanamo.

In one evaluation report that was obtained by CNN, a superior lauds Dawkins as ''a team player with a strong work ethic and a desire to learn'' and recommends him for promotion. It goes on to say:

Dawkins is eager to tell the military story and to further the image and success of U.S. servicemembers.

That was written by fellow PO1 Sally Hendricks.

Let's see: honor, courage, commitment, and a team player. I have sought explanations. I have been on the phone. I have talked to government high-ups in person. I have talked to the highest levels in the U.S. Navy, the Army, and Homeland Security. I have just been on the phone with very high levels of the U.S. State Department. I want to know: Does the military stand by the evaluations they made of this fellow? Is Petty Officer Dawkins suspected of other misdeeds? If so, they better get it out. How did they give him a secret clearance while he was named in an old deportation order? Was this case part of an ongoing State Department diplomatic service crackdown on passport fraud?

Does the State Department have any additional information they are not telling us? From time to time they have intimated that there is something more, but they are not saying. Well, did the U.S. military believe him to be a citizen during all those years of service in the Army in Iraq and now in the Navy in Guantanamo?

This case raises lots of questions, and we need to get to the bottom of it. I have taken an interest in this case because when I read these stories on CNN, the Miami Herald, the New York Times, and now it has gone all over the country on Associated Press, there seems to be a disconnect in government agency coordination. One hand doesn't seem to know what the other hand is doing—and a Floridian, with honorable service in two services of the U.S. military, has been in jail being held on a $100,000 bond. He would have to produce a $10,000 bail, which he obviously doesn't have, and he has been there for over 2 months.

I didn't call the U.S. Attorney's Office because I respect the independence of the prosecutorial rule. But let me just quote for you this morning's Miami Herald. Carol Rosenberg is the reporter. She disclosed that a Federal judge has now said that the U.S. Attorney's Office has made a secret offer to resolve this passport prosecution.

The judge revealed the offer of a pretrial diversion in a conference that set a July 12 trial date for Petty Officer Dawkins. The idea, according to the Herald, is to give someone facing charges an opportunity to avoid prosecution through a program such as doing community service or perhaps taking a civics class. The judge was so taken aback by hearing this secret offer that the judge said she was left speechless, and she was quoted in this morning's Herald story as saying it appeared to reflect ''a kinder, gentler'' approach to prosecution.

So whether the petty officer is released from jail tomorrow or whenever it is, we will have to see, are there further things? If it has to do with his immigration status; according to his public defender, whom we have talked to, he came to this country from the Bahamas when he was a kid. He still is not a citizen, but he has served this country for years and years.

In conclusion, if the facts of this case are, as we have been told in the scratching and scraping, with some reluctance on the part of agencies to talk—if it is as it has been reported to us, wouldn't it be interesting if the DREAM Act were in fact law? The DREAM Act would have prevented something like this from happening in the first place because the DREAM Act says, if a kid has been brought here illegally as a child but that child grows up and wants to go into the U.S. military, as Dawkins has for almost a decade already served, then that legislation would grant legal status through a green card to that undocumented young person who wanted to serve the country.

We ought to pass the DREAM Act. Every day we have examples of children who came here through no fault of their own, but who are unjustifiably having the law come down on their heads.

I want to close by reading a letter to the editor in the Herald from Sandra Wallace of Miami. This is what she writes.

Elisha Dawkins served 7 years in the military in both Iraq and Guantanamo, where he was awarded medals for his behavior, yet he's being held in Federal lockup awaiting deportation to the Bahamas. This man thought he was a U.S. citizen because his relatives told him he was when he came here as a young child. Our military was certainly glad to consider him a citizen.

Mr. President, the DREAM Act would allow the U.S. Government to consider as a citizen someone who, like Elisha Dawkins, was brought here as a child and wants to serve this country.

Mr. President, I yield the floor.

BIPARTISAN TAX REFORM

Mr. WYDEN. Mr. President, millions of Americans are hurt economically. Yet so much of the debate on the Senate floor seems to be Democrats and Republicans fighting with each other or rehashing old arguments. It seems almost as if there is a default strategy: either pound on the other party or recycle some of the stale positions that have been repeated again and again.

Senator COATS and I believe that none of this really does anything to help the millions of Americans who are out of work or get the economy moving again. The two of us have been coming to the floor of the Senate, and will continue to do so in the days ahead, to talk about what really works, what really works to get the American economy moving again.

An example would be tax reform, tax reform like the sort of tax reform that was passed when Democrats and Ronald Reagan teamed up. That tax reform effort helped to create 6.3 million new jobs in the 2 years after it was enacted. No one can say there is any one factor that alone creates millions of new jobs, but it certainly didn't hurt. Certainly, it helped to set the economic climate, Democrats and Republicans coming together. According to the Bureau of Labor Statistics, in the 2 years after that kind of bipartisan effort, the country created 6.3 million new jobs.

It is not going to be possible, of course, to pass comprehensive tax reform between now and August 2. But Senator COATS and I have said that as part of these budget negotiations, as part of the effort to deal with the budget in a comprehensive way and to deal with the debt ceiling issue, it ought to be possible to lock in for consideration in the fall and in the remainder of this Congress the kind of bipartisan effort that we saw a quarter of a century ago that represents an idea that really works; an idea with a proven track record of working to boost the economy that has been bipartisan, where Democrats and Republicans, instead of spending their time pounding on each other, say: Let's come together and eliminate some of these ridiculous special interest tax breaks which are limiting our ability to grow and create family-wage jobs.

Senator COATS and I are going to spend a few minutes this afternoon talking about the impact of real tax reform on jobs and economic growth. I would just like to start by thanking my friend from Indiana. He has been a pleasure to work with. But his reaction to that kind of approach, where we focus on really what works, especially between now and August 2 in these budget negotiations, Democrats and Republicans having an opportunity to look at spending and look at growth to make sure that out of those negotiations by August 2 there is a way to lock in for the fall and the remainder of the Congress the effort to promote bipartisan tax reform and get our economy growing again—I would be interested in hearing my colleague's reaction to that.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank my friend from Oregon for helping to organize this colloquy. We have worked together to try to fashion a comprehensive tax reform package that we think makes a lot of sense. Just about every analyst or economist or budget expert that I have talked to and listened to over the past several months has said we are not going to successfully address our current debt and deficit situation unless comprehensive tax reform is part of the package.

Senator WYDEN and I have had the opportunity to sit down and talk about this. We, obviously, have been encouraging the Congress for several months to go forward and address this. We realize that such an effort cannot successfully take place before we reach the point in August where we have to make a decision on raising the debt limit and whatever package is brought before us relative to what kind of changes we can make in our financial structure to put us in a better fiscal situation.

Nevertheless, knowing the importance of comprehensive tax reform to create success for what we ultimately want to achieve, we would like to encourage all those negotiating these packages and all those Members and our colleagues to look carefully at the proposal, as my colleague said, to lock in to whatever package is before us a commitment—a hard commitment, an enforceable commitment—to take up comprehensive tax reform; not to wait until after the next election but take it up this fall as a one of the follow-ons to the package that we ultimately will have to address, debate, and vote on coming up in the next several weeks.

I couldn't agree with my friend more that doing so now can be a very important component of addressing the serious fiscal situation which is facing our country and which is one of our biggest challenges.

Mr. WYDEN. Mr. President, I thank my friend. We are going to talk through some of the specifics of why this is important as a way to boost the economy. In the beginning, what I would like to just lay out is that as we have seen these discussions go forward over the last couple of months about boosting the economy, invariably the fight comes down to the question of whether we ought to spend more in order, particularly in a consumer-driven economy, to create jobs and put our folks back to work.

What Senator COATS and I have described is an opportunity and a way that is deficit neutral. As my friend from Indiana knows, this has been demonstrated by our analysis from the Joint Committee on Taxation. This is a deficit-neutral strategy for putting our people back to work because by eliminating some of these special interest tax breaks—and thousands and thousands of them have gotten into the Tax Code over the last quarter century—we can take those foolish tax breaks off the revenue roles and use those very same dollars to create what we call red, white, and blue jobs to put people back to work in the manufacturing sector in Indiana. Of course, the President and I know how deep the hurt is in our home State.

I wanted to begin this by way of making sure that folks saw last month's job report as a wake-up call that would indicate that current economic policies are not creating the jobs our citizens and our economy need and would specifically be willing to look at new approaches, new approaches in the sense that they be genuinely bipartisan but proven in the sense that they have a track record.

The Bureau of Labor Statistics puts the national unemployment rate at 9.1 percent in May. As the distinguished Presiding Officer knows, we have parts of rural Oregon with unemployment that probably, if you were to calculate the real rate of unemployment, is over 20 percent. So the economic hurt is enormous. The Bureau of Labor Statistics found that of almost 14 million Americans who want to work but cannot find jobs, almost half of them have been out of work for 27 weeks or more. Of the employed, 8.5 million have to settle for part-time jobs. Among the hardest hit are young people, the people who are trying to get in the workforce, are anxious to show that they have good work habits and discipline but cannot find work.

We lost 8.5 million jobs between the worst of the fiscal crisis and the end of 2010, and only a small portion of those jobs has been created. Moreover, many of the new jobs that have been created do not pay as much as the jobs that were lost, in particular, the loss of manufacturing jobs. So many of our citizens, when they can get alternative employment, end up with wages far less than what they made in manufacturing. In addition, income inequality is growing because high school graduates have a jobless rate twice that of college graduates.

With millions of Americans struggling to find jobs, Senator COATS and I wish to spend a few minutes to talk about how we can come together, and talk about ways to grow the economy. I have mentioned there is a proven track record in terms of tax reform helping. Because of the historic tax reform in 1986 between populist Democrats such as former Congressman Dick Gephardt and the late President Reagan, we had 6.3 million new nonfarm jobs created in the 2 years after that law was passed. I believe it can happen again.

The Manufacturers Alliance forecasts that Senator COATS and I, with our legislation, might have the opportunity to create nearly 2 million new jobs. The Heritage Foundation came in with the same sort of analysis.

We can never lose sight of the need to create jobs in an economy such as this. I wish to bring my colleague into the discussion at this point because he has done so much work, not just in Indiana—where they have, to their credit, focused on a manufacturing strategy for our country—but as part of this bipartisan effort, and get his sense of why the approach we are advocating today could be an economic boost for our country.

Mr. COATS. Mr. President, I cannot help but agree with my friend. It is a sad situation that we have in this country as our economy is kind of limping along, and so many young people graduating from school recently are unable to find meaningful jobs and work; so many middle-age Americans trying to raise a family and save money to send their children to school are out of work and cannot find employment, not only at the level they

were previously used to but even at a lower level. It is a situation that requires Congress enacting policies that will do everything we can to stimulate this economy and get America back to work.

As I said earlier, comprehensive tax reform has been described by about everyone who has looked at this situation as an essential component of the kind of reforms necessary to get us back to fiscal health.

As the Senator from Oregon said, one of the components of the tax reform plan, the Wyden-Coats plan, is that we want to maintain revenue neutrality but at the same time we want to go after those tax exclusions and exemptions and subsidies that favor a few but do not have broad application. They have been added over the years, particularly since 1986 when we had our last comprehensive tax reform. Over these last 25 years, a number of special breaks, special subsidies, special exemptions have been added totaling hundreds of billions of dollars. What we are trying to do here is look at those in a comprehensive way, reduce or eliminate many of them, and then use the money saved from those eliminations to lower tax rates.

Let's look at the corporate tax rate. Out of the 36 countries with which our country competes most directly for sales around the world, the United States ranks 35. We would be 36 except the Japanese deferred lowering their rate based on the tsunami and the aftereffects of that, but they already had in place plans to lower their rate. We literally are at the highest corporate rate of any major industrialized competitive country in the world.

Senator WYDEN and I in our bill agreed that we would take the money that was saved from eliminating a lot of those special breaks for special interests and lowering the corporate tax rate to make the United States more competitive, to bring that rate down to the mid-twenties or perhaps even lower. In doing so, it will stimulate our industries here, stimulate our exports, and put our companies in a much better position to expand and grow and compete across the world and ultimately that translates into jobs.

If we look at small businesses alone, the real job creators, under our plan we allow those businesses, almost all small businesses, to expense their equipment and inventory costs in a single year. We also incorporate a provision for reciprocity, so those companies that do have overseas sales and entities producing and selling their products, we allow the earnings gained there to be brought back to the United States without being taxed twice, they can be brought back over a 1-year reciprocity period at a very low rate—again to encourage investment in plant, equipment, and employment here in America.

At a time when consumer consumption is very weak—consumers do not have money to spend—we believe comprehensive tax reform and particularly some of the ideas outlined in our plan will help stimulate the economy, will help bring about growth and ultimately put people back to work.

I would kick this ball back to my colleague, Senator WYDEN from Oregon, for his further thoughts on that as we continue this colloquy.

Mr. WYDEN. Mr. President, I am glad Senator COATS made that last point, especially because it is getting hardly any discussion here in the Senate, and that is with respect to the weak consumption we are seeing in our country, particularly middle-class folks who have the sense that there is not going to be economic security right now. They do not have as much money in their pockets as they would like. They have suffered huge shocks that have caused them to pull back from some of the purchases they would otherwise make.

The Presiding Officer of the Senate has done outstanding work with respect to trying to protect middle-class people who lost all this equity in their homes. That usually serves as some kind of collateral for folks with a need to get a loan. That has not been there. We have had folks underemployed in much of the workforce.

What we see is that in our economy, which has always been consumer driven, as Senator COATS has pointed out, we are not seeing the kind of demand from middle-class folks for goods and services. They are not going out and buying the refrigerator they might wish to have for their family. They cannot get a computer for their child. They are not able to make the purchases that are so important in a consumer-driven economy.

What Senator COATS and I are saying is that as Democrats such as Dick Gephardt and former President Ronald Reagan said a quarter century ago, they want to come together and put money into people's pockets. They want to make sure the middle-class folks—who are just getting clobbered, as we have seen for months now—would be in a position to get back into the economy and start demanding some of those goods and services that are so important for long-term economic well-being.

Senator COATS and I have sought to put more money into people's pockets by repealing the alternative minimum tax. We had an excellent hearing in Chairman BAUCUS's committee yesterday on simplification.

Get this. The middle-class person is now essentially going through bureaucratic water torture on this alternative minimum tax. They have to fill out their taxes twice on two separate systems. What Senator COATS and I have said is let's repeal it. That will put some money back into the pockets of middle-class folks. As Senator COATS has pointed out, middle-class folks won't have to spend all that money paying out for accountants and all kinds of other people, trying to fill out all those alternative minimum tax forms. We will put some money into the pockets of the middle class that way.

Senator COATS and I also advocate nearly tripling the standard deduction for all our taxpayers, which again can be a real boon for the middle-class consumer, which can help us spur consumer demand and, with that, job creation.

I am very glad Senator COATS has zeroed in on the question of the consequences of underconsumption by consumers.

I think I would next probably like to have my friend go through some of the benefits we wish to provide to small business. We all know that small business is the job creator, the job engine of our economy.

If Senator COATS would outline some of the benefits that on a bipartisan basis we ought to be zeroing in on with respect to small businesses, I think that would be very helpful.

Mr. COATS. As the Senator from Oregon has said, small business is hit particularly hard these days. Because many choose not to incorporate, there is a passthrough, a passthrough of taxation rates as if these small businesses were individuals. They are taxed at that rate.

As my friend from Oregon knows, at the end of 2012 that tax rate is scheduled, under current law, to rise from 35 percent to 39.6 percent. Small businesses, which currently are having trouble getting credit and making ends meet, are facing a tax increase—within a relatively short period of time. That is a deterrent to making decisions relative to expanding the business and hiring new people, because they know the taxes they have to pay out of their earnings flow through directly to them so they are going to have to be paid at the highest rate.

Again, the Coats-Wyden bill prevents that from happening. It keeps those rates at the current level. Also, as my friend from Oregon has said, simplification is a major underlying principle of the Wyden-Coats tax reform bill. It is a nightmare for individuals, as the Senator from Oregon said, to try to figure out how to do this. In fact, about $6 billion is spent each year to hire professionals to fill out tax forms because it is virtually impossible for many individuals to figure it out and work through this, as my friend said, bureaucratic water torture of a process.

The thousands of hours, hundreds of thousands—millions of hours spent filling out tax returns based on the complexity of the current Tax Code is a detriment to small businessmen who do not have the privilege of having an accountant in the back room or hiring somebody who is an expert in taxes as big businesses can do. They either have to go outside and hire one or they have to spend a great deal of their own time complying with the Tax Code when they ought to be on the floor selling their product or running their business. So whether it is tax rates or

whether it is simplification or whether it is incentives for small businesses which provide the bulk of the hiring in the United States—in fact, from 1995 to 2005, between 60 and 80 percent of all new jobs were those created by small businesses—our comprehensive tax reform bill ensures that not only individuals but small business people will have a much simpler, easier way of reporting their taxes and complying with the Tax Code. They also will not be facing a tax increase under our bill because the current law is due to expire at the end of 2012.

I will, once again, kick it back to my friend to wrap this up. I agree with him that together in 1986 Ronald Reagan and congressional Democrats, including Senator Bill Bradley, Congressman Dick Gephardt, and Congressman Jack Kemp, worked on a bipartisan basis to pass comprehensive tax reform. It did many good things and stimulated the economy and brought about a lot of new jobs. It has been 25 years since then. That code has now become evermore complex. I think we need to move ahead.

As I said at the beginning of all of this, fundamental tax reform is one of the best tools in the economic tool shed, and it is time we use it. We know it will not be easy, but we know it has been done before and we can do it again. Working together, I believe we can take on the special interests that benefit from the Tax Code and create a much more business-friendly tax system.

I conclude on that point. I would like my colleague to wrap up. I thank him for his inspiration and leadership on this effort. He started this more than 2½ years ago with Senator Gregg, in a bipartisan way. Senator Gregg retired at the end of the last Congress. I have the privilege of not only being a close friend of Senator Gregg's and an admirer of his understanding and depth of knowledge about financial issues, but I inherited all the hard work that he and Senator WYDEN put together to bring this comprehensive tax bill to fruition.

We have made some adjustments in debates and discussions between the two of us. We think it can be the primary vehicle for moving forward. Are we locked in stone? No. Are we open to suggestions to make it better? Yes. But, clearly, there is an agreement between the two of us that is unbreakable, which is that this is an essential part of dealing with our current fiscal crisis, and without this we will come up short.

Just about everybody who has looked at this situation has come to this conclusion, and we are hoping we can in these next few weeks get a commitment from our colleagues and all those engaged in the process of trying to put together the package that can put us back on the right fiscal track and get our fiscal situation in order, that they will incorporate into this plan, incorporate it into what is brought before us, a commitment, locked in, to go forward with comprehensive tax reform. And we believe the Wyden-Coats plan is the place to start.

I thank my colleague for his efforts, and I will turn it back to him to conclude this colloquy.

Mr. WYDEN. Mr. President, I thank my friend from Indiana. He makes a number of important points we want to make sure are considered as the discussion about taxes goes forward. For example, Senator COATS pointed out on this question of changing just the corporate tax alone—what are essentially C corporations—the reality is the vast majority of businesses in this country are not C corporations; they are partnerships, limited liability corporations, sole proprietorships. They are about 80 percent of the businesses in this country. So Senator COATS has made the important point that to bring about tax reform, we can't just go with corporate taxation. We have to get at the needs of millions and millions of these small businesses.

Chairman Bernanke was asked about this in the Budget Committee, and he said specifically that it was important to do comprehensive reform in order to generate the best opportunity for economic growth and job creation rather than corporate reform alone. Senator COATS also makes an important point, as we wrap up, about the temporary nature of our Tax Code and how frustrating that is to American businesses that need to have some capacity to predict what is ahead to generate jobs.

The Wall Street Journal reported the other day that the only thing permanent about the American Tax Code is that it is temporary, and we have more than quadrupled the number of temporary provisions in the Tax Code in just the last few years. That uncertainty discourages businesses from investing in growth and hiring, as Senator COATS has noted, and that is why it is going to be important to look at the Tax Code in a comprehensive way, both for individuals and corporations, so that going forward, all our taxpayers have some sense of predictability and certainty about what their tax treatment will entail.

My last point is, I recently had a chance to talk to one of the veterans of the 1986 tax reform debate, and we visited about some of the circumstances involved in that historic reform and some of the challenges ahead. When he was done, he said: What in the world is holding people up from getting going on this? What is really holding everybody up? We know what we need to do. There have been commissions, a whole host of them. President Obama had an excellent one that agreed with much of what we have talked about this afternoon. President George W. Bush had a commission that was chaired by several of our former colleagues. I thought much of their proposal was on point. That is why what one of the veterans of that 1986 reform legislation had to say to me about ''what is holding people up'' is so important.

As Senator COATS noted, we are not going to do comprehensive tax reform between now and August 2. Everybody understands that. But there is absolutely no reason—in order to come together in the Senate with an approach that doesn't add to the Federal deficit, with the proven track record of helping to advance economic security—that between now and August 2, as part of these budget negotiations, there is no reason in that agreement we shouldn't lock in a strategy for getting on to tax reform in the fall and in the remainder of this Congress.

So I thank Senator COATS. He mentioned Senator Gregg. I feel so fortunate to have had two colleagues—and we were in the House together—having an opportunity, Senator COATS and I, to work together on this in the Senate. I think we have always believed that we ought to focus on what works rather than the default strategy of rehashing old arguments and just having these partisan fights. So I thank Senator COATS. We will have our eye on the effort between now and August 2 to make sure tax reform gets the place it deserves for the fall and the remainder of the Congress.

I thank my friend from Indiana.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

ISRAELI-PALESTINIAN CONFLICT

Mr. CARDIN. Mr. President, last night, S. Res. 185, a resolution that was cosponsored by about 90 percent of the Senate, passed the Senate by unanimous consent. I am very grateful to my colleagues for their help in developing this resolution. This resolution expresses the strong support of the United States for our closest ally in the Middle East: Israel. I was joined in this effort by my good friend, Senator SUSAN COLLINS from Maine. The two of us worked together to draft this resolution, and we are grateful that so many of our colleagues joined us in the process and that it has now passed the Senate by a unanimous vote.

This resolution first and foremost expresses our strong support for Israel. It recognizes that these are extremely challenging times. It expresses our support for peace between the Palestinians and the Israelis and recognizes that the only way we are going to be able to move forward on the peace process is through direct negotiations between the Israelis and the Palestinians. That is the only way we can resolve these longstanding issues in order to achieve peace in that region.

The resolution also reaffirms our opposition to the inclusion of Hamas in any Palestinian unity government unless it is willing to accept peace with Israel and renounce violence. An entity cannot negotiate with those sworn to bring about its destruction; therefore, Hamas' inclusion in the Palestinian Government is a nonstarter for any possibility for peace.

Any unilateral attempt by the United Nations to establish a Palestinian State is detrimental to any final peace agreement. A permanent and peaceful settlement of the Israeli-Palestinian conflict can only be achieved through direct Israeli-Palestinian negotiations. Any Palestinian effort to gain recognition of a state outside of direct negotiations demonstrates their lack of a good-faith commitment to peace negotiations. The Senate is now firmly on record that this kind of action would be directly counterproductive to peace. If the Palestinians pursue this, it may well have implications for the continued U.S. participation with the Palestinians.

Israel has always been willing to come to the peace table for direct negotiations. Quite frankly, it has been the Palestinians who have been dragging their feet for many months, refusing to have direct negotiations between the parties, which is the only way it can be accomplished. Lasting peace can only come through direct negotiations that settle all outstanding issues to the satisfaction of both sides. Obviously, there is going to be give-and-take. There has to be give-and-take. There has to be mutual respect and security, and that requires active participation in the peace talks.

The two sides can achieve a peace agreement only when they acknowledge each other's right to exist. That is pretty fundamental. This is particularly critical now for the Palestinians and their unity government that includes Hamas. Unless Hamas fully renounces violence and acknowledges Israel's right to exist, it cannot be a partner of peace and their inclusion in the Palestinian Government is a major obstacle.

As Prime Minister Netanyahu stated so well in his speech before the joint session of Congress in May:

I will accept a Palestinian state. It is time for President Abbas—

President Abbas, of course, is the head of the Palestinians—

to stand before his people and say: ''I will accept a Jewish State.''

It is clear it is in the interest of all parties for there to be two states—the Jewish State of Israel and the independent Palestinian State—living side by side with secure borders in peace.

Let me again acknowledge what I think Prime Minister Netanyahu said. Israel is prepared to acknowledge a Palestinian State. It is time for the Palestinians to acknowledge the Jewish State.

Difficult negotiations need to take place. There are critical issues such as security, power, and water concerns, as well as larger issues of historical, religious, and territorial matters still to be decided. That must take place through direct negotiations between the Israelis and the Palestinians. This is precisely why it is so important to discuss, negotiate, and ultimately resolve these issues rather than taking unilateral action that would leave them unsettled and unsustainable. Real and lasting peace will only occur at the peace table, and I am grateful the Senate has strongly and unanimously gone on record to affirm this approach.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

THE BUDGET

Mr. WHITEHOUSE. Mr. President, I rise today to join again in the debate occurring in Washington on bringing our Federal budget into balance and facing up to our looming debt limit.

Our Nation right now is like an overburdened ship wallowing in the seas. We are in danger as a nation of foundering if we don't sort this out. As former Comptroller General David Walker testified to us in the Budget Committee over a year ago, we face ''large, known and growing structural deficits that could swamp our ship of state.''

To get the ship in trim, we need to make adjustments. We need to reduce the deficits and ultimately reduce the debt.

We agree on a lot. We need to cut spending. Democrats and Republicans agree on that. We need to protect ordinary families who enjoy ordinary levels of income from tax increases. Democrats and Republicans agree.

The disagreement here in Washington is whether we also need to raise some revenues for our Nation in other areas to help balance our national budget—areas such as oil and gas and ethanol subsidies that we could close and contribute to fixing our budget deficit, closing corporate tax loopholes, bringing to an end high-income, tax-dodge schemes.

The Republicans are threatening that they would rather sink the boat than raise revenues in those areas. Just this week, Senate Republican Leader MITCH MCCONNELL called on President Obama to take any revenue raisers ''off the table'' and to focus only on spending cuts. In an opinion piece on CNN.com, the Republican Leader, Senator MCCONNELL, proclaimed ''tax hikes can't pass the Congress.''

Let's start with the fact that, as I said a minute ago, we are not talking about tax hikes on ordinary Americans. When Leader MCCONNELL is talking about tax hikes, he is talking about the rates that the wealthiest Americans pay in taxes, often lower than ordinary American families, believe it or not, gas and oil and other subsidies that go to big industries, and tax loopholes that generations of corporate lobbyists have wangled into the Tax Code. That is what they are talking about when they talk about tax hikes in this context.

Let's take a specific look at what the Republicans are fighting so hard to protect.

Last month, Republicans filibustered a measure that would have ended $21 billion in unnecessary tax subsidies for the largest oil companies in the Nation—companies that have enjoyed record multibillion-dollar profits and do not need continued support from the American taxpayer. When we tried to break the Republican filibuster, Republicans voted to protect those big oil subsidies, even though they add to the deficit. That happened right here on the Senate floor a short time ago.

To keep our American ship of state afloat, the Republicans are demanding that we cut early childhood education while at the same time they fight to protect big oil subsidies.

Here is a building in the Cayman Islands. It is called Ugland House. This nondescript building does not look like much, but over 18,000 corporations claim that this building is their place of business. Mr. President, 18,000 corporations claim this building is their place of business. It gives a whole new meaning to the phrase ''small business'' to imagine 18,000 corporations fitting into that little building.

As Budget Committee Chairman CONRAD has pointed out, the only business going on down there in the Cayman Islands is funny business, monkey business with the Tax Code. It is corporations getting out of paying their responsibilities to this country by hiding behind phony shell corporations down in the Cayman Islands. It is estimated to cost us as much as $100 billion each year to put up with this offshoring tax shelter of income.

To keep our ship of state afloat, the Republicans are asking us to cut investments in science and technology that will cure disease for Americans and for mankind, and at the same time they are fighting to protect corporations that hide in offshore tax havens so the honest American taxpayer has to carry the burden in their place.

Here is another building with a story to tell. This is the Helmsley Building on Park Avenue in New York City. We remember Leona Helmsley who famously said: Taxes are for the little people to pay. Well, we know something about the Helmsley Building and its taxes because this building is large enough to have its own ZIP Code. The IRS compiles tax information by ZIP Code. So we know from IRS actual information what the wealthy and successful individuals and corporations that call this building home pay in Federal tax each year.

Guess what we know. We know that in the last year that was recorded, for which this has been pulled out—which was 2007—the occupants, together, of this building—the Helmsley Building—paid a 14.7-percent total Federal tax rate. They actually paid 14.7 percent. The average American taxpayer, the average middle-class American, pays far higher than that.

We hear a lot of talk about how high tax rates are for wealthy Americans. In real life, when you go to actual examples—14.7 percent, how does that compare, for instance, to the people who work in that building, the average New

York City janitor or doorman or security guard? Well, far, far lower. They all pay tax rates in the 20 to 25-percent range, even higher in some cases, on average—far higher than the high-income occupants of the building.

It is not just because this is the Helmsley Building that this is true. This is not some anomaly. Each year, the Internal Revenue Service publishes a report that details the taxes paid by the highest earning 400 Americans. I spoke earlier this year on last year's report, which was based on that same year's data, 2007. In that year, these superhigh income earners, earning nearly a third of a billion dollars—with a ''B''—in income in 1 year, 2007, on average—all 400 of them in that year—the superhigh income earners paid a lower tax rate than an average hospital orderly, who is a single filer, pushing a cart down the hallways at midnight, of a Rhode Island hospital. They paid a lower tax rate on their income than that hospital orderly.

In May, the IRS published data on the top 400 taxpayers for 2008. Let's take a look at what happened in this most recent year they have categorized.

In 2008, the top 400 took home an average of $270 million each—more than a quarter of a billion dollars each. We can and do applaud the success of these individuals. It is the American dream to make more than a quarter of a billion dollars in a single year. But, on average, these 400 extremely wealthy Americans paid an average Federal tax rate of 18.2 percent.

We spend a lot of time around here debating whether the top income tax rate should be 35 percent or 39.6 percent. Folks, that is not what they paid. The Tax Code is filled with special provisions that tend to exclusively or disproportionately benefit the wealthy, so the top 400 income earners paid an average of 18.2 percent.

A single filer, at $39,350 of income, pays the same tax rate. Mr. President, $39,350, that is where you hit 18.2 percent and match the rate people making a quarter of a billion dollars pay. Those of us who are in between the truckdriver and those ''uber'' billionaires pay far, far higher rates. The average truckdriver in Rhode Island, according to the Bureau of Labor Statistics, is paid $40,200, which means the average truckdriver is paying as high or higher rate than these top 400 income earners earning over a quarter of a billion dollars.

To keep our ship of state afloat, the Republicans are asking us to cut employment and training support at a time of record joblessness while they continue to fight to make sure people making a quarter of a billion dollars a year pay lower Federal tax rates than middle-class American families.

When all is said and done, everyone agrees that there needs to be cuts, and everyone agrees there should be no tax increases on middle-class American families making up to $250,000 a year. That is already agreed to. Those concerns are not an issue.

What is at issue is that the Republicans are willing to sink the ship of state to defend tax rates for billionaires that are lower than those paid by regular, hard-working Americans.

The Republicans are willing to sink the ship of state to defend special interest loopholes in the Tax Code won by big corporate lobbyists, in effect earmarks—earmarks that happen to be in the tax side of the budget rather than in the spending side of the budget.

The Republicans are willing to sink the ship of state to defend offshore havens for corporations and high-income earners to dodge taxes. That is where they have chosen to stand and fight. That is where the disagreement is—not for the middle class that is the backbone of our Nation but for the special interests, the big corporations and the ultrarich. When you say that revenues cannot be on the table, that is who you are protecting. That is just a fact.

They say it is tax increases they are protecting against. The question Americans should ask, when they hear that, is: Tax increases for whom? For the corporate lobbyists who drove down corporate taxes to the point where significant numbers of American corporations do not pay a dollar in taxes? Yes, there should be tax increases there. We should close those loopholes. Tax increases for people making more than a quarter of a billion dollars, who pay less than the average working-class family as a rate? Yes, there should be tax increases there. But that is just in the spirit of fairness.

It is simply inexcusable that our tax system permits billionaires to pay lower tax rates than truckdrivers and allows some of the most profitable companies in the world to pay little or no taxes to support our Nation. Even if we had no budget deficits, fairness and equality would demand that we address these inexcusable discrepancies.

Our budget crisis, however, brings new urgency to the problem. As we continue to debate ways to close the budget gap, I hope the Republican leadership and the Republican Conference will revisit the potential to significantly cut the deficit by addressing the tax loopholes, tax gimmicks, and, frankly, outright injustice to the ordinary taxpayer that they are now defending.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed for a few moments as in morning business.

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

MEASURE READ THE FIRST TIME—S.J. RES. 23

Mr. MCCONNELL. Mr. President, if this week has shown us anything at all, it is that the American people cannot wait on Democrats to do the right thing when it comes to spending and debt and putting us on a path to balance. So today Republicans are beginning the rule XIV process on a balanced budget constitutional amendment.

A balanced budget amendment would require that lawmakers stop spending money we do not have. When we return from the Fourth of July break, we will fight for an opportunity to vote for it.

We have had a chance this week to see how Democrats in Washington want to deal with the fiscal mess they have helped create—by forcing the taxpayers and the job creators to actually bear the burden. Well, Republicans think it is about time Washington bears the burden, for a change. Let Washington find a way to balance the books on its own. The American people have paid enough of a price over the past few years for Washington's recklessness. Republicans are not going to allow Democrats to make them pay even more.

Speaker BOEHNER has already committed to a balanced budget vote in July, so the Speaker and I are united in this effort. Americans can expect all 47 Republicans in the Senate to support this amendment. It is time to put the American people back at the helm of our ship of state. And if that is what the vote achieves, then the debate we are having will have been well worth it.

If Washington is forced to finally reform its ways, then we will all look back and say the American people, indeed, won this debate. And we will say the balanced budget amendment was just the thing we needed to get our house in order.

Broke or balanced, that is the choice.

Mr. President, I am going to rule XIV the proposal. I do not think the Presiding Officer has it yet. The Chair should have it momentarily. It has miraculously appeared.

I understand there is a joint resolution at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution by title for the first time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 23) proposing an amendment to the Constitution of the United States relative to balancing the budget.

Mr. MCCONNELL. Mr. President, I now ask for a second reading, and in order to place the joint resolution on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

Mr. BARRASSO. Mr. President, I come here today to compliment the minority leader, Senator MCCONNELL, for his resolution in our effort to put a balanced budget amendment onto the Constitution of the United States.

I come here today to tell you a little story about a friend of mine from Douglas, WY. I was in Douglas on Memorial Day. Every year on Memorial Day in Douglas, they have sunrise ceremony services in the cemetery where they raise the flag, go through the names of all the veterans from Converse County who have passed in the last year, put the flag back at halfstaff, 21-gun salute, and a time for people to come together and think about this great Nation and honor those who have given their lives.

After the ceremony this year, people were leaving the ceremony. My friend Bernie Seebaum stopped me and said: You know, Senator—we have known each other a long time. He is on Medicare now, Social Security, has lived a long life, contributed to the community. He said: I don't care if you do a number of things—if you raise taxes, cut Medicare, take away Social Security—as long as you use it to pay off this debt, this $14 trillion debt.

I said: Bernie, the problem is, if Congress ever does something like that, they are going to get the money and they are just going to spend it.

The first thing we need to do is amend the Constitution so that we actually balance the budget. Then you can start talking about ways to pay off this incredible debt we have.

Here in Wyoming, we live within our means, balance the budget every year. It has paid huge dividends for our State.

You know, you think about the Constitution, and our Founding Fathers produced the greatest governing document, in my opinion, ever conceived. It was written at a time when our country's future was in serious doubt, when our country faced countless threats from abroad, threats that were becoming increasingly difficult to confront, and when the Federal Government lacked both the structure and the foundation to do anything about it. But there we had the Constitution, written in part as a response to those challenges of the day, and it has endured till this day. So amending the Constitution is not something to be undertaken lightly. The Constitution is the highest law of this great land. It has been amended, but infrequently and almost always at a time of crisis. Now, I support a balanced budget amendment to our Constitution because now is just such a time.

When the Constitution was written, they had to decide what the future would bear, so when it was written, as that time came, we now have to decide what sort of future we want for our country. Do we want a future where our children and grandchildren are overburdened by debt, where the U.S. dollar is backed by nothing more than worthless promises, or do we want a future where the only thing we can afford to spend money on—what we are facing right now—is entitlements and interest on our debt. Do we want a future where our country goes broke and a future where Washington lacks the political will to do anything about it or do we want a future with less spending, lower taxes, and more accountability?

Facts are stubborn, and the numbers do not lie. This month, the Congressional Budget Office released a report saying that the outlook of America's debt is growing grimmer. The Hill newspaper put it best when it said that the new CBO report numbers are ''much worse than last year's outlook.'' To anyone who does the math, this is not a surprise. Every day, Washington borrows $4.1 billion more—borrowed over $4 billion yesterday, $4 billion today, and we will do it again tomorrow. That is over $2 million a minute, every minute. Washington did that yesterday, it is doing it today, and it will do it tomorrow. Of every dollar Washington spends, 41 cents of it is borrowed. Much of it is borrowed from China. Every American child born today and tomorrow and the next day is born with an incredible debt of over $45,000. Next year, of every dollar Washington spends, 68 cents will go for Social Security, Medicare, Medicaid, and interest on the debt.

If we as a nation continue down this path, Washington will spend all of what it takes in on these items alone. Everything else, from defense to education, will be paid for on a budget of borrowed money. So you may ask, where is the money going to come from, and how will we ever pay it back? Well, a lot of it is going to come from other countries, countries that do not always have our interests, America's best interests, at heart.

John Kennedy stood outside this building in 1961, 50 years ago. He said:

> Ask not what your country can do for you. Ask what you can do for your country.

Well, a few years from now, that may change. It may change to: Ask not what your country can do for you. Ask what your country must do for China.

So consider this. When John Kennedy was President, America's total debt was just over $300 billion, and we only owed 4 percent of our debt to foreign countries. Today, our total debt is over $14 trillion. And debt isn't just a disaster for the distant future; our current debt is irresponsible and it is unsustainable. Even our military leaders have condemned it. The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, has said, ''The biggest threat to our national security is our debt.'' The debt is the threat. We do not and we should not take the biggest threat to our national security lightly.

The amount of debt we owe right now, today, is so high that it is hurting our employment at home. Experts tell us that our current debt is costing us 1 million jobs in America. Spending like this makes it harder for the private sector to create new jobs. Because of this, it is harder for American families to buy gas, to buy groceries, to buy cars, homes, to pay tuition for the kids to go to college. And it is harder to create jobs for those kids who will be graduating this year and next year and every year until we get the spending under control. Everyone in this body claims to understand that the situation is irresponsible and is unsustainable.

Back in February 2009, the President called experts to the White House for what he called a fiscal responsibility summit. In his opening remarks, this is what the President had to say:

> Contrary to the prevailing wisdom in Washington these past few years, we cannot simply spend as we please and defer the consequences to the next budget, the next administration, or the next generation.

Well, I agreed with the President. He was right. So my question to the President is, What have you done about it? Well, one thing he has done is he has called together a debt commission. Late last year, the debt commission released their report on America's fiscal situation, and the findings were sobering. According to the report, they said: The problem is real. The solution will be painful. There is no easy way out. Everything must be on the table. Do you know what else they said? They also said: Washington must lead.

Washington has not led. Instead, this administration has offered nothing but empty promises. As the White House makes promise after promise and speech after speech with no action—no action to back it up—it is clearer than ever that spoken promises have become broken promises.

This persistent push to put our fiscal crisis off until tomorrow is unacceptable and must end now. The first step toward doing that should be to pass an amendment to our Constitution requiring Washington to balance its budget. A balanced budget amendment would require Washington to spend no more money than it takes in each and every year. Such an amendment would force Washington to live within its means. We cannot afford to continue to mortgage our children's future to pay for Washington's fiscal failures. Such an amendment would transform the kind of irresponsible spending that goes on today in this very body into an impeachable violation of every legislator's constitutional oath of office.

The American people have overwhelmingly spoken on the wisdom of this approach. A recent poll conducted by Sachs/Mason Dixon showed that 65 percent of Americans support a balanced budget amendment to our Constitution, and 45 percent said they would be more likely to vote for a candidate who did so. Of those, 68 percent of them were Independents, but there is support for this among Republicans, among Independents, and among Democrats. When the American people call for Washington to lead in numbers this big, it is time for Washington to listen. Every single member of my party on this side of the aisle agrees. That is why all 47 Republican Members of this body have cosponsored the balanced budget amendment. The American people are behind us, and they want us to act.

Meanwhile, the administration and its allies on the other side of the aisle have offered nothing but more empty rhetoric, more of the same tax-and-spend policies that made this economic situation worse. You take a look at where we are and where we have been, they have made it worse.

I am reminded of a quote from Ronald Reagan. He said:

If the big spenders get their way, they'll charge everything to your taxpayers' express card and believe me, they will never leave home without it.

The big spenders can get away with charging everything to the American people's taxpayer express card because no one—no one is forcing them to look at the bills. Now those bills are coming due, and this administration and its liberal allies want a new taxpayer express card and a blank check. They want a blank check to spend as they desire, and they are not going to get it from me, not without specific reforms that will introduce accountability into this broken Washington process.

A balanced budget amendment will not solve every problem, but it is a critical step in the right direction. It would ensure that Washington is constitutionally obligated to avoid the reckless overspending of the past.

Our debt crisis did not surface overnight. It certainly will not be solved without a great deal of additional work.

Before any of that work can be done, Washington has to learn to live within its means the way families all across this great country do. It is time we show the American people they can trust their government with their money again. It is time we lead today instead of deferring leadership until tomorrow. It is time we show the same courage our Founding Fathers did when this country was on the verge of financial collapse. It is time for a balanced budget constitutional amendment.

Then I can go back to my friend Bernie and his wife Sally, in Douglas, WY, and say: Bernie, finally, in Washington, they got it right. They realize, as we do in Wyoming, we have to live within our means. We have to balance our budget every year and then start working on paying off this incredible debt.

I yield the floor.

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

Mr. ALEXANDER. Madam President, I believe Senator HARKIN is coming in the next few minutes. In the meantime, I thought I would comment on the legislation that has been before the body since late last week—to reduce the number of Senate confirmations of Presidential nominations, so the Senate can exercise its constitutional duty of advice and consent more effectively.

This all goes back to our U.S. Constitution, article II, section 2, which says that one of the most important duties of the Senate is ''its advice and consent responsibility.'' That is one of the well-known functions of the Senate. Many have written about advice and consent.

The Constitution says the President shall nominate, with the advice and consent of the Senate, ambassadors, ministers, judges, and other officers of the United States. Today, there are about 1,400 of those officers. When President Kennedy was President, there were about 286, more or less. Under President Clinton, there were about 914, more or less. It continually goes up. This includes a large number of part-time advisory positions, such as the Library Advisory Board and a variety of other boards. That is why the Founders put into the Constitution another provision, which says Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, and heads of departments.

It is up to us to make sure we don't trivialize the constitutional responsibility we have, so we define the number of men and women whom the President nominates, who require advice and consent, and we define the ones who don't. We have not done a good job deciding which ones did not. Over the last few days, the Senate has decided to remove 169 of the 1,400 nominations from the advise and consent requirement. It is debating, right now, removing another 272 full-time or part-time positions and putting them in an expedited process, so we will have affected 450 or so of the 1,400 nominations, either by removing them from advice and consent or speeding up the process. This will permit us to focus more attention on the job we are sent to do, which is to do a good job of evaluating the most important offices.

Just one indication of how we have been trivializing the responsibility to decide who does deserve advice and consent and who doesn't is that only about 3 percent of all the Presidential nominations in the last Congress actually were deemed important enough to have a rollcall vote on the floor of the Senate. Ninety-seven percent were deemed not important enough. Of course, they were not. They were valuable people, but they were part-time advisory board members who were part of a board where an executive director, for example, already reported to someone who was confirmed by the President.

We had examples of positions being confirmed by the Senate who reported to someone, who reported to someone, who reported to someone, who reported to someone else—all of them confirmed by advice and consent. So we made a modest step in the direction of helping us execute and exercise our Constitutional duty under article II, section 2, in a more effective way.

This resolution we are debating, unlike the bill this morning, does not remove one single person from the right of advice and consent. It expedites it in the following way: The President's nomination would come to the desk here—and this is after the President has done all his vetting—and then the relevant committee, say, the Finance Committee or the Judiciary Committee, would go through its usual exercise of asking the nominee to answer questions and provide all that information. When that nomination first comes here, that information is listed on the Senate Executive Calendar that we Senators and staffers read. Then, when the information is all gathered by the relevant committee, that is indicated. Then there is a full 10 days for all of us to look at that. If a single Senator says he or she would like for this nominee to go on to the committee for a hearing and then for the traditional markup, that happens. But if all 100 Senators say they looked at the information and it is not necessary to go to that extra time, expense, and delay, then it moves to the Executive Calendar, and the majority leader can bring it up whenever he or she wishes.

What we have done is, in approximately 450 cases, we have affected the 1,400 nominations that are subject to advice and consent. We have either eliminated the requirement or we have expedited the process and made it possible for us to focus more attention on those deserving the most important attention.

One other aspect—and I see the Senator from Oregon here and perhaps he wishes to speak, so I will conclude my remarks with this. There is one other important aspect that we deal with here. It may be the most important thing we can do. The first one I discussed was slowing down the trivialization of the Senate's advice and consent constitutional duty. That is what the first part of what we are doing does. The bill did that, which we have already passed. The resolution does that, which we are now debating.

The second aspect that was dealt with in the bill this morning is dealing with the phenomenon of what I call innocent until nominated. We have developed a practice in this town of making or having the President select an otherwise unsuspecting distinguished citizen from Sioux City or Nashville or Bangor or Sacramento and after going through an FBI check and other things, nominated that person for some position deserving of advice and consent. By the time that person makes his or her way through all the executive vetting process, by the time people pore over the tax returns and answer multiple questions—often the same question asked in different ways—they have likely got an inaccuracy in there somewhere. Then their name is sent up here and the committee investigates them and asks them many of the same questions and they might have an inconsistency. Then they show up for a publicized hearing with their family and, all of a sudden, they are made out to be a common criminal because they made a mistake trying to decipher these forms.

A former majority leader of the Senate, Howard Baker, and his wife,

former Senator Nancy Kassebaum, went to Japan a few years ago as President George H.W. Bush's nominee as Ambassador to Japan—Senator Baker was. All of us knew Senator Baker. He was voted by the Senate the most admired Senator by the Democrats as well as the Republicans when he was here. All the Senators who were here at the time knew Senator Kassebaum, his wife. Yet Senator Baker told me he had to spend $250,000 in legal and accounting fees just to make his way carefully through the nomination process, with all the executive vetting and all the vetting the committees did, just so he would not make a mistake and just so he would not be subject to this ''innocent until nominated'' syndrome.

The bill we passed this morning simply establishes a process. If the bill should pass the House and be signed by the President, then we would have a working group of people appointed by the Senate—people appointed by the executive branch—and we would work together to try to simplify the executive forms and the congressional forms that we use to see if we can have a smart form, a simple form that perhaps we could all use; and then at least, for the most part, a nominee, when nominated by the President, could fill out a single form, which could then be used by all of us who need to know basic information, such as what was their income last year. We can ask the question: Do we need to know every single residence address they ever had in their life if they are going to be on an advisory board, for example, for the United States?

That practice will have to be done with respect to the constitutional separation of powers. The executive branch will have to create its own documents. The Senate will have to create its own. If we work together and create a smart form—and Senator COLLINS and Senator LIEBERMAN have made important contributions to the process of how candidates are vetted, and the forms—we will not only have slowed down the trivialization of the Senate's duty of advice and consent by doing a better job deciding who not to confirm, we will also have reduced the phenomenon of innocent until nominated, which has not only made it difficult for Presidents to staff the government, delayed their ability to form a government, but unnecessarily harassed otherwise honorable men and women who are asked to serve their government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

ORDER OF PROCEDURE

Mr. MERKLEY. Madam President, I ask unanimous consent that I be recognized for up to 10 minutes and that Senator COLLINS be recognized for up to 10 minutes following my remarks; further, that following Senator COLLINS' remarks, the Senate recess until 5:30 p.m.

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

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

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

THE BUDGET

Mr. MERKLEY. Madam President, we have had a lot of discussion on the floor of this Chamber about the challenge of our deficit and our debt, and these are indeed very important issues.

It is important to remember exactly how we got here because it was only one decade ago that we were running large surpluses at the conclusion of the Clinton administration. In fact, these surpluses were so large that economists were starting to argue over just what would we do if we paid off our entire debt. Didn't there need to be instruments of last resort, of great security, such as Treasury bonds? Didn't we need to preserve some deficit or debt in order to have that instrument available to stabilize society?

Well, would it not be great to have that debate now? I remember being absolutely thrilled that we were going to turn over a debt-free America to our children. But what ensued? President Bush had a different view. He said: You know what. Let's spend these surpluses we are generating and do breaks for the best off in our society. Let's take and establish a new, major program—Medicare Part D—and not pay for it. Let's embark on wars around this planet and not raise funds to pay for them.

The result of that was that those tremendous surpluses were reduced to huge deficits in short order.

Indeed, the 10-year projection went from a $5 trillion surplus to a $5 trillion shortfall. It is why some folks call President Bush the $10 trillion man—because he managed to do $10 trillion worth of damage to our economy. But that was only the beginning because then there was deregulation of the mortgage industry which resulted in predatory lending, liar loans, teaser rates that exploded after 2 years, and kickbacks allowed to the originators so that they didn't even have any sort of fair presentation to families negotiating the most important financial instrument in their lives—their home mortgage. The meltdown that came from that extraordinary regulatory abuse resulted in another $5 trillion in debt. So that is how we got there.

Now we have a certain pattern we see on this floor in which Members of this Chamber—many of the Members across the aisle stand up and say: We want to protect the programs for the best off, but we want to cut the basic programs that serve working Americans in our Nation. Quite frankly, I think they have it exactly backward, and if you think I am making this up, let's just review recent history.

The December deal on the continuing resolution—this increased our debt by $½ trillion, and virtually every Member across this aisle voted for it. I voted against a $½ trillion increase. And a big chunk of that $½ trillion increase in our debt was there because of the insistence on providing the continuation of the President Bush breaks for the best off in our society. Now, I don't know how one can rise and talk about cutting our investment in infrastructure in America. I don't know how one can rise and talk about cutting support for those who are needing to get food from food banks and at the same time be defending bonus breaks for the very best off in our society.

The December deal wasn't an anomaly because it has happened repeatedly. We had a vote on oil and gas subsidies for the most powerful five companies in our economy, five very large oil and gas companies. Instead of getting rid of an anachronistic provision that was put there when the cost or the value of a barrel of oil was very low and the oil industry said it needed to have some support, instead of cutting that, many in this Chamber voted to continue it, continue this break for the most powerful corporations, a break that was designed for a very different period of time when oil wasn't $100 a barrel but was a fraction of that—$20 a barrel.

No, these aren't the only two recent cases. We have the attack on Medicare. Indeed, we have the plan that has been widely supported by my colleagues across the aisle, both in this Chamber and across the building, in which they say: Let's end Medicare as we know it because we need to save money, and we are going to do it on the backs of seniors, but we are not going to take a look at the breaks we voted in over the last quarter century for the best off in our society.

Well, this systematic plan works like this because these breaks for the best off have been done through the Tax Code, and every American understands that whether you give somebody $5,000 in the Tax Code or you give them a $5,000 grant, it is exactly the same thing. We had that debate over the ethanol subsidies just recently. Everyone understands it is exactly the same thing, but by putting these programs for the wealthy and well-connected in the Tax Code, now my colleagues are rising to say: We will not touch those programs because they are in the Tax Code. Now, if they were in the appropriations bill, then we would be willing to talk about it, but because we were clever enough to put them in the Tax Code, no, they are off limits.

This is a sophisticated way of saying that the programs for the wealthy and well-connected in America are off limits, but the programs for working families are the ones we are going to cut. It is those programs for the hungry, it is those programs for the unemployed, it is that health care program for our seniors, it is the investment in infrastructure that will build America—those are the ones we will cut.

My colleagues and citizens of the United States, we must have a national debate, a debate that doesn't employ this type of smoke and mirrors to try to protect the programs written for the

wealthy and well-connected while attacking the programs for working families. That is unacceptable, and I and others will rise on this floor and point it out time and time again, that using that simple ruse by saying only the appropriations bills on the table but not the tax bill is unacceptable.

I am going to tell you that it must not be that we make our kids' education more expensive by diminishing Pell grants, that we make our parents' health care more expensive by obliterating Medicare as we know it, that we impoverish the future of this Nation by not investing in our infrastructure, while continuing to defend the programs that were developed for the best off, the wealthy, and the well-connected over the last 25 years and saying those are off the table. They must be on the table. We must fight for an America that works for working Americans.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to speak as if in morning business.

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

PALESTINE

Ms. COLLINS. Madam President, last night, the Senate unanimously approved S. Res. 185, a resolution I introduced with my colleague from Maryland, Senator CARDIN. Our resolution sends a clear message to the Palestinian Authority that any effort to seek unilateral recognition at the United Nations will have serious consequences for future American aid to the Palestinians.

The United States provides nearly $550 million each year in bilateral assistance to the Palestinians. This aid is not an entitlement, particularly at a time when we have an unsustainable debt of some $14 trillion. Rather, this aid is predicated on a good-faith commitment from the Palestinians to the peace process.

By unanimously passing our resolution last evening, the Senate has sent an unmistakable message that efforts by the Palestinians to seek independent statehood outside of direct negotiations with Israel do not reflect good-faith actions toward peace.

Negotiations have been a fundamental principle of the peace process. It was in September of 1993 when Yasser Arafat committed to Israeli Prime Minister Rabin that outstanding issues would be resolved through negotiations. This principle has also underpinned the Oslo Accords, the Road Map for Peace, and other Middle East peace efforts.

We want to see a true and lasting peace between two states—a democratic Jewish State of Israel and a viable democratic Palestinian State. Since 2002, it has been the policy of our country to support a two-state solution to the Palestinian-Israeli conflict, but the road to peace is through negotiations, not by subverting them and making a unilateral case before the United Nations.

Unfortunately, the United Nations has a well-documented record of being hijacked to chastise Israel, one of America's closest allies. In total, the United States, under Presidents of both political parties, has been forced to veto 11 different U.N. Security Council resolutions regarding the Palestinian-Israeli conflict.

I am pleased to note that the current U.S. Ambassador to the U.N., Susan Rice, has vetoed the latest U.N. resolution regarding settlements, which, like Palestinian statehood, is the key issue in the peace process. The resolution passed by the Senate urges the President to maintain this strong position and to announce his unwavering intent to veto any resolution that is not the result of direct negotiations between Israel and the Palestinians.

I wish to thank Senator CARDIN for working with me in drafting this resolution. When Senator CARDIN and I first discussed introducing this measure, the Palestinian Authority had not yet agreed to establish a unity government with Hamas—a truly disastrous decision. That action has made it all that much more critical that the Senate be firmly on record that aid to the Palestinians is now in jeopardy. If Hamas continues to reject negotiations or peace with Israel, we must suspend this assistance.

During his address before a joint session of Congress in March, Israeli Prime Minister Benjamin Netanyahu succinctly described the heart of the matter. He said:

> This conflict has never been about the establishment of a Palestinian state. It has always been about the existence of the Jewish state.

We must remember those words.

We must also never forget that Hamas is responsible for the deaths of more than 500 innocent civilians, including two dozen American citizens. It has been designated by our government as a foreign terrorist organization and a specially designated terrorist organization.

Secretary of State Hillary Clinton has made it clear that the United States will not fund a Palestinian Government that includes Hamas unless and until Hamas renounces violence, recognizes Israel, and agrees to abide by the previous obligation of the Palestinian Authority. I urge the administration to suspend aid until such time as Hamas demonstrates a clear commitment to following these principles.

Madam President, let me also thank the chairman and ranking member of the Foreign Relations Committee, Senator KERRY and Senator LUGAR, for discharging this resolution so that it could be considered and passed by the full Senate before our Fourth of July recess. The passage of this resolution could not have been more timely.

According to press reports, the Palestinian delegation has made the rounds with nearly a dozen delegations in New York this week to build support for their bid to have a United Nations-recognized state. Palestinian Ambassadors from around the world are meeting in July to discuss their plans in Madrid. They have been instructed to cancel vacations because of the importance of this coming period.

I submit that if the Palestinians were only willing to invest as much energy into the peace process with Israel as they have into this ill-advised rush to the United Nations, we could see the beginnings of a genuine and lasting peace in the region. I do not know if the Palestinians will have the support among the 192 members of the U.N. General Assembly. However, the Palestinians must understand that the cost of seeking such a vote will seriously jeopardize U.S. financial assistance and that is evident from the 88 Members of the Senate who cosponsored the important resolution that was unanimously passed last evening.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5:30 p.m.

Thereupon, the Senate, at 4:46 p.m., recessed until 5:30 p.m., and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

PROVIDING FOR EXPEDITED CONSIDERATION OF CERTAIN NOMINATIONS—Continued

The PRESIDING OFFICER. In my capacity as a Senator from the State of Rhode Island, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 522

Mr. HARKIN. Mr. President, because of the heavy fires that are blazing in New Mexico, our colleague Senator UDALL cannot be here because he is out there dealing with forest fires. He has an amendment he has filed to S. Res. 116, the bill now before us in the Senate, and on his behalf, I will be calling it up. It is amendment No. 522, and I want to take a couple of minutes to explain the amendment.

Mr. President, basically the amendment is very simple, and I will read it in its entirety:

> The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:
>
> Is it the sense of the Senate that the debate shall be brought to a close? And if that question shall be decided in the affirmative

by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary or affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

And this is already rule XXII. Here is the part that Senator UDALL would amend:

On a nomination to an Executive Branch position requiring the advise and consent of the Senate, the necessary affirmative vote shall be a majority of the Senators duly chosen and sworn.

So the Udall amendment, of which I am a proud cosponsor, would basically say on executive branch nominations that come before the Senate that when debate is brought to a close there would not need to be 60 votes. You could have an affirmative 51 votes and that measure would pass, that nomination would be passed by the Senate. So, therefore, we would not need the supermajority of 60 votes to pass a nominee.

Again, it comes as no surprise to Members of the Senate that Senator UDALL and I have worked together to try to reform the rules to reduce to an absolute minimum, if not get rid of entirely, the filibuster. Well, it is obvious we never accomplished that, but it seems to me as we are changing the rules here on changing the policy on how we are going to deal with nominees—and I think this is long overdue—this is the proper time to address this point, that on a nomination to an executive branch, it ought to be 51 votes, not 60 votes. So that is what the amendment does. It basically says on a nomination that it only requires 51 votes to pass the nomination and not 60 votes.

What is the pending business? Is it Coburn amendment 521?

The PRESIDING OFFICER. The pending question is the Coburn amendment.

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 522.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. UDALL of New Mexico, for himself and Mr. HARKIN, proposes an amendment numbered 522.

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

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

The amendment is as follows:

(Purpose: To establish a majority vote threshold for proceeding to nominations)

At the end of the resolution, insert the following:

SEC. ____. ESTABLISHING MAJORITY VOTE THRESHOLD FOR PROCEEDING TO NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

''Is it the sense of the Senate that the debate shall be brought to a close?'' And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of. On a nomination to an Executive Branch position requiring the advise and consent of the Senate, the necessary affirmative vote shall be a majority of the Senators duly chosen and sworn.''.

Mr. HARKIN. Basically, again, what it repeats on nominations to the executive branch is it would not require 60 votes but only 51 votes of the Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I make a point of order that the amendment offered by the Senator from Iowa is not relevant.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment falls.

Mr. ALEXANDER. Thank you, Mr. President. This situation recalls the debate we had at the beginning of the year when a number of Senators felt as though we needed to make the Senate a more effective institution, which is always a noble goal, but we had some differences of opinion about how to do that. One group of Senators, including Senator UDALL, Senator HARKIN, and others, renewed the effort to basically say the Senate would be a majoritarian body which would decide questions with 51 votes. To most Americans, that sounds like the normal order of business, and it is. We grow up in the first, second, and third grades selecting the class president. If someone gets a majority of the votes, that person wins. But in the Senate, over its history, we have had a different process because the Senate serves a different function.

The House is a majoritarian institution. If a party wins a majority in the House, a freight train rolls through the House and the bill is passed and sent to the Senate. The Senate, throughout its history, has been the saucer into which the tea is poured to cool it a little bit. In other words, it takes a little more deliberation here to pass something. That can be very frustrating. It can slow things down, but the process was designed that way. Otherwise, there wouldn't be any need for two different bodies.

So we have one body which can change with every election every 2 years and pass something such as the health care law by a majority vote. Let's take another example: Ending the secret ballot in union elections, which the House of Representatives, under Democratic control, did pass. But it didn't pass the Senate, because in the Senate, there are rules in which we need 60 votes to pass most important pieces of legislation. The shoe is on the other foot too. If the Republican House of Representatives were to pass, let's say, a tort reform bill that our Democratic friends didn't like, we would have a hard time passing it over here. It would take 60 votes, and that would mean that we 47 Senate Republicans, even if we were all for it, would have to persuade 13 or 14 of our Democratic friends to join us.

The theory of the Senate is that it forces consensus. It doesn't always work that way, but that is the idea. We have had a pretty good example of it with the legislation we have been debating over the last few days. We have a coalition of Democrats and Republicans who agreed we needed to change the Senate nominations process and we had the support of both the Democratic and Republican leaders. Because of this coalition we were able to move the bill to the floor without the cloture motion. We were able to allow any relevant amendment to come to the floor. We were able to pass a bill earlier today and it looks as though we are going to be able to pass a resolution this evening that will complete our work. The bill this morning got 79 votes. I hope the resolution this afternoon gets at least that many votes. That is the way the Senate should work.

I am glad the amendment offered by the Senator from Iowa, on behalf of Senator UDALL, is out of order and not relevant to this discussion. Even if it were relevant, I think it would be the wrong step for us to take. I think it is better to have a Senate that forces consensus by requiring 60 votes on big issues. That avoids what Alexis de Tocqueville called the tyranny of the majority in his book ''Democracy in America.'' He saw two great threats to the new American democracy at that time; one was Russia, as he said, and he turned out to be prescient on that. The other one was the possibility of the tyranny of the majority—that the majority would get control and simply run over minority rights. That cannot be done in the Senate because there have to be 60 votes on big issues for the issues to pass. That means when one sets out to pass most pieces of legislation, if one wants to do it in a purely partisan way, one is not likely to succeed. If one wants to do it in a way that gets a result, one is going to have to form a coalition of Republicans and Democrats, as we have here with these nominations reforms.

This discussion by Senator UDALL, Senator HARKIN, and others wasn't for naught because it initiated a debate that ended up with some changes in Senate procedures which we think are for the better. One of these changes was the abolition of secret holds, which some Senators in this body, including Senator WYDEN and Senator GRASSLEY, have been advocating for years—more than a decade. That was done. The discussions earlier this year with Senator HARKIN and Senator UDALL resulted in

the legislation we passed earlier today, which helps the Senate exercise its constitutional duty to advice and consent by doing a better job of deciding which nominations do not deserve advice and consent. So we eliminated the requirement for advice and consent on 169 positions of the 1,400 that now require Senate confirmation. Most of those were part-time advisory boards. We didn't need those to be confirmed.

We eliminated nearly 3,000 advice-and-consent requirements on public health officers and the NOAA Officer Corps. They are very valuable Federal employees, but we were confirming them in groups of 300 nominees at times. No Senator knew whom he or she was confirming, and that trivializes the whole constitutional duty of advice and consent, which is in the Constitution of the United States in article II, section 2.

Another reform we are making and will proceed with is reducing the phenomenon of innocent until nominated. I have spoken about this several times on the floor. It is a situation whereby we take an unsuspecting citizen of the United States that the President recruits to a position in the government. Then that person begins to go through this gauntlet of complicated forms that have built up over the years. It first started with the executive branch, where a person is asked to fill out every place they have lived since they were 17 years of age and define income three different ways. And by the time they get to the Senate committee whose job it is to investigate and confirm that person and they fill out all their forms, the person is bound to make some mistake. Then they are hauled up in front of the Committee with the spotlights on them and they have told a lie inadvertently.

I mentioned earlier today the former Senate majority leader, Howard Baker, who was voted most admired Senator by Democrats and Republicans. He had to spend $250,000 of his own money on lawyers when President Bush nominated him to be the Ambassador to Japan—absolutely ridiculous. Republicans and Democrats who have served in personnel offices and Chiefs of Staff to the last several Presidents all have said this practice of innocent until nominated is a great disservice to the American Government.

I see Senator SCHUMER on the floor. He and I will be meeting with the White House personnel director as soon as this legislation is approved by the House and signed by the President. We hope the working group that will be set up under the legislation will produce what we call a smart form, so that if the President asks a citizen to serve their government, that person can fill out a single form for most questions. Then, the various offices of the executive branch that need the information can get the same information. When the nomination is sent to the Senate, perhaps even we can take some of that information and use the same form to get it for us. It doesn't interfere with the separation of powers. The executive can do whatever it wishes to do. We in the Senate can do whatever we wish to do.

We have made some progress as a result of those discussions earlier in the year. It is modest progress, but I think any time we eliminate confirmation for 169 positions out of 1,400, any time we expedite about 270 more, any time we stop the practice of confirming box loads of nominees without even knowing who is in there, then we have done something to avoid the trivialization of our constitutional duty to advice and consent. If we can make a further step with avoiding the innocent until nominated phenomenon, the work Senator HARKIN, Senator UDALL, and others have done will have made some progress. The work of Senators HARKIN, UDALL and other will have made progress even though we didn't adopt their rule to turn the Senate into a majoritarian institution.

I appreciate the spirit with which Senator HARKIN offered the amendment. He and Senator UDALL worked on the amendment. I think they helped reduce some steps which will help make the Senate a more effective institution. We still have a ways to go and we will continue to work on those things.

I see Senator SCHUMER is here. I compliment him for his work on this and in the way he has gone about it. He and I, working with the majority leader and the Republican leader, have created an environment for this bill that didn't require enforcement of a cloture motion. An environment that allowed all relevant amendments to come to the floor, that allowed all the debate Senators seemed to want and that passed the bill. We hope we are coming to a point where we can pass the resolution and take these steps to improve the effectiveness of the Senate.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that at 6:10 p.m., the Senate proceed to a vote in relation to the Coburn amendment No. 521; that all other provisions of the previous order with respect to the Coburn amendment remain in effect; that upon disposition of the Coburn amendment, the managers' amendment, which is at the desk, be agreed to; that following the disposition of the managers' amendment, the Senate proceed to vote on adoption of the resolution, as amended; that there be no other amendments and no other motions or points of order in order to the resolution other than budget points of order and the applicable motions to waive; further, that the motions to reconsider be considered made and laid upon the table; and that Mr. COBURN, the Senator from Oklahoma, be given 5 minutes to speak on his amendment just before the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, if my colleague from Tennessee has yielded, I will read a brief statement about what we are voting on.

I encourage my colleagues to support S. Res. 116, which streamlines certain nominations through the Senate. Once again, I wish to thank my good friend and colleague, Senator ALEXANDER, for his hard work on this resolution and his insight into the nomination process. I am grateful he is the ranking member of the Rules Committee. I thank the chairman and ranking members of the Homeland Security Committee, Senators LIEBERMAN and COLLINS, for their steadfast dedication to the efforts to reform the way the Senate conducts business. Additionally, Leader REID and Republican Leader MCCONNELL gave their support in time to work through this package.

Earlier today, we passed the first piece of the nomination reform package, S. 679, which eliminates certain positions from Senate confirmation. It is our hope this package thaws out this institution. The resolution passed through our committee, the Rules Committee, unanimously back in May—this resolution did—and it is a bipartisan effort. Now we are considering the corresponding resolution which streamlines other nominations. For certain nominations, once received, they will be placed in a new category of the calendar. At that point, the chair will send out the questionnaire. Once he or she certifies it has been returned, the nomination will move to a second new category on the calendar. It will sit there for 10 days. If there are no objections, the nomination will then move directly to the Executive Calendar, with the presumption that these noncontroversial positions would be passed by unanimous consent.

At any time while the nomination is in either of these two categories, anyone can object, including the chair, and have that nomination referred back to the full committee, as with any other nominee. We hope this will clear the way for confirmation of these positions.

Additionally, this resolution will allow committees to turn their focus to issues that affect the American voter. Time spent on nomination hearings and markups can now be spent on other nominees or on other legislation to improve the condition, for instance, of our middle class. As I said earlier, we are in no way abdicating our advise and consent duties, we are enhancing them.

I strongly encourage my colleagues to vote for this resolution. I encourage them to vote against the amendment of our good friend from Oklahoma, Senator COBURN. With this resolution, the Senate and our committees can turn our attention to pressing issues that affect us all.

I yield the floor.

At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.

• Mr. UDALL of New Mexico. Mr. President, 6 months ago, I joined my colleagues and friends Senator MERKLEY of Oregon and Senator HARKIN of Iowa to push for fundamental reforms in how the Senate operates. The reason we did that was simple: the Senate was broken. The unprecedented abuse of the filibuster and of other procedural tactics was routinely preventing the Senate from getting its work done. It was preventing us from doing the job the American people sent us here to do.

Although the reform proposals we offered in January did not pass, I thought some good came out of the process. We passed resolutions to eliminate secret holds and the delaying tactic of forcing the reading of amendments. We also agreed to consider legislation in the future that would exempt many executive branch nominees from the Senate confirmation process. Legislation that we are considering on this floor today.

Although these were steps in the right direction, I believe there is still a long way to go before this body can function as our Founders intended. The unfortunate reality is that over the last six months, this already broken institution has become even more dysfunctional.

Let's consider what the Senate has accomplished this year. A Bloomberg article from last week notes that, ''just 18 measures have cleared Congress and become law this year, and only four of those originated in the Senate—including two that named courthouses.'' That is simply unacceptable. At a time when our country needs us to act, we do almost nothing.

A Washington Post article from June 9 discusses quorum calls in the Senate. It states:

> This year—even as Washington lurches closer to a debt crisis—the Senate has spent a historic amount of time performing this time-killing ritual. Quorum calls have taken up about a third of its time since January.

That is the equivalent of more than 17 8-hour days wasted in quorum calls. That article goes on to state that there have been just 87 rollcall votes as of June 9 compared to 205 in the same period in 2009.

I don't blame one party for these problems—both sides are at fault. While Republicans use delaying tactics to slow down the floor calendar, Democrats repeatedly try to avoid tough votes. It is no wonder Congress's approval ratings are at an all-time low. Instead of working to solve the major problems our country faces, we engage in partisan warfare for political gain.

The Senate confirmation process for executive branch nominees is a prime example of how our rules prevent this body from functioning as it was intended. This used to be a fairly straightforward process.

When I was a kid, my father served in the Congress and later as Secretary of the Interior under Presidents Kennedy and Johnson. Once I grew up and was elected to the Congress myself, I often talked with him about the differences between his era in Washington and mine.

One of my biggest frustrations was the Senate's inability to bring executive confirmations to an up-or-down vote. I told my dad, ''the President and Cabinet Secretaries don't have their team. How can they do the job the American people sent them here to do without a team to back them up?'' Do you know what he said to me? He said, ''TOM, I had virtually my whole team in place the first 2 weeks.'' Imagine today if the whole team for the Department of the Interior, or any other department, was confirmed in the first 2 weeks of the administration.

There have been many news articles about how the Senate has dragged its feet in confirming President Obama's team. A New York Times article from August 2009 stated that, ''Seven months into his presidency, fewer than half of his top appointees are in place advancing his agenda.''

A February 2010 Washington Post article found that ''46 of Obama's nominees have waited at least three months to be confirmed and nine have waited twice that long. . . . Obama's nominee to head the General Services Administration was confirmed only last week—by a 96–0 vote, no less—after a hold stalled her nomination for nine months.''

Perhaps what is most disturbing to me is that many nominees are held up purely because of their policy views, and not because they are unqualified. I believe that the president has a right to appoint people who share his policy views—it would be ridiculous to expect otherwise.

Unfortunately, many well-qualified nominees have been blocked because of their policy views, and not because of their qualifications.

A perfect example is Dawn Johnson, who was President Obama's nominee to head the Justice Department's Office of Legal Counsel. Johnson was a respected law professor and former top assistant in the Office of Legal Counsel in the Clinton administration. But Republican's cited her strong pro-choice views as grounds for blocking her nomination. After more than a year of her nomination being stalled in the Senate, she decided that she had had enough and withdrew from consideration.

Yesterday, more than 6 months after she was nominated, the Senate confirmed Virginia Seitz to head the Office of Legal Counsel. Sadly, she is the first Senate-confirmed head of OLC since 2004. For 7 years, we have not confirmed a nominee to this position because of partisan battles over the nominees' policy views. The last Senate-confirmed nominee, Jack Goldsmith, recently said that, ''It's important that there be a Senate-confirmed person at the head of the Office of Legal Counsel, both because it helps secure the independence of the office when it's making legal judgments and because it helps give the office more authority, both within the Justice Department and throughout the government.'' Yet we let it go 7 years without confirming a nominee to lead the office.

Another recent example is the nomination of James Cole to be the Justice Department Deputy Attorney General. Cole first joined the department in 1979 as part of the Attorney General's Honors Program. He served there for 13 years—first as a trial attorney in the Criminal Division, and later as the Deputy Chief of the Division's Public Integrity Section, the office that handles investigation and prosecution of corruption cases against both Democratic and Republican elected and appointed officials at all levels of government.

Although Cole's record is exemplary, his nomination was blocked for over a year. Why? Because he believed it made sense to try some terrorism suspects in Federal courts, rather than military commissions. A view that I, and many legal scholars and constitutional experts, happen to share with Mr. Cole.

In May, 353 days after his selection, Democrats forced a cloture vote on Cole's nomination, but were unable to overcome the Republican filibuster. This was the first time in history that a Deputy Attorney General nominee was filibustered. Let's hope it's also the last.

After a few more weeks of negotiations, we were finally able to have an up or down vote yesterday on the Cole nomination, and he was confirmed 55–42. Because of the forest fires in my State, I unfortunately missed this vote, as did two of my Democratic colleagues. If we had all voted for Mr. Cole, he would have been confirmed overwhelmingly 58–42, with bipartisan support.

How does a nominee get stuck in the Senate confirmation process for over a year, only to be finally confirmed by a bipartisan majority? Simple—our confirmation process is broken.

I will mention one final example, although there are many more.

Just this month, Peter Diamond withdrew as President Obama's nominee to the Federal Reserve Board. Diamond's nomination was blocked because a small minority of senators questioned whether he was qualified and had enough experience in conducting monetary policy. I tend to believe that he was qualified, as he won the Nobel Prize in economics last year.

I give you all these examples because the bill we are considering today would not have affected these nominations in any way. While I appreciate the effort of the task force that produced this bill, it does nothing to prevent the abuse of the Senate rules in the confirmation process.

In order to have real change in the process, the Senate rules must be

amended. As such, I have filed an amendment that will restore the proper role of the Senate's advise and consent responsibility.

My amendment is very simple. It would make the cloture threshold on executive branch nominees a majority of Senators chosen and sworn—51 if all seats are filled. The result is exactly what our framers intended—if the president nominates someone, and a majority of the Senate approves, that person is confirmed. Our current rules lead to a much more perverse result. Now, if the president nominates someone and 59 Senators approve and 41 object, the nomination fails. How can we argue for this result?

My amendment only applies to executive branch nominees, so judicial nominees are still subject to a 60 vote cloture threshold. While I don't believe judicial nominees should be filibustered either, I know many of my colleagues are reluctant to give up the supermajority cloture requirement because judges are appointed for life.

I know some will ask me about what happens when we are in the minority and the president is a Republican—won't I want to be able to block an extreme nominee? The short answer is no. While I might want to block a nominee, I don't believe the Constitution gives me that right if a majority favors his or her confirmation.

If the American people elect a Republican president and the Republicans become the majority party in the Senate, I would expect some executive branch nominees that I disagree with on policy grounds. But I believe that we must afford the President a significant degree of deference to shape his Cabinet as he sees fit. If those nominees are qualified, I do not believe a minority of the Senate should be able to block them.

Many of my Republican colleagues have said the same thing in the past. When speaking on the floor about the nomination of Alberto Gonzales to be Attorney General, Senator KYL said that, ''When someone is qualified and has the confidence of the President . . . unless there is some highly disqualifying factor brought to our attention—[we] should accede to the President's request for his nomination and confirm the individual.'' Senator HATCH, a highly regarded constitutional scholar and former chairman of the Judiciary Committee, wrote in 2003:

The advice and consent clause [of the Constitution] is clearly an up or down vote—a majority vote—on the floor of the Senate. The Founding Fathers knew what a supermajority vote was. . . . If they had wanted it to be a 60-vote margin . . . they would have said so.

Senator HATCH also said on the floor in 2007:

Under the Constitution, the President has the primary appointment authority. We check that authority, but we may not hijack it. We may not use our role of advise and consent to undermine the President's authority.

I hope that we can agree that our confirmation process is broken and that we need significant reforms to restore the democratic process in this body. Many of us have said as much when we are in the majority and our president's nominees are being held hostage by a small minority.

It's time for us to put partisanship aside and amend our rules so that the President, regardless of his or her party affiliation, can get a team in place and govern. I'm proud today to join once again with Senator HARKIN and offer an amendment that will do just that. I strongly encourage my colleagues to support the amendment. The Senate is broken and the only way we are going to fix it—to make it work once again for the American people—is through substantive reform of the rules.

I ask that the news articles I mentioned be printed in the RECORD.

The information follows:

[From the Washington Post, June 9, 2011]

SENATE LEGISLATION MAY SLOW, BUT QUORUMS CONTINUE

(By David A. Fahrenthold)

In the U.S. Senate, this is what nothing sounds like.

''Mr. Akaka.''

At 9:36 a.m. on Thursday, a clerk with a practiced monotone read aloud the name of Sen. Daniel K. Akaka (D–Hawaii). The chamber was nearly deserted. The senator wasn't there. Not that she was really looking for him.

Instead, the clerk was beginning one of the Capitol's most arcane rituals: the slow-motion roll calls that the Senate uses to bide time.

These procedures, called ''quorum calls,'' usually serve no other purpose than to fill up empty minutes on the Senate floor. They are so boring, so quiet that C–SPAN adds in classical music: otherwise, viewers might think their TV was broken.

This year—even as Washington lurches closer to a debt crisis—the Senate has spent a historic amount of time performing this time-killing ritual. Quorum calls have taken up about a third of its time since January, according to C–SPAN statistics: more than 17 eight-hour days' worth of dead air.

On Thursday, the Senate was at it again. At least on ''Seinfeld,'' doing nothing came with a flunky bass line.

''It's not even gridlock. It's worse than that,'' said Allan Lichtman, a history professor at American University who once ran for the Senate himself as a Democrat. He said ''gridlock'' implies that somebody was at least trying to get legislation passed.

Instead, he said, this year ''they're not even trying to get something done.''

To an outsider, a quorum call looks like a serious—if dull—piece of congressional business. A clerk reads out senators' names slowly, sometimes waiting 10 minutes or more between them.

But it's usually a sham. The senators aren't coming. Nobody expects them to. The ritual is a reaction to what the chamber has become: a very fancy place that senators, often, are too busy to visit.

This is what happened: Decades ago, senators didn't have offices. They spent their days at their desks on the Senate floor. So clerks really needed to call the roll to see if a majority was ready for business.

Now, senators spend much of their time in committee rooms, offices and elsewhere. If no big vote is on the horizon, often nothing at all is happening on the Senate floor.

But Senate rules don't allow for nothing to happen. That would require a formal adjournment, which would mean lots of time-consuming parliamentary rigamarole.

Instead, the last senator to speak asks clerks to fill the time by calling the roll.

''It's just a matter of keeping the store lights on when the customers aren't there,'' said Donald A. Ritchie the Senate's official historian. The procedures are much less common in the House, where the rules allow for a pause in activity without a formal adjournment.

On Thursday morning, Sen. Orrin G. Hatch (R–Utah) finished talking about an airman who was killed in Afghanistan. He looked around, realized he was alone, and suggested a quorum call. ''Mr. Akaka,'' the clerk intoned.

Hatch left the floor. Minutes passed. It was so quiet that, when a page carried out a glass of water, the clink of the ice cubes could be heard up in the gallery. Tourists watched blank-faced. Ten minutes passed. Some of the visitors got up to leave.

After 12 minutes, Sen. Mark R. Warner (D–Va.) showed up. ''I ask that the proceedings of the quorum be dispensed with,'' he said. That's how quorum calls usually end: The next senator who wants to speak asks for a halt.

After Warner gave a brief speech on the value of federal workers, it happened again. ''Mr. Akaka,'' the clerk said. Twenty-one minutes of silence.

At a deli in the Senate's basement, it was clear this was wearing on people. One Capitol employee asked another: Where are you working today? ''Senate chamber,'' his buddy replied. ''Shoot myself in the head.''

These sham roll calls have been a feature of Senate debate for decades, but this year has been special: According to C–SPAN, the Senate has spent more than 32 percent of its time in quorum calls. That's more than in any comparable period dating to 1997.

The main reason seems to be the bare-bones agenda pursued by the Senate's Democratic leaders: There have been just 87 roll-call votes so far, compared with 205 in the same period during 2009. Senate Democrats have not even proposed an official budget; the strategy appears to be to shield vulnerable incumbents from controversial votes on spending.

''Why are we here?'' asked Sen. Tom Coburn (R–Okla.), a critic of the large number of quorum calls this year. ''The Senate is not operating the way it was designed, because politicians don't want to be on record.''

Democrats, on the other hand, say they haven't brought up much legislation because they think Republicans will just block it.

''You always hope it'll get better,'' said Jon Summers, a spokesman for Senate Majority Leader Harry M. Reid (D–Nev.).

It might. There is an upcoming deadline to lift the national debt ceiling, and that could produce major legislation later this summer.

But not yet. This year, in fact, C–SPAN worries that its library of classical background music has been over-used. It is trying to expand its options, within a set of strict conditions: The music must be ''calm and benign.'' No cannon-booming ''1812 Overture.'' No funeral marches.

And it must not imply any comment on the nothingness happening onscreen. The Capitol Hill newspaper Roll Call recently suggested Lady Gaga's ''Bad Romance.'' Non-starter.

C–SPAN has also started using a graphic showing tweets from members of Congress. It's a signal that lawmakers are doing something. Just not here.

[From Bloomberg, June 21, 2011]

SNAIL'S PACE IN U.S. SENATE POSES HURDLE TO EFFORT TO REDUCE DEFICIT

(By Laura Litvan and James Rowley)

Just 18 measures have cleared Congress and become law this year, and only four of those originated in the Senate—including two that named courthouses.

About one-third of the chamber's time has been taken up by inactive ''quorum calls.'' Debate on one small-business measure took a month, and a handful of languishing White House nominees withdrew their names because of delayed Senate action, including Nobel Laureate and Federal Reserve board pick Peter Diamond.

''It looks like the pace has slowed to a crawl,'' said former North Dakota Senator Byron Dorgan, a onetime Democratic leader who retired in January. ''Whether it's nominations or legislation, it seems there's very little effort by some to meet in the middle and compromise.''

The Senate was devised by the nation's founding fathers to move slowly. This year, its inaction is especially notable, and overcoming Senate dysfunction will be one of the final hurdles confronting lawmakers seeking a deal to lift the ceiling to avoid a default on more than $14 trillion in U.S. debt.

Beyond the debt limit, the chamber faces unfinished business on energy, immigration, transportation and education.

Senators offer various reasons for their chamber's slow pace, including increased partisanship, re-election politics, and the decline of centrists willing to compromise.

ALL IN PLAY

Each of those elements can play a role in slowing the legislative calendar. The major challenge facing this Senate is that all of them are in play.

Senator Mike Lee of Utah, a first-term Republican, said he's surprised to see the Senate spending so much time doing so little. ''It's what someone could perhaps call filler,'' he said. ''I'm not calling all of it that, but it's odd to me that given the enormity of what we're facing that we're not having more debate and discussion focused on the debt.''

He rejects the criticism of those who say Tea Party-backed freshmen—including himself—won't bend on policy and are the logjam's chief cause. ''Compromise has two sides,'' he said. ''If the Democrats'' idea of compromise is that we have to move and they don't, that's not going to work for me.''

GANG EFFORTS

In an effort to jumpstart legislation, some senators have formed small, bipartisan ''gangs,'' which tend to begin with vows to reach agreements and end in acrimony. The so-called ''Gang of Six,'' created to broker a deal on lifting the debt ceiling, stalled amid disagreements and has been superseded by the bipartisan group of Senate and House members working with Vice President Joe Biden.

Senator Bob Corker, a Tennessee Republican, said both parties bear blame for the Senate's inaction. He also said negotiations over deficit reduction and lifting the debt ceiling are taking ''all of the oxygen'' out of the air. ''Neither side of the aisle really wants there to be a robust debate, tough votes to be taken on where we go as a country,'' Corker said. ''Basically, we are cooling our heels.''

In 2010, the Senate's record included passage of a health-care overhaul, a rewrite of financial-services rules and a $60 billion measure funding the Iraq and Afghanistan wars.

This January, Senate Majority Leader Harry Reid, a Nevada Democrat, and Senate Minority Leader Mitch McConnell, a Kentucky Republican, heralded changes designed to speed Senate work and forge a bipartisan truce.

GENTLEMAN'S AGREEMENT

They hatched a ''gentleman's agreement'' to curb the minority party's use of the filibuster—endless debate—to block legislation. In exchange, Reid agreed to allow more debate on Republican amendments to bills. They also pushed through a measure to abolish the secret ''holds'' that allow a single senator to anonymously block a nominee.

Those moves, Republicans said, are being undermined by Reid's decision to embrace a timid agenda.

With the seats of 23 Democratic senators up for election next year, and only 10 Republicans, Reid has shielded Democrats from taking tough votes, said Senator Charles Grassley, an Iowa Republican. After criticizing a House-passed budget blueprint that included $6 trillion in spending cuts and a plan to privatize Medicare, Democrats never introduced their own plan, sparing their side criticism over fiscal choices and preventing Republicans from offering amendments that might be used against Democrats, he said.

IT'S IRRESPONSIBLE

''The less votes the Democrats cast, the less they can be challenged in the next election,'' Grassley said. ''It's no way to run a railroad and it's irresponsible not to do things that are more beefy.''

Democrats say such criticism is unfair. The Senate has approved a $34.6 billion measure for the Federal Aviation Administration, an overhaul of patent law and other measures that are awaiting House action. Republicans also continue to obstruct some legislation and slow action on others, said Jon Summers, a Reid spokesman.

The Senate ''is not functioning well, the way it should, obviously, when you've got threats of filibuster, preventing, slowing down or obstructing,'' said Senator Carl Levin, a Michigan Democrat.

The Reid-McConnell accord on filibusters had limits: It didn't address efforts to block legislation on a final vote and didn't end the ability of a single senator to hold up action.

PATRIOT ACT

That happened last month when freshman Senator Rand Paul, a Kentucky Republican, stalled renewal of the Patriot Act, which gives law enforcement powers for terrorism investigations, until Reid and McConnell agreed to allow him to introduce two amendments. Those amendments failed and the new version of the Patriot Act passed just hours before the old law expired.

Republican leaders are continuing to thwart a vote on former Edison International Chief Executive Officer John Bryson, Obama's choice for Commerce Department Secretary until the White House forwards pending trade deals for South Korea, Panama and Colombia. They also say they won't approve anyone to head a new Consumer Financial Protection Bureau, part of the financial overhaul, until the bureau's powers are restructured.

The stalemate is a relief to some, coming after Democratic passage of major initiatives in 2009 and 2010. ''If the legislature must be in session, be thankful when it doesn't do much,' said David Boaz, executive vice president of the Cato Institute in Washington, which promotes limited government.

David Rohde, a political scientist at Duke University in Durham, North Carolina, said Senate inaction is driven in part by the departure in recent elections of political moderates such as Republican Senator Lincoln Chafee of Rhode Island and Democratic Senator Evan Bayh of Indiana.

''The reason that the Senate has become more polarized is that less extreme members have been replaced by more extreme members,'' Rohde said.

The lack of Senate action poses risks for Democrats, said Alan Brinkley, a history professor at Columbia University in New York, because they aren't offering policy alternatives, he said.

''The difference between the two parties is that the Republicans have a program—an ambitious and controversial one,'' said Brinkley. ''The Democrats don't really have any goals as far as I can see, besides stopping the Republicans.''●

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I advise the senior Senator from New York that I will ask unanimous consent, if it is agreeable to him, that when I finish my few words, we go directly to the vote.

Mr. SCHUMER. In the agreement, the vote is to occur at 6:10 p.m.

Mr. COBURN. Fine. You do not want to move it up?

Mr. SCHUMER. No. We need it at 6:10 p.m. So if the Senator wants to speak beyond 5 minutes, that is OK with us.

Mr. COBURN. OK. Great. I will withdraw my unanimous consent request.

AMENDMENT NO. 521

Mr. President, this is a very straightforward amendment. The people who vote against this rule change, what they are going to be telling you is they do not want you to know what is going on in the Senate, and they do not want us to know what is going on in the Senate. Because all this rule does is make it a force of habit of the Senate that before we look at legislation, we ought to determine whether it duplicates what is already out there in the government, and we ought to determine if it is overlapping to other programs.

Had this amendment been in effect, a third of what we passed in the past would not have passed because we would then have seen—which we are ignorant of today—all the other programs that were available and out there that accomplished the same purpose for which we passed another new program.

In one of my committees last year colleagues offered amendments—well intentioned, with good motives—to accomplish a good purpose. But they lacked knowledge. What they did not know was—and both amendments were ultimately withdrawn when it was explained to them—that, in fact, we already had programs that did exactly the same thing.

So what we have is, we have over $200 billion worth of duplication now within the Federal Government. This is a simple, straightforward amendment that says before we consider things on the floor—it is less than 700 bills over 2 years—that the CRS would, in fact, tell us: Here is what you are doing, here is what the government is already doing in these areas, so we do not end up with duplication, so we do not end up with overlapping, and that we actually get results from what we are doing.

I remind my colleagues that we have, just in the last GAO report, multitudes of duplicative programs, and I will repeat them so people will know. I also would state, this is a bipartisan amendment in the spirit of what the Senator from New York and the Senator from Tennessee have done. This amendment has Senator UDALL, Senator MCCASKILL, Senator BURR, and Senator MCCAIN, as well as Senator COLLINS, Senator PAUL, and Senator SCOTT BROWN. So this is not a partisan move. This is a move about information and knowledge so we make informed decisions.

But for the record, what the GAO told us, less than 5 months ago, is that we have 101 programs across four different agencies for surface transportation. That is 101 sets of bureaucracies. Nobody has ever gone and said: Which ones work and which ones do not? Which ones do exactly the same thing versus what somebody else does?

We have 82 teacher programs for teacher quality across 10 different agencies, 9 of which are not in the Department of Education. We have 88 economic development programs spending $6.5 billion a year across 4 different agencies. We have 47 job training programs across 9 different agencies, and we are spending $18 billion a year, and the GAO said every one of them overlaps, with the exception of 3. Yet we have not had the first move in the Senate this year in spite of all of our problems economically to streamline, eliminate duplication, eliminate overlap, and put metrics on what we are doing.

Mr. President, I ask unanimous consent to have printed in the RECORD this list of duplicative programs identified by GAO.

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

DUPLICATIVE PROGRAMS IDENTIFIED BY GAO

Purpose	Number of programs	Number of agencies	Cost
Surface Transportation	101	4	not provided
Teacher Quality	82	10	not provided
Economic Development	88	4	$6.5 billion
Transportation Provided for the Disadvantaged	80	8	$314 million
Financial Literacy	56	21	not provided
Employment and Training	47	9	not provided
Homeless Assistance	21	7	not provided
Food and Nutrition Assistance	18	3	$62.5 billion
Homeland Security grants	17	1	$2.7 billion

Mr. COBURN. Again, I will state, if you are against this amendment, you are against eliminating the very cause of our problems in this country, which is duplication, redundancy, overlap, and you are against doing the proper oversight so we make informed decisions.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONGRATULATING THE UNIVERSITY OF SOUTH CAROLINA GAMECOCKS

Mr. GRAHAM. Mr. President, there is a lot going on in this world. We have a mountain of debt and wars and rumors of wars, and people are nervous throughout the country. But I thought I would take a few minutes of the time of the Senate to acknowledge something that is a very big deal where I come from.

The University of South Carolina has won back-to-back College World Series. They defeated the Florida Gators last night 5 to 2. Florida played a great series, and they left a lot of men on base. I am sure they are going to look at the tape and talk about next year how to get some runs in.

But Coach Tanner and the Gamecock team repeated. They were only the sixth team in NCAA history to do this, to win back-to-back titles. It was very rewarding and poetic.

The University of South Carolina won the last series in Rosenblatt Stadium. This was the first series to be held in the TD Ameritrade Park in Omaha, NE, in front of 26,000 people. They set a record for the NCAA with 16 consecutive post-season wins, 11 consecutive wins in the College World Series, dating back to the 2010 season. The pitching staff had a 1.31 ERA. The bullpen was 6–0. Great hitting. Great coaching. More than anything else, big hearts.

So to the Gamecock nation, congratulations on back-to-back titles. You make us all proud. And if you are watching Gamecock baseball, and you have a bad heart, you need to turn the channel because they win in the most dramatic fashion. They never give up. They believe in themselves.

Michael Roth, the winning pitcher of the last game, said: We don't have the most talented people at every position. But we play together with heart. We believe in each other.

Maybe the country could learn something from Gamecock baseball. If we all work together for a common purpose and put our differences aside, maybe we could achieve greatness too.

So congratulations to Coach Tanner for back-to-back titles. We are very proud of your team. Not only did you win two titles, you did it with style, grace, and dignity. You won with honor. I look forward to meeting the team when they come up to the White House. And I know Columbia is rocking tonight.

Congratulations to the Gamecocks. You won in fine style, and we are all proud of you.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on Coburn amendment No. 521.

Under the previous order, a two-thirds vote is required for adoption.

Mr. ALEXANDER. Mr. President, 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 amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''nay.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The yeas and nays resulted—yeas 63, nays 34, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—63

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Hatch	Paul
Blumenthal	Heller	Portman
Blunt	Hoeven	Pryor
Boozman	Hutchison	Risch
Brown (MA)	Isakson	Roberts
Burr	Johanns	Rubio
Carper	Johnson (WI)	Sessions
Casey	Kirk	Shaheen
Chambliss	Klobuchar	Shelby
Coats	Kyl	Snowe
Coburn	Lee	Stabenow
Cochran	Lugar	Tester
Collins	Manchin	Thune
Corker	McCain	Toomey
Cornyn	McCaskill	Udall (CO)
Crapo	McConnell	Vitter
DeMint	Merkley	Wicker

NAYS—34

Akaka	Franken	Levin
Baucus	Gillibrand	Lieberman
Bingaman	Harkin	Menendez
Brown (OH)	Inouye	Mikulski
Cantwell	Johnson (SD)	Murray
Cardin	Kerry	Reed
Conrad	Kohl	Reid
Coons	Landrieu	Rockefeller
Durbin	Lautenberg	
Feinstein	Leahy	

Sanders	Warner	Whitehouse
Schumer	Webb	Wyden

NOT VOTING—3

Boxer	Inhofe	Udall (NM)

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 34. Two-thirds of those voting not having voted in the affirmative, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

The clerk will report the managers' amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, and Mr. CARPER, proposes an amendment numbered 523.

The amendment is as follows:

(Purpose: To add positions for expedited consideration and for other purposes)

On page 5, line 2, strike ''15 to 21'' and insert ''6''.

On page 6, after line 24, insert the following:

(31) Chief Financial Officer, from the following:

(A) Department of Agriculture.

(B) Department of Commerce.

(C) Department of Defense.

(D) Department of Education.

(E) Department of Energy.

(F) Department of Environmental Protection Agency.

(G) Department of Health and Human Services.

(H) Department of Homeland Security.

(I) Department of Housing and Urban Development.

(J) Department of the Interior.

(K) Department of Labor.

(L) National Aeronautics and Space Administration.

(M) Department of State.

(N) Department of Transportation.

(O) Department of the Treasury.

(P) Department of Veterans Affairs.

(32) Assistant Secretary for Financial Management of the Air Force.

(33) Assistant Secretary for Financial Management of the Army.

(34) Assistant Secretary for Financial Management of Navy.

(35) Controller, Office of Federal Financial Management, Office of Management and Budget.

(36) Assistant Secretaries or other officials whose primary responsibility is legislative affairs from the following:

(A) Department of Agriculture.

(B) Department of Energy.

(C) Department of Defense.

(D) Department of Housing and Urban Development.

(E) Department of Commerce.

(F) Department of Treasury.

(G) Department of State.

(H) Department of Health and Human Services.

(I) United States Agency for International Development.

(J) Department of Education.

(K) Department of Labor.

(L) Department of Justice.

(M) Department of Veterans Affairs.

(N) Department of Transportation.

(37) Commissioner, Rehabilitative Services Administration, Department of Education.

(38) Commissioner, Administration for Children, Youth, and Families, Department of Health and Human Services.

(39) Commissioner, Administration for Native Americans, Department of Health and Human Services.

(40) Federal Coordinator, Alaska Natural Gas Transportation Projects.

(41) Assistant Secretary for Administration, Department of Commerce.

On page 7, strike line 5 and insert the following:

SEC. 4. COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.

The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by such committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

SEC. 5. EFFECTIVE DATE.

The PRESIDING OFFICER. Under the previous order, amendment No. 523 is agreed to.

The question is now on agreeing to the resolution, as amended.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—89

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

NAYS—8

Crapo	Hatch	Paul
DeMint	Heller	Risch
Grassley	Lee	

NOT VOTING—3

Boxer	Inhofe	Udall (NM)

The resolution (S. Res. 116), as amended, was agreed to, as follows:

S. RES. 116

SECTION 1. PROCEDURE FOR CONSIDERATION.

(a) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—Upon receipt by the Senate of a nomination described in section 2, the nomination shall—

(1) be placed on the Executive Calendar under the heading ''Privileged Nominations—Information Requested''; and

(2) remain on the Executive Calendar under such heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subsection (b).

(b) QUESTIONNAIRES.—The Chairman of the committee of jurisdiction shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position described in section 2.

(c) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—Upon receipt of the certification under subsection (b), the nomination shall—

(1) be placed on the Executive Calendar under the heading ''Privileged Nomination—Information Received'' and remain on the Executive Calendar under such heading for 10 session days; and

(2) after the expiration of the period referred to in paragraph (1), be placed on the ''Nominations'' section of the Executive Calendar.

(d) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination described in subsection (a) is listed under the ''Privileged Nomination—Information Requested'' section of the Executive Calendar described in section (a)(1) or the ''Privileged Nomination—Information Received'' section of the Executive Calendar described in section (c)(1)—

(1) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(2) if a Senator makes a request described in paragraph (1), the nomination shall be referred to the appropriate committee of jurisdiction.

SEC. 2. NOMINATIONS COVERED.

The following nominations for the positions described (including total number of individuals to be appointed for the position) shall be considered under the provisions of this resolution:

(1) The Chairman and the Members of the Advisory Board for Cuba Broadcasting (9 Members including Chairman).

(2) The Chairman and the Members of the Corporation for National and Community Service (15 Members including Chairman).

(3) The Chairman and the Members of the Federal Retirement Thrift Investment Boards (5 Members including Chairman).

(4) The Members of the Internal Revenue Service Oversight Board (7 Members).

(5) The Members of the Board of the Millennium Challenge Corporation (4 Members).

(6) The Members of the National Council on the Arts (18 Members).

(7) The Members of the National Council for the Humanities (26 Members).

(8) The Members of the Board of Directors of the Overseas Private Investment Corporation (8 Members).

(9) The Members of the Peace Corps National Advisory Council (15 Members).

(10) The Chairman, Vice Chairman, and the Members of the Board of Directors for the United States Institute of Peace (12 Members including Chairman and Vice Chairman).

(11) The Members of the Board of Directors of the Federal Agricultural Mortgage Corporation (5 Members).

(12) The Members of the Board of Directors of the National Consumer Cooperative Bank (3 Members).
(13) The Members of the Board of Directors of the National Institute of Building Sciences (6 Members).
(14) The Members of the Board of Directors of the Securities Investor Protection Corporation (5 Members).
(15) The Members of the Board of Directors of the Metropolitan Washington Airport Authority (3 Members).
(16) The Members of the Saint Lawrence Seaway Development Corporation Advisory Board (5 Members).
(17) The Members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (9 Members).
(18) The Members the Board of Trustees of the Federal Hospital Insurance Trust Fund (2 Members).
(19) The Members of the Board of Trustees of the Federal Old Age and Survivors Trust Fund and Disability Insurance Trust Fund (2 Members).
(20) The Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund (2 Members).
(21) The Members of the Social Security Advisory Board (3 Members).
(22) The Members of the Board of Directors of the African Development Foundation (7 Members).
(23) The Members of the Board of Directors of the Inter American Foundation (9 Members).
(24) The Commissioners of the United States Advisory Commission on Public Diplomacy (7 Members).
(25) The Members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation (8 Members).
(26) The Members of the Board of Trustees of the Harry Truman Scholarship Foundation (8 Members).
(27) The Members of the Board of Trustees of the James Madison Memorial Fellowship Foundation (6 Members).
(28) The Members of the Board of Directors of the Legal Services Corporation (11 Members).
(29) The Members of the Foreign Claims Settlement Commission (2 Members).
(30) The Members of the Board of Directors of the State Justice Institute (11 Members).
(31) Chief Financial Officer, from the following:
(A) Department of Agriculture.
(B) Department of Commerce.
(C) Department of Defense.
(D) Department of Education.
(E) Department of Energy.
(F) Department of Environmental Protection Agency.
(G) Department of Health and Human Services.
(H) Department of Homeland Security.
(I) Department of Housing and Urban Development.
(J) Department of the Interior.
(K) Department of Labor.
(L) National Aeronautics and Space Administration.
(M) Department of State.
(N) Department of Transportation.
(O) Department of the Treasury.
(P) Department of Veterans Affairs.
(32) Assistant Secretary for Financial Management of the Air Force.
(33) Assistant Secretary for Financial Management of the Army.
(34) Assistant Secretary for Financial Management of Navy.
(35) Controller, Office of Federal Financial Management, Office of Management and Budget.
(36) Assistant Secretaries or other officials whose primary responsibility is legislative affairs from the following:
(A) Department of Agriculture.
(B) Department of Energy.
(C) Department of Defense.
(D) Department of Housing and Urban Development.
(E) Department of Commerce.
(F) Department of Treasury.
(G) Department of State.
(H) Department of Health and Human Services.
(I) United States Agency for International Development.
(J) Department of Education.
(K) Department of Labor.
(L) Department of Justice.
(M) Department of Veterans Affairs.
(N) Department of Transportation.
(37) Commissioner, Rehabilitative Services Administration, Department of Education.
(38) Commissioner, Administration for Children, Youth, and Families, Department of Health and Human Services.
(39) Commissioner, Administration for Native Americans, Department of Health and Human Services.
(40) Federal Coordinator, Alaska Natural Gas Transportation Projects.
(41) Assistant Secretary for Administration, Department of Commerce.

SEC. 3. EXECUTIVE CALENDAR.

The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this resolution.

SEC. 4. COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.

The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by such committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

SEC. 5. EFFECTIVE DATE.

This resolution shall take effect 60 days after the date of adoption of this resolution.

Mr. KERRY. Mr. President, I want to reduce the amount of duplication and overlap in federal agencies and I am prepared to vote to eliminate duplicative programs. That is my responsibility as a Senator. However, I believe this must be done in a responsible manner and not passed off to a third party. I opposed the Coburn amendment because it would cause needless delay to the consideration of important legislation by the Senate. It would give additional power to the staff of the Congressional Research Service. It would increase Congressional spending when we are working to reduce our Federal budget deficit and our Federal debt.

The amendment would change the Standing Rules of the Senate to require the Congressional Research Service—CRS—to complete a study to examine the potential for duplicative programs for every bill that is passed out of committee before it is in order to be considered by the full Senate.

This amendment will not end duplication of government programs. But it will make it more difficult for the Senate to do the Nation's business. The Coburn amendment will allow any Senator to block floor consideration of a bill if the CRS assessment has not been completed. The amendment does not place any time limits on the CRS to make the assessment of whether the programs included in legislation are duplicative. The amendment does not define key terms such as ''program'' or ''initiative'' that are crucial to performing the assessment.

The amendment states that every bill that comes to the floor must contain a full evaluation and report by CRS. The CRS report must examine every potential Federal program that might overlap with the one proposed.

How long would CRS have to do such a report? I don't know because the amendment does not include time limits for the CRS to provide these reports. Therefore, CRS could block consideration of important legislation by simply not meeting its responsibilities.

We have always been very careful in making changes to the Standing Rules of the Senate. This proposal has not come before the Rules Committee in any way and thus has not been considered or vetted by the committee of jurisdiction. If we are serious about such a change, it should receive the appropriate review before being adopted.

The PRESIDING OFFICER. The Senator from Hawaii.

MORNING BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business for debate only until 8 p.m., with Senators permitted to speak for up to 10 minutes each.

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

FAIR SENTENCING ACT GUIDELINE AMENDMENT

Mr. DURBIN. Mr. President, the bipartisan United States Sentencing Commission was created by Congress to establish guidelines that are used by Federal judges when they sentence criminal defendants. Tomorrow, the Sentencing Commission will take an important vote. The Commission is considering whether to apply retroactively the sentencing guideline amendment implementing the Fair Sentencing Act of 2010. As the lead sponsor of the Fair Sentencing Act, I urge the Commission to apply this amendment retroactively.

Just last year, Democrats and Republicans joined together to pass the Fair Sentencing Act, bipartisan legislation that reduced the disparity between crack and powder cocaine sentencing.

For more than 20 years, we had a 100-to-1 crack-powder sentencing disparity. It took 100 times more powder cocaine than crack cocaine to trigger the same harsh mandatory minimum sentences. Simply possessing 5 grams of crack carried the same penalty as selling 500 grams of powder.

This disparity was one of the most significant causes of unequal incarceration rates between African Americans and Caucasians. The following statistic

is chilling: In this country, African Americans are incarcerated at approximately six times the rate of Caucasians.

The Fair Sentencing Act dramatically reduced the 100-to-1 disparity. Last November, the Sentencing Commission issued amended sentencing guidelines that put into effect the Fair Sentencing Act's reduced crack sentences. These guidelines will be used by Federal judges across the country in every drug sentencing.

The Commission is now deciding whether to apply these more equitable guidelines retroactively to those who have already been sentenced and are in prison. I sent a letter, joined by Judiciary Committee Chairman PATRICK LEAHY, and Senators FRANKEN and COONS, urging the Commission to vote for retroactivity.

Let's be clear about the bottom line: If the Commission does not make its amendment retroactive, thousands of people will continue to serve prison sentences that Congress has determined are unfair and disproportionately punitive to African Americans. Thousands of individuals sentenced before November of last year would remain subject to our old, racially disparate sentencing scheme. Yet those who happened to be sentenced on or after November 1 could receive significantly reduced prison terms—even if they engaged in exactly the same conduct.

This is inconsistent with the goals of the Fair Sentencing Act—reducing disparities in drug sentencing, increasing trust in the justice system, and focusing limited resources on serious offenders. In effect, it would say: ''The U.S. government is OK with you continuing to serve a sentence we've acknowledged is unfair—and most unfair to those with your color of skin.''

Now, opponents of retroactivity have made all sorts of arguments in an effort to muddy the water and push their own conservative sentencing agenda. They have suggested that because the Fair Sentencing Act did not explicitly address retroactivity, the sentencing guidelines shouldn't be retroactive. This is an obvious attempt to confuse apples and oranges.

To be clear: We are not talking about whether the statute itself—the Fair Sentencing Act—should be applied retroactively. That is a different question for a different day—and one that affects many more issues and many more inmates. We are talking about the Sentencing Commission exercising its own independent, expert authority to make its own guideline amendments retroactive.

Opponents of retroactivity also claim that the Sentencing Commission is overstepping its bounds by considering retroactivity. But this is the standard administrative process, and one that Congress designed to be left to the Sentencing Commission. The Commission has routinely applied its amendments retroactively—many, many times before. And it has voted for retroactivity virtually every time it has amended the guidelines to reduce drug sentences. In fact, Congress expressly gave the Commission the authority to make amendments to the sentencing guidelines apply retroactively.

Retroactivity makes practical and economic sense. Our Federal prison system is 37 percent over capacity. Inmates are being double and even triple bunked. Applying the Fair Sentencing Act guideline amendment retroactively could reduce prison overcrowding dramatically and result in up to $1 billion in savings for taxpayers. Approximately 12,000 individuals—who are prescreened by judges—would be eligible for an average sentence reduction of 37 months. The average cost to house a Federal prisoner is $28,284 per year. Taxpayer savings would be about $87,000 for each inmate.

History also tells us retroactivity makes sense. In 2007, the Commission made retroactive a similar amendment to reduce crack sentences. Thousands more defendants were eligible then for reductions than would be eligible now. Yet motions for reduced sentences were handled smoothly.

The Department of Justice supports guideline retroactivity and the Bureau of Prisons has implemented a plan to carry out the logistics. The Criminal Law Committee of the Judicial Conference of the United States, comprised of judges from every Federal circuit, unequivocally supports retroactivity.

Opponents simply ignore the history and have used scare tactics to raise misleading questions of public safety. Retroactivity does not automatically entitle a defendant to a sentence reduction. A Federal judge would have discretion to decide in every single case whether a reduction is appropriate. If it is not—because of the facts of a case or concerns about an individual defendant—no reduction will be given. Period. All judges are actually required to consider public safety when making a decision. Moreover, on the back end, the Bureau of Prisons has said that it ''is prepared to take measures to ensure that offenders released due to retroactive application . . . are transitioned effectively back into the community.''

In short the Sentencing Commission should use the expert discretion Congress granted it to apply its amendment retroactively to each defendant subject to a sentencing scheme Congress determined was unjust. I hope the Commission does the right thing and applies retroactively the sentencing guideline amendment implementing the Fair Sentencing Act.

Retroactivity would bolster respect for our justice system, help correct the unfairness of a racially disparate sentencing scheme, and save resources for taxpayers while heeding concerns of public safety.

REMEMBERING TRACY T. ''TOM'' ARFLIN

Mr. MCCONNELL. Mr. President, I rise today to note the loss of an honored and distinguished Kentuckian. Mr. Tracy T. Arflin of Radcliff, KY, passed away this June 18. He was 74 years old.

Mr. Arflin went by ''Tom,'' but was also known to generations of Radcliff-area youth as ''Coach.'' Tom Arflin dedicated the last 32 years of his life to volunteering on behalf of youth sports in his hometown. He was the manager of the Rangers in the Radcliff Baseball/Softball Association, and coached two teams, the Eagles and the Jaguars, in the North Hardin Youth Football League. He had both a football and a baseball field named after him, and was the North Hardin Youth Football League president for the past 21 years.

Mr. Arflin's job as coach included the roles of mentor, leader, and league developer. He not only inspired many kids who may not have thought they were cut out for sports to stick with it, he also encouraged many parents to volunteer their time as coaches. Some of them are still at it even after their children have grown out of youth league play because of Tom Arflin's example.

Tom Arflin was also a U.S. Army veteran who proudly served for 27 years, including two tours in Vietnam. For the past 42 years he was a member of Mill Creek Baptist Church in Radcliff.

This May Tom was diagnosed with brain cancer and underwent radiation treatments. A few weeks before his passing, Tom's son Tracy T. Arflin II organized a grand community celebration for his father, and more than 100 family members, friends, and former and current coaches and players gathered to honor Tom Arflin for his many decades of service.

Tom was preceded in death by his wife of 49 years, Louise C. Arflin, and by his sister, Anna. Surviving members of his family who are mourning Tom's loss include his son and daughter-in-law, Tracy T. Arflin II and Sharon; his grandson, Matthew T. Arflin; his sister, Lucy Webb; and his brother, Billy Arflin. I wish to express my deepest condolences to the family and friends of Tracy T. ''Tom'' Arflin for the loss of this wonderful man.

Mr. President, the Hardin County News-Enterprise recently published an article about Tom Arflin and the community celebration thrown in his honor. I ask unanimous consent that the article be printed in the RECORD.

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

[From the News-Enterprise, June 5, 2011]

YOUTH SPORTS: ARFLIN RECEIVES COMMUNITY CELEBRATION

(By John Groth)

Tracy Arflin wanted to give his father, Tom, one more major recognition.

His dad has spent decades building up the North Hardin Youth Football League. And now as his father's coaching career winds down, he wanted to hold a special community celebration.

''We're celebrating a lifetime of him serving several generations of children, not just serving a community, which could be argued, but serving several generations of children,'' Tracy Arflin said. ''I like to think of my father like that.''

That's why around 100 family members, friends, current and former NHYFL coaches, players and officials gathered Sunday at Mill Creek Baptist Church in Radcliff to honor Tom Arflin for more than three decades of service.

In May, Tom Arflin was diagnosed with brain cancer and has undergone radiation treatments.

They made sure the Jaguars coach felt right at home—with Jaguars items and colors everywhere. Each table was covered in a teal tablecloth with a Jaguar youth helmet, with a white pom-pom attached to each facemask, smack dab in the middle.

Tom Arflin has spent 32 years helping develop the NHYFL. He's coached in the league since 1980 and served as its president since 1991. Arflin's grandson, Matt, remembers playing football for him years ago, and the 26-year-old remains amazed at how much the league has grown with his grandfather at the helm.

''It's kind of like the Madden video game where you create your own league. He kind of did that,'' Matt Arflin said.

Two weeks ago, Tracy stopped by to talk to Tom after a NHYFL meeting. That's when he told his father about the reception.

''I had tears in my eyes. That surprised me,'' Tom Arflin said. ''He announced it after the meeting. I thought he was going to say something about the reason why he was there. It came out different.''

The celebration ended up being special.

Radcliff Mayor J.J. Duvall grew up playing youth sports in Radcliff. He knows how much of a fixture Tom Arflin, who still is referred to as just ''Coach,'' has become in the community. And he knows his dedication is unmatched.

''We're here to honor Coach's attention to detail, sense of humor, the smiles he brings to others, and the overall caring he has for kids and our youth,'' Duvall said. ''He set the bar very high.''

Trying to come up with a gift to honor him with was just as tough.

Tom Arflin already has two fields—the NHYFL and Radcliff Senior League Field—named in his honor. He has football memorabilia galore. So Duvall picked out another unique item—an engraved Louisville Slugger baseball bat. Tom Arflin actually began working with Radcliff youth in 1979 when he took over the Rangers' team in the Radcliff Major League.

''The Louisville Slugger is an icon, and you're an icon of the community,'' Duvall said.

Arflin influenced coaches as much as he did the players.

Just ask Vine Grove resident Travis McNair.

McNair has been with the NHYFL since 2008. He originally only intended to have his son, Tavius, sign up to play. But Tom Arflin convinced him to coach.

''He said we always need coaches. Now I am and I'm addicted to it,'' McNair said. ''He said, 'We need coaches and people out to help.' ''

McNair has coached his son on the Rams each of the past three years. This year, Tavius will enter high school at North Hardin. But McNair will still lead the Rams because he's having so much fun.

So is Isaac Bankhead.

The Radcliff resident will coach his third team—the newly formed Chiefs—in nine seasons. He coached the Vikings for the first two years and the Titans, too.

Bankhead's children, 12-year-old Isaiah and 10-year-old Jeremiah, have each played for the past seven years. And Tom Arflin helped him get into coaching.

''He's good-hearted, tries to make sure every kid in the league has an opportunity to play. He tells us how to deal with parents and what to do to help the league run better,'' Bankhead said. ''He's been an inspiration. He's been a good guy. You can't help but to like him.''

Former players agreed.

One of those players Tom Arflin influenced is Jeremy Brown.

The 17-year-old North Hardin senior wide receiver shared his unique experience on how Arflin helped him develop foot coordination.

''I didn't want to do football. My parents kind of forced me into it. I remember the first day of practice and they got out the tires for a tire drill. I stepped up, and I was like, 'I really didn't want to do it,' and I went through and hit every single tire. As I went and got done, Coach was like, 'Dadgumit, Jeremy! Dadgumit!' It went on like that for about a week,'' Brown said. ''That was in the back of my mind. I did it perfect a week later. Since then, any type of drill I have that involves my feet, I don't mess up.''

VOTE EXPLANATION

Mr. PRYOR. Mr. President, unfortunately, I was absent for vote No. 98, a motion to instruct the Sergeant at Arms to request the attendance of absent Senators. Had I been present for the vote, I would have cast a vote in favor of the motion.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOHN C. JOHNSON

Mr. BENNET. Mr. President, today we honor the life and heroic sacrifice of PFC John C. Johnson of Phoenix, AZ. He died on May 27, 2011, in Bayman Province, Afghanistan, of injuries sustained when his mounted patrol received small arms fire. He was 28 years old. Private Johnson and his wife Jennifer were expecting a baby daughter at the time of his death.

Private Johnson's parents remember him as a honest, affectionate son, and his wife remembers him as a dedicated husband and loving father. Growing up in Arizona's rugged landscape, he developed hunting and tracking skills that would later contribute to his resourcefulness as a soldier. Private Johnson enlisted in the Army in February 2010, commenting that he was committed to providing a better life for his family.

He served in support of Operation Enduring Freedom as a member of C Company, 1st Battalion, 32nd Infantry Regiment, 10th Mountain Division, based at Fort Drum, NY. His bravery and outstanding service quickly won the recognition of his commanders. Private Johnson earned, among other distinctions, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, and the NATO 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.'' Private Johnson'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.

I stand with people in Colorado and nationwide in profound gratitude for Private Johnson's tremendous sacrifice. At substantial personal risk, he fought in Afghanistan with unwavering courage to protect America's citizens and the freedoms we hold dear. For his service and the lives he touched, Private Johnson will forever be remembered as one of our country's bravest.

I ask my colleagues to join me in honoring Vicki, his mother, John, his father, Jennifer, his wife, and his entire family, who carry on Private Johnson's memory and will forever remind us of his sacrifice.

SERGEANT WILLIAM STEELE

Mr. KIRK. Mr. President, I rise today to honor a Freedom Fighter from Chicago, IL, an American Hero, SGT William Steele.

He is a man who proudly went off to war for his country. On June 25, 2009, William lost his leg and almost his life after an IED explosion in Maili, Afghanistan.

Sergeant Steele returned home an even stronger soldier, determined to continue to fulfill his dream with an Army career as a drill sergeant. And with the support of his mother, who at the age of 17 signed the papers so he could enlist in the Army, he will.

One of his favorite quotes from his mother that has inspired him is, ''There is no sense of looking down, hold your head up!'' Sergeant Steele has done just that, making us all proud of him.

Mr. President, I ask unanimous consent that this poem penned in honor of him by Albert Caswell, be printed in the RECORD.

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

COLD STEELE

IN HONOR OF A REAL AMERICAN HERO, SGT WILLIAM STEELE UNITED STATES ARMY, HHC 1–178TH INFANTRY REGIMENT

Cold Steele!
What is right, what is real!
What is strong, all in what a most courageous heart reveals!
While, all upon battlefields of honor bright . . . all in these killing fields . . .
Dark days and nights . . .
As from down within, as how a heart so reaches deep down to begin . . .
To begin this fight, whether on battlefields of honor bright . . . or in a hospital to unite . . .
Because, only with a most courageous heart of Steele . . . will we so win that night!
As all in time revealed . . .
When, courage crests . . . as one of America's Finest, The Army's Best . . .
For only there, in these the darkest days of all nights . . .
As only there, all in life and death . . . all in this fight!
Will hearts of strength and Steele, so crest . . . to reveal to bring their light!
Your medal, of what you are made . . . so very real!

All in his strength . . . all in William's Cold Steele!
As a Chicago boy, who had it rough . . . trying to lift up himself . . .
At seventeen, his Mother signed the papers . . . to insure his future dreams . . .
For William was born to be, in The United States Army . . . Hoooah indeed . . .
As this was to be, his final casting and molding . . . into a heart of Steele, you see . . .
Letting this Chicago Lad, Be All That He Could Be . . .
When, all in a moment of truth . . . as an explosion almost took his life, but lies the proof . . .
As this young man's medal was to be tested, as where lies the truth . . .
While, on the edge of death as he awoke with one leg left . . .
As his tears would crest, as he remembered his Mother who him had blessed . . .
In his head, the words she said, ''There is no sense of looking down, hold your head up!''
As somehow the strength he found . . .
As from that moment on, his most gallant heart of Steele so moved on!
To fight the good fight, burning bold . . . burning bright!
For you see, The Army is William's life!
As he would not give up, nor give in . . . until he's back in action again . . .
For inside this heart of Steele, such warmth is revealed . . .
And if ever I had a son, oh how I wish he could be like this one!
Throughout our Country Tis of Thee, all in our nation we have seen . . .
Hearts of Steele, Freedom Fighters like Dr. King, and Rosa Parks . . .
Because, of all of their courage and sacrifice, and most magnificent hearts . . .
Blessing this our country tis of thee!
And now a new name to the list, of a young man who for us so much would give . . .
With his heart of Freedom Fighter, teaching us all how to live!
With but Hearts of Steele!

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 45th anniversary of the enactment of the Freedom of Information Act, FOIA. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on government policies and government abuses. This premier open government law has helped to guarantee the public's ''right to know'' for generations of Americans.

Today, the U.S. Government is more committed than in any time in our history to making and keeping government open and accountable to the people. As one of his first official acts, President Obama signed an historic Presidential Memorandum on the Freedom of Information Act, which restored the presumption of disclosure for all government information. I applaud President Obama for his commitment to FOIA, and I will continue to work closely with his administration to ensure that our government fulfills both the letter and spirit of this remarkable memorandum.

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 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 the President's reforms. According to the Department of Justice's annual FOIA Report for fiscal year 2010, more than 69,000 FOIA requests remain backlogged across our government. These delays are simply unacceptable.

To address these concerns, in May, the Senate unanimously passed the Faster FOIA Act of 2011—a bill to establish a bipartisan commission to examine the root causes of agency delays in processing FOIA requests. 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, this problem has not gone away. That is why in 2010, we reintroduced this bill and the Senate unanimously passed it. Unfortunately, the House of Representatives did not take action. After the Judiciary Committee's hearing on FOIA, which was held during the annual Sunshine Week in March, we reintroduced the Faster FOIA Act yet again—with the hope that the Congress would finally enact this good government legislation. I am pleased that the Senate has done its part to achieve this goal. On the occasion of this 45th anniversary of FOIA, I urge the House to act on this important bill so that the Commission on Freedom of Information Act Processing Delays can begin its important work.

I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also commend and thank the many open government and FOIA advocacy groups that have supported our efforts to bolster FOIA, including OpenTheGovernment.org, the Project on Government Oversight and the Sunshine in Government Initiative.

The right to know is a cornerstone of our democracy. Without it, citizens are kept in the dark about key policy decisions that directly affect their lives. Without open government, citizens cannot make informed choices at the ballot box. And once eroded, the right to know is hard to win back.

The House Committee Report that accompanied the Freedom of Information Act in 1966 stated:

> it is vital to our way of life to reach a workable balance between the right of the public to know and the need of the Government to keep information in confidence to the extent necessary without permitting indiscriminate secrecy. The right of the individual to be able to find out how his Government is operating can be just as important to him as his right to privacy and his right to confide in his Government. This bill strikes a balance considering all these interests.

As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm the commitment to open and transparent government captured by these time-proven words.

Open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 45th anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

FBI EXTENSION OF SERVICE

Mr. LEAHY. Mr. President, back on May 12, the President requested that Congress pass legislation to enable Robert Mueller to continue serving as Director of the Federal Bureau of Investigation, FBI, for up to 2 additional years, in light of the continuing threat to our Nation, the leadership transition at other key national security agencies, and the unique circumstances in which we find ourselves as the tenth anniversary of 9/11 approaches. In response to the President's request, a bipartisan group of Senators drafted and introduced S. 1103, a bill that would create a one-time exception to the statute limiting the term of the FBI Director by allowing the term of the incumbent FBI Director to continue for 2 additional years. Given the continuing threats to our Nation and the need to provide continuity and stability on the President's national security team, it is important that this critical legislation be enacted without delay.

Director Mueller's term expires on August 3, 2011. With the House out of session this week and the Senate out of session the next, there is relatively little time left to act. Of the 10 weeks between the President's request and the expiration of Director Mueller's term, six are gone already. More than half the time that we had in which to act has elapsed. If we do not complete action on this matter this week, the Senate will then be in recess until July 11. That leaves Congress only 3 weeks for all necessary action to be completed by the Senate and the House of Representatives.

We should be acting responsibly and expeditiously. I have worked diligently with Senator GRASSLEY in order to prevent a lapse in the term of the Director of the FBI. We must act on this bill without further, unnecessary delays. The Senate should take it up, consider it and pass it, and then the House will need to consider and pass the bill before the President has the opportunity to sign it. Each of these steps must be completed prior to the expiration of the Director's current 10-year term on August 3, 2011. There is no time to waste.

I understand from the Senate cloakroom that all Senate Democrats are prepared to take up and pass S. 1103 and send it to the House of Representatives for it to take final action before August 3. We should do that now, before the Fourth of July recess. There is no good reason for delay.

The bill responds directly to the President's request to extend Bob Mueller's term as FBI Director, and was reported favorably by the Judiciary Committee on June 16 by a bipartisan majority of the committee and with the support of the ranking Republican member. I urge any Senators who have questions about the bill to read the accompanying committee report, Report No. 112–23, which was filed on June 21, 2011, and is now printed and available online.

While I would gladly have included others' views in the final committee report, none were submitted in a timely manner, nor was there a request for an extension of time to do so. The draft committee report on the bill was circulated on June 17, 2011, to all committee members. Pursuant to longstanding Judiciary Committee practice, Senators had 3 calendar days to submit their views. This practice is modeled after, but more generous than, Senate rule XXVI. The committee report was filed 4 days after majority views were circulated, but no additional, supplemental, or minority views had been submitted. It was filed promptly and made publicly available in the hope that the Senate might consider this time-sensitive bill this week.

Unlike my Republican predecessors, as chairman I have protected the minority on the committee and the rights of all Senators. I have done so even while some have chosen to abuse committee rules and practices and Senate rules and practices.

Senator COBURN inserted his views, also subscribed to by Senators HATCH, SESSIONS, GRAHAM and LEE, in the CONGRESSIONAL RECORD on June 23. I had offered to include them in the RECORD on June 22, when they were belatedly submitted to the committee after the committee report had been filed. There is nothing in those views that should prevent the Senate from considering the committee-reported bill expeditiously.

I do not believe that the views Senator COBURN inserted into the CONGRESSIONAL RECORD contain any new or compelling legal analysis supporting the notion that S. 1103 is somehow unconstitutional. They merely assert without a sound basis that the matter may present a constitutional concern and the risk of ''dangerous litigation.'' As set forth in the committee report on S. 1103, and as reaffirmed in a June 20, 2011, memorandum opinion by the Office of Legal Counsel, however, these assertions are incorrect. The bill before the Senate, S. 1103, is constitutionally sound and a proper response by Congress to the President's request.

At the heart of this issue are two key points that remain undisputed. First, the Director of the FBI serves ''at will'' and can be removed by the President for any reason. Director Mueller himself testified that he serves ''at the pleasure of the President.''

Second, this bill was introduced as a response to the President's request that Congress provide a one-time exception to the 10-year statutory limit to the term of the FBI Director so that he could extend Director Mueller's service for up to two more years. Indeed, the text of the bill plainly states that Director Mueller may continue his term of service only ''at the request of the President.''

These two points are important because they form core elements for any constitutional analysis in connection with the appointments clause. This bill does not seek to impose a legislative appointment on the President, nor undermine his authority. The committee report describes the constitutional and legal principle that is central to any assessment of the constitutionality of this bill: ''Legislation extending the term of an officer who serves at will does not violate the Appointments Clause,'' quoting 18 U.S. Op. Off. Legal Counsel 166, 171, 1994. Through four separate legal opinions dating back to 1951, and reaffirmed as recently as June 20, 2011, the Department of Justice has recognized this guiding principle. The Constitution's appointments clause is not offended ''as long as the President remains free to remove the officer at will and make another appointment.'' U.S. Op. Off. Legal Counsel 2–3, June 20, 2011. The bill reported by the committee ensures that the President retains that authority. Furthermore, the bill does nothing to diminish the authority of the President.

Senator COBURN's views lack discussion of either the ''at will'' status of the FBI Director or the President's plenary removal authority. Instead, his views summarily dismiss the extensive legal analysis of the Department of Justice dating back 60 years by arguing that the opinions are ''inconsistent.'' The only inconsistency was an anomalous opinion from 1987 that was withdrawn by the Justice Department in 1994, after the 1987 opinion was determined to be ''irredeemably unpersuasive.'' Ironically, it is that withdrawn opinion, one that has no authority, in which critics of the bill seek to find comfort.

Beginning with an opinion in 1951, and then again in three more recent legal memoranda, in 1994, in 1996, and most recently on June 20, 2011, the Department of Justice has endorsed the constitutionality of term extensions like the one provided in the bill for ''at will'' executive officers.

Senator COBURN argues that the value of these Office of Legal Counsel opinions should be discounted because very few cases have been litigated concerning these types of term extensions. He fails to acknowledge, however, that the lack of litigation on this point could be due to the fact that the constitutional concern on which he relies simply lacks merit. The fact remains that there is no case and no persuasive legal authority supporting Senator COBURN's contention that the bill is unconstitutional.

Also virtually ignored by Senator COBURN's views is the fact that the bill effectively retains the President's appointment authority. The President could nominate and then appoint a different FBI Director at any time before, during, or at the end of the 2-year term extension. The President is not required by the bill to request that Director Mueller continue to serve for the full 2 years of the extension. That is up to the President. These facts are dismissed by Senator COBURN as ''irrelevant'' or ''immaterial'' to the discussion. In fact, they are just the opposite. The fact that this legislation is being considered at the behest of the President demonstrates that there is no legislative branch incursion into executive authority. Because S. 1103 is in direct response to the President's specific request for legislation creating a one-time exemption to the 10-year term limit of the FBI Director, the bill serves to protect the authority of the President to choose who he wants to lead this executive agency. That is wholly consistent with the purpose of the appointments clause.

Senator COBURN's attempts to distinguish the limited, relevant case law are also unavailing. As noted in the committee report, Judge Norris's concurring opinion in the case In re Benny, 812 F. 2d 1133, 9th Cir. 1987, is not on point, as that case involved officials who were only removable for cause. Senator COBURN's reliance on Justice Scalia's dissent in Morrison v. Olson, 487 U.S. 654, 1988, is similarly misplaced. The lengthy quote of Justice Scalia's in the minority views is drawn, for example, from a discussion of the separation of powers doctrine, not from Justice Scalia's discussion of the appointments clause. The Morrison decision was about the constitutionality of the independent counsel statute, not a simple extension of a statutory term limit. The Morrison decision held that the statute at issue was constitutional because it did not ''impermissibly undermine the powers of the Executive Branch'' or ''prevent[] the Executive Branch from accomplishing its constitutionally assigned functions.'' That is all the more true for S. 1103, which was requested by the President and does nothing to impinge upon the President's appointment or removal power.

In his concluding remarks, Senator COBURN concedes that he is not asserting that S. 1103 is unconstitutional. Instead, Senator COBURN retreats to a concern with what he characterizes as the ''small chance'' of possible litigation. The supposed litigation risk is not a good reason for Senator COBURN's multistage approach when a simple, one-time term extension will accomplish the goal. This is particularly true when the committee reported bill is constitutional.

The FBI is not troubled by the supposed exposure ''of Director Mueller's authority to dangerous litigation risk.'' Senator COBURN does not cite any operational concern raised by the FBI or anyone else in law enforcement

concerning this supposed litigation risk. The FBI Director and the Department of Justice do not seem concerned about this supposed litigation risk. I am confident that we would have heard from the FBI and other law enforcement groups if there was any concern that this bill would somehow undermine the law enforcement or intelligence operations of the FBI. To the contrary, S. 1103 enjoys the strong support of the National Fraternal Order of Police, the International Association of Chiefs of Police, and the National Association of Police Organizations.

The Justice Department does not share Senator COBURN's concerns. The Office of Legal Counsel recently reaffirmed the constitutionality of the bill in a new memorandum dated June 20, which is included in the appendix to the Senate committee report and rests upon 60 years of constitutional interpretation. The White House is not concerned. Neither am I. The bill that the committee reported and I support is constitutional and does not raise any real risk.

Senator COBURN has known since he raised his alternative approach that there are two major problems with it. The first problem I have already discussed. It is wrongly predicated on a constitutional problem that does not exist. The bill reported by the Senate Judiciary Committee is a term extension of a limit that Congress imposed on the term of service of the Director of the FBI. Indeed, as the witnesses at our June 8 hearing pointed out, the logic of Senator COBURN's concern could mean that the 10-year limit Congress imposed on the term of service of the FBI Director would itself be constitutionally suspect. The supposed justification for Senator COBURN's cumbersome legislative plan is just wrong. The reported bill, S. 1103, which was initially drafted by Senator GRASSLEY and made more explicit by the committee, is constitutional.

The second major problem with Senator COBURN's approach is that it would necessitate the renomination of Director Mueller, and then his reconsideration and reconfirmation by the Senate after enactment of Senator COBURN's alternative bill and before August 3. That is an additional, unnecessary and, I might suggest, dangerous complication. I do not want Americans to be approaching the tenth anniversary of 9/11 without an FBI Director in office. The distractions to Director Mueller created by the extended proceedings on this legislation are damaging enough.

The extension of Director Mueller's service leading the FBI should not fall victim to the same objections that have obstructed Senate action on other important presidential nominations and appointments. I have spoken often about the unnecessary and inexcusable delays on judicial nominations. Even consensus nominees have faced long delays before Senate Republicans would allow a vote.

Since President Obama was elected, we have had to overcome two filibusters on two Circuit Court nominees who were reported unanimously by the committee. These judges—Judge Barbara Keenan of the Fourth Circuit and Judge Denny Chin of the Second Circuit—were then confirmed unanimously once the filibusters were brought to an end. These are currently 16 judicial nominees who were reported unanimously by all Republicans and Democrats on the Judiciary Committee and yet are stuck on the Senate Executive Calendar because Senate Republicans will not consent to vote on them. These are consensus nominations that should not have been delayed while the Federal courts are experiencing a judicial vacancies crisis.

This pattern of delay and obstruction has not been confined to judges. President Obama's executive nominations have been subjected to the same unfair treatment. The first five U.S. attorneys appointed by President Obama were delayed more than 2 months for no good reason in the summer of 2009. These are the top Federal law enforcement officers in those districts and yet it took from June 4 to August 7 before Senate Republicans would consent to their confirmations. They were then confirmed unanimously. The Chairman of the United States Sentencing Commission was similarly delayed unnecessarily for almost 6 months from May 7 until October 21, 2009. He, too, was ultimately confirmed without opposition, but after needless delay.

Among a slew of other troublesome examples are these: One Republican Senator objected to a nominee to serve on the Federal Reserve Board of Governors because, according to that Senator, the nominee lacked the necessary qualifications. The nominee was a Nobel Prize winner and MIT economics professor. Another Republican Senator is blocking the confirmation of two SEC Commissioners until he extracts action from the SEC related to a case against the Stanford Financial Group. A group of Senate Republicans have sent a letter to President Obama vowing to oppose any nominee to be Director of the Consumer Financial Protection Bureau. Republican Senators are vowing to block President Obama's nominee to serve as the Secretary of Commerce.

In a particularly illustrative case, one Republican Senator lifted his hold on the nomination of the Director of the U.S. Fish and Wildlife Service only after the administration acceded to his demands and issued 15 offshore oil drilling permits. Shortly thereafter, another Republican Senator placed a hold on the very same nomination to force the Interior Department to release documents on the Department's ''wild lands'' policy. It did not end there. When that dispute was resolved, a third Republican Senator reportedly placed a hold on the nominee, demanding a review of the protected status of wolves. That nominee has still not been confirmed.

Regrettably, Senate Republicans have ratcheted up the partisanship, limiting the cooperation that used to allow nominations to move forward more quickly. We cannot and should not take risks with this critical term extension for the head of the FBI. I do not want to see another important nomination subjected to holds and delays. I do not want to see another well-qualified national security nominee used as leverage by the Republican Senate minority to extract other unrelated concessions. That is what Senator COBURN's alternative plan invites.

I recently outlined the obstruction of key national security-related nominations, the Deputy Attorney General and Assistant Attorney General for National Security. I do not want to see that happen, again, with the nomination of an FBI Director, but we have no guarantee that the President's nomination of an FBI Director would be treated any differently.

Republicans played ''chicken'' with a government shutdown earlier this year. We can see the same dynamic developing on the debt ceiling and the budget. Likewise, many Republicans, including their House leaders, who contended that the War Powers Act was unconstitutional when the President was a Republican, are now seeking to use it as a partisan cudgel to diminish this President, with little regard for the damage that does to America, NATO and the effort to end the brutal repression of the Libyan people by Moammar Qadhafi.

The Senate is finally this week seeking to complete action on a bipartisan, leadership-supported legislative approach to reforming Senate consideration of presidential nominations. It has taken weeks and months to get this far. Senate Republicans undermined their leadership and failed to support Senator ALEXANDER and Senator MCCONNELL, who were instrumental in developing the Presidential Appointment Efficiency and Streamlining Act, S. 679. The Senate has been stuck trying to complete this bill since June 16, when the majority leader could not even get consent to proceed to the bill. Bills that used to take 2 hours of floor time now consume 2 weeks. Republican Senators who could not be bothered with conducting oversight when a Republican was in the White House are now adamant that the Senate should not streamline any presidential nominations, arguing that doing so would undercut Senate opportunities to conduct what they call oversight. This is just another example of how virtually everything is viewed through a partisan lens since the American people elected President Obama.

Senator COBURN has known since we began to consider the President's request to extend the FBI Director's term that his plan could not be considered a viable alternative unless there was an agreement from Senate Republicans to ensure that the Senate would

complete its work and have the FBI Director in place at the end of the summer. That agreement would take the form of a unanimous consent agreement in the Senate, entered into by all Senators, and locked in on the RECORD so that it could not be changed without unanimous consent. That has not occurred. That is the only way to ensure Senate action on a nomination before August 3. The House would also have to agree to such an approach.

Senator COBURN has been unable to convince his leadership and the Republican caucus to agree. It may be because some do not want to agree. It may be because some do not want to give up the ''leverage'' such a nomination might provide to them on other matters. Maybe they just do not want to make anything too ''easy'' on this President. Whatever the reasons, no such agreement has been forthcoming in the weeks it has been under consideration.

In fact, at the Judiciary Committee business meeting on the bill, when Senator COBURN could not offer the assurances required to lock in prompt and timely consideration of a subsequent nomination of the FBI Director after enactment of legislation and before August 3, he did suggest that his side of the aisle would forego several steps of the standard process for considering nominees. He offered to waive the questionnaire, the background check, and the confirmation hearing on Director Mueller. But this commitment was illusory, because not even all of the Republican members of the Judiciary Committee agreed. Senator CORNYN, having questioned Director Mueller's ''management capacity,'' indicated that he wanted confirmation hearings and the opportunity to ask questions. Of course, the Senator from Texas was within his rights to say so. But that shows the practical difficulties of following Senator COBURN's complicated, two-part scenario with no guarantee of it being completed by August 3.

Republican Senators lectured us on the ease with which the majority leader should be able to obtain cloture on a new nomination of Director Mueller. That again makes my point. Without a binding agreement, it could take days to consider the nomination, perhaps a full week.

We have just witnessed Senate Republicans filibustering for the first time in American history the nomination of the Deputy Attorney General of the United States. They did that just last month. While Senator CORNYN opined that the renomination of Director Mueller should be able to get 60 votes for cloture, and we should be able to end a filibuster of the nomination on the Senate floor, he also said that he could not control other Republican Senators.

To complete action in accordance with Senator COBURN's alternative plan would mean not only passing legislation but the Senate receiving, considering and confirming the renomination of Director Mueller. I was chairman of the Judiciary Committee back in 2001 when the Senate considered and confirmed Director Mueller's initial nomination within two weeks. I worked hard to make that happen. Regrettably, given the current practices of Senate Republicans, and their unwillingness to agree on expedited treatment for President Obama's nominations, it is foolhardy in my judgment to think that all Senate Republicans will cooperate without the binding force of a unanimous consent entered in the RECORD.

Let me mention just one more recent example. Consider the time line of the nomination of the Assistant Attorney General for the National Security Division at the Department of Justice. The nominee was approved unanimously by the Senate Judiciary Committee and unanimously by the Senate Select Committee on Intelligence, and approved unanimously by the Senate just yesterday. That nomination took 15 weeks for the Senate to consider—and she was approved unanimously. It took more than a month just to schedule the Senate vote after the nomination was reported unanimously by the Senate Select Committee on Intelligence, and that was 2½ weeks after it was unanimously reported by the Senate Judiciary Committee. This was a nominee with whom many of us were familiar and who faced no opposition.

Of course, in the case of the FBI Director, there is no necessity to require a new nomination. The simple one-time extension contained in S. 1103 does the job. It provides all the authority needed for the President to ask Director Mueller to stay on and for him to do so without additional action by the Senate. The separate renomination of Director Mueller is not required.

As I have said, all Senate Democrats are prepared to take up and pass S. 1103, and send it to the House of Representatives for it to take final action before August 3. That is what we should be doing. We should do that now, before the Fourth of July recess. There is no good reason for delay. All that is lacking is Senate Republicans' consent.

So, as they stall in moving legislation to respond to President Obama's request to extend Director Mueller's term, Senate Republicans will not commit to the unanimous consent request necessary to allow Senator COBURN's alternative to become a possibility. Seven of the eight Republican members of the Senate Judiciary Committee voted against the bill to extend Director Mueller's term. Senator COBURN had said that if his alternative was not adopted by the committee, he would vote for the bill, but then he changed his mind and voted against. He then said that he will vote for the bill, S. 1103, when it is considered by the Senate, but Senate Republicans—perhaps including Senator COBURN himself—are now objecting to considering it. We have lost another two weeks since the bill was reported by the Judiciary Committee.

Finally, I observe that this is not the only matter the Senate needs to consider before August 3. There is the matter of the United States' default unless the debt ceiling is raised by that time. There is the need to pass the America Invents Act, as passed by the House, to spur innovation and jobs. There are currently 10 executive nominations ready for Senate action reported by the Judiciary Committee and 18 judicial nominations ready for final consideration to address the judicial vacancies crisis. There is much to do, little time, and even less cooperation.

This important legislation, S. 1103, would fulfill the President's request that Congress create a one-time exception to the statutory 10-year term of the FBI Director in order to extend the term of the incumbent FBI Director for 2 additional years. Given the continuing threat to our Nation, especially with the tenth anniversary of the September 11, 2001, attacks approaching, and the need to provide continuity and stability on the President's national security team, it is important that we respond to the President's request and enact this necessary legislation swiftly. The incumbent FBI Director's term otherwise expires on August 3, 2011. I urge the Senate to take up this critical legislation and pass it without further delay.

CONSULAR NOTIFICATION COMPLIANCE ACT

Mr. LEAHY. Mr. President, on June 14, 2011, I introduced the Consular Notification Compliance Act. This legislation will help bring the United States into compliance with its obligations under the Vienna Convention on Consular Relations, VCCR, and is critical to ensuring the protection of Americans traveling overseas.

Each year, thousands of Americans are arrested and imprisoned when they are in foreign countries studying, working, serving in the military, or traveling. From the moment they are detained, their safety and well-being depends, often entirely, on the ability of U.S. consular officials to meet with them, monitor their treatment, help them obtain legal assistance, and connect them to family back home. That access is protected by the consular notification provisions of the VCCR, but it only functions effectively if every country meets its obligations under the treaty—including the United States.

As we now know, in some instances, the United States has not been meeting those obligations. There are currently more than 100 foreign nationals on death row in the United States, most of whom were never told of their right to contact their consulate, and their consulate was never notified of their arrest, trial, conviction, or sentence. This failure to comply with our treaty obligations undercuts our ability to

protect Americans abroad and deeply damages our image as a country that abides by its promises and the rule of law. It would also be completely unacceptable to us if our citizens were treated in this manner.

The Consular Notification Compliance Act seeks to bring the United States one step closer to compliance with the convention. It is a narrowly crafted solution. It focuses only on the most serious cases—those involving the death penalty—but it is a significant step in the right direction and we need to work together to pass it quickly. Texas is poised to execute the next foreign national affected by this failure to comply with the treaty on July 7, 2011. He was not notified of his right to consular assistance, and the Government of Mexico has expressed grave concerns about the case. We do not want this execution to be interpreted as a sign that the United States does not take its treaty obligations seriously, or to further damage relations with an important ally with which we share a border. That message puts American lives at risk.

Since introduction of the Consular Notification and Compliance Act, the Department of Justice and the Department of State have worked with me to explain the importance of the bill, its limited nature, and the urgent need to see it passed. On June 28, Attorney General Holder and Secretary Clinton wrote to me in support of the ''carefully crafted, measured, and essential legislative solution'' included in the Consular Notification and Compliance Act. I will ask consent to have a copy of the letter printed in the RECORD at the conclusion of my remarks. We have already had productive discussions with Republicans and Democrats from both the House and Senate. I appreciate that others are willing to work together to address this critical issue.

I also want to note all of the favorable commentary the bill has generated, including multiple editorials in major newspapers and numerous letters of support from across the political spectrum. I also will ask that a selection of those be printed in the RECORD following my remarks.

Everyone agrees that this legislation is not about giving breaks to criminals. It is not about expanding habeas corpus relief. It is not about weakening the death penalty. This bill is about three things only. It is about protecting Americans when they work, travel, and serve in the military in foreign countries. It is about fulfilling our obligations and upholding the rule of law. And it is about removing a significant impediment to full and complete cooperation with our international allies on national security and law enforcement efforts that keep Americans safe.

The bottom line is this—our failure to comply with our legal obligations places Americans at risk. As chairman of the Senate Judiciary Committee, I am announcing that I intend to hold a hearing on this critical issue in July. We must work together, and we must act now.

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

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

JUNE 28, 2011.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We thank you for your extraordinary efforts to enact legislation that would facilitate U.S. compliance with its consular notification and access obligations and to express the Administration's strong support for S. 1194, the Consular Notification Compliance Act of 2011 (CNCA).

The millions of U.S. citizens who live and travel overseas, including many of the men and women of our Armed Forces, are accorded critical protections by international treaties that ensure that detained foreign nationals have access to their country's consulate. Consular assistance is one of the most important services that the United States provides its citizens abroad. Through our consulates, the United States searches for citizens overseas who are missing, visits citizens in detention overseas to ensure they receive fair and humane treatment, works to secure the release of those unjustly detained, and provides countless other consular services. Such assistance has proven vital time and again, as recent experiences in Egypt, Libya, Syria and elsewhere have shown. For U.S. citizens arrested abroad, the assistance of their consulate is often essential for them to gain knowledge about the foreign country's legal system and how to access a lawyer, to report concerns about treatment in detention, to send messages to their family, or to obtain needed food or medicine. Prompt access to U.S. consular officers prevents U.S. citizen prisoners from being lost in a foreign legal system.

The United States is best positioned to demand that foreign governments respect consular rights with respect to U.S. citizens abroad when we comply with these same obligations for foreign nationals in the United States. By sending a strong message about how seriously the United States takes its own consular notification and access obligations, the CNCA will prove enormously helpful to the U.S. Government in ensuring that U.S. citizens detained overseas can receive critical consular assistance.

The CNCA will help us ensure that the United States complies fully with our obligations to provide foreign nationals detained in the United States with the opportunity to have their consulate notified and to receive consular assistance. By setting forth the minimal, practical steps that federal, state, and local authorities must take to comply with the Vienna Convention on Consular Relations (VCCR) and similar bilateral international agreements, the CNCA will ensure early consular notification and access for foreign national defendants, avoiding future violations and potential claims of prejudice for those who are prosecuted and ultimately convicted. In this regard, the legislation is an invaluable complement to the extensive training efforts each of our Departments conducts in this area.

The CNCA appropriately balances the interests in preserving the efficiency of criminal proceedings, protecting the integrity of criminal convictions, and providing remedies for violation of consular notification rights. By allowing defendants facing capital charges to raise timely claims that authorities have failed to provide consular notification and access, and to ensure that notification and access is afforded at that time, the CNCA further minimizes the risk that a violation could later call into question the conviction or sentence. The CNCA provides a limited post-conviction remedy for defendants who were convicted and sentenced to death before the law becomes effective. To obtain relief, such defendants face a high bar: They must establish not only a violation of their consular notification rights but also that the violation resulted in actual prejudice. Going forward, the CNCA permits defendants who claim a violation of their VCCR rights an opportunity for meaningful access to their consulate but does not otherwise create any judicially enforceable rights.

After more than seven years and the efforts of two administrations, the CNCA will also finally satisfy U.S. obligations under the judgment of the International Court of Justice (ICJ) in *Case Concerning Avena and Other Mexican Nationals* (*Mex. v. US.*), 2004 I.C.J. 12 (Mar. 31). As we expressed in April 2010 letters to the Senate Judiciary Committee, this Administration believes that legislation is an optimal way to give domestic legal effect to the Avena judgment and to comply with the U.S. Supreme Court's decision in *Medellin v. Texas,* 552 U.S. 491 (2008). The CNCA will remove a long-standing obstacle in our relationship with Mexico and other important allies, and send a strong message to the international community about the U.S. commitment to honoring our international legal obligations.

The CNCA unmistakably benefits U.S. foreign policy interests. Many of our important allies and regional institutions with which we work closely—including Mexico, the United Kingdom, the European Union, Brazil and numerous other Latin American countries, and the Council of Europe, among others—have repeatedly and forcefully called upon the United States to fulfill obligations arising from Avena and prior ICJ cases finding notification and access violations. We understand that the Governments of Mexico and the United Kingdom have already written to Congress to express their strong support for this legislation.

This legislation is particularly important to our bilateral relationship with Mexico. Our law enforcement partnership with Mexico has reached unprecedented levels of cooperation in recent years. Continued noncompliance with Avena has become a significant irritant that jeopardizes other bilateral initiatives. Mexico considers the resolution of the Avena problem a priority for our bilateral agenda. The CNCA will help ensure that the excellent U.S.-Mexico cooperation in extradition and other judicial proceedings, the fight against drug trafficking and organized crime, and in a host of other areas continues apace.

In sum, the CNCA is a carefully crafted, measured, and essential legislative solution to these critical concerns. We thank you again for your work towards finding an appropriate legislative solution to this matter of fundamental importance to our ability to protect Americans overseas and preserve some of our most vital international relationships.

Sincerely,

ERIC H. HOLDER, JR.,
Attorney General.
HILLARY RODHAM CLINTON,
Secretary of State.

[From the Washington Post, June 13, 2011]

WHY THE U.S. SHOULD ALLOW ARRESTED FOREIGNERS TO CONTACT THEIR CONSULATES

Humberto Leal Jr. is scheduled to be put to death by the state of Texas next month

for the 1994 murder of a 16-year-old girl. Like so many cases involving capital punishment, Mr. Leal's has generated controversy, but not for the typical reasons.

Mr. Leal is a Mexican national. When he was arrested, Texas officials failed to advise him of his right to communicate with his country's embassy as required by the Vienna Convention on Consular Relations. The United States, Mexico and some 160 other countries are signatories to the convention. Mr. Leal is one of roughly 40 Mexican nationals who were not advised about consular access and who sit on death row in this country.

Mexico filed a grievance on behalf of its nationals and prevailed in 2004 before the International Court of Justice (ICJ), the judicial arm of the United Nations. The ICJ concluded that the United States was obligated to comply with the treaty and that it should review these cases to determine whether the defendants had been harmed by the lack of notification.

Texas, where the majority of these inmates are held, balked. Three years ago, the state executed Jose Ernesto Medellin, another Mexican national who was not informed of his right to consular access and who was denied additional review. The state is likely to take the same approach in the Leal case. ''Here, in Texas, if you commit terrible and heinous crimes you're going to pay the ultimate price,'' says Katherine Cesinger, press secretary to Gov. Rick Perry.

This misses the point entirely. This is not about coddling criminals nor is it a referendum on the death penalty. It is about a country's obligation to honor its treaty commitments. The United States must comply with the Vienna Convention—and demonstrate good faith in addressing past mistakes—if U.S. citizens abroad are to be afforded the same rights and protections.

Sen. Patrick J. Leahy (D–Vt.) is expected to introduce legislation as soon as this week to provide meaningful review in federal court for those denied consular access. The legislation should be narrowly tailored and mandate that the legal proceedings focus solely on whether denial of access seriously prejudiced an inmate's ability to defend against charges. The bar for success should be high, and only those who can provide compelling evidence of such harm should be allowed a new trial or benefit from a reduced sentence.

To avoid this problem in the future, federal and state governments should be diligent about abiding by the treaty's mandates. The State Department should continue its outreach to state and local governments to impress upon law enforcement officials the importance of the consular notification. Complying with the treaty is not only the right thing to do; it is the smart and self-interested thing to do.

[From the New York Times, June 17, 2011]

THE TREATY AND THE LAW

Humberto Leal Garcia Jr., a Mexican citizen who faces execution in Texas next month, has petitioned Gov. Rick Perry for a six-month reprieve. He is asking for a stay under a vital international law, the Vienna Convention on Consular Relations, which requires that foreign nationals who are arrested be told of their right to have their embassy notified of that arrest and to ask for help.

In recent years, the treaty has provided important protection for Americans who have been detained in Iran, North Korea and elsewhere. Mr. Leal was not notified after his arrest of his right to contact his embassy. But the Supreme Court ruled in 2008 that Texas did not need to comply with the treaty because there is no federal law requiring that states do so.

Senator Patrick Leahy of Vermont on Tuesday introduced a bill that makes clear that federal law requires that states tell foreign nationals who have been arrested that they can contact their consulates for help.

For those who were convicted and sentenced without being told, the bill would let them ask a federal court to review their case and decide whether the outcome would have been different if they had had diplomatic help. After the bill was introduced, Mr. Leal petitioned Federal District Court for a stay to keep Texas from ''rushing to execute'' him before Congress has time to act.

Mr. Leal, convicted of murder during a sexual assault, had grossly incompetent legal representation. If he had been given access to a Mexican diplomat, he would have had a chance at better counsel and likely the opportunity to strike a plea deal, avoiding the death penalty.

For the sake of justice, the governor and court should grant the stays. For the protection of foreigners arrested here, and American citizens arrested abroad, Congress should pass Senator Leahy's bill.

[From the Austin American-Statesman, June 10, 2011]

EXECUTION CASE IMPORTANT TO INTERNATIONAL RELATIONS

The Golden Rule of life also applies to the tricky business of international relations. What we do to non-Americans in our country we can reasonably expect to be done unto Americans in other countries.

It is for that reason that Gov. Rick Perry and the Texas Board of Pardons and Paroles—both in the uncommon position of making a decision with international impact—should commute or postpone the death sentence of Humberto Leal, a Mexican raised in Texas, scheduled to die July 7 for the 1994 murder of Adria Sauceda, 16, in Bexar County.

The key issue in this case at this point is not whether Leal committed the crime. Also not central now are the circumstances involving Leal, including sexual abuse by a priest, a challenging family history and other factors that, though significant, fail to add up to justification for murder. They could, however, count as mitigating factors that argue for a life sentence.

It's what happened after Sauceda was killed that is at issue. More specifically, it's what didn't happen. Despite the Vienna Convention on Consular Relations requirements, Leal was not informed of his right to contact Mexican officials to seek legal assistance. Records indicate that he was not aware of that right until told about it by a fellow death row inmate.

Instead of getting legal help from Mexican consular officials, who have a track record of providing quality legal representation for Mexicans facing the death penalty in the U.S., Leal was represented by a court-appointed team that included a lawyer who twice had his license suspended.

Back in 2004, the International Court of Justice said Leal was entitled to a hearing to determine the extent of harm he suffered as a result of the lack of consular access. A U.S. Supreme Court ruling has said the U.S. must comply with the decision by the international court. Texas, citing state law, said no such hearing could take place. Congress now is poised to consider legislation, to be filed in coming weeks, that would establish a procedure for a federal court hearing on the extent of harm caused to Leal because he was not advised of his right to contact Mexican officials.

In a clemency petition filed this week, an impressive list of former U.S. diplomats, retired military leaders and others concerned about international matters urged a stay of execution to grant Congress time to deal with this case.

At stake, they said, are the consular rights of Americans who become entangled in legal problems while out of the country.

''For Texas to proceed with (Leal's) execution prior to full compliance with these treaty obligations would endanger the interests of American citizens and the United States around the world,'' John B. Bellinger III, a State Department legal adviser in the George W. Bush administration, said in a letter signed by others and delivered to Perry.

The former military leaders told Perry that ''improving U.S. enforcement of its consular notification and legal access obligations will help protect American citizens detained abroad, including U.S. military personnel and the families stationed overseas.''

Sandra L. Babcock, a Northwestern University law professor representing Leal, said he would not have been convicted if he had received proper consular assistance. We have no way of knowing that. But there is no arguing with Babcock's contention that ''with consular access, Mr. Leal would have had competent lawyers and expert assistance that would have transformed the quality of his defense.''

And, as she noted, Mexican officials have developed expertise in helping Mexicans facing the death penalty in the U.S.

''It really is a very modest remedy we are talking about,'' Babcock said.

Modest, indeed, but with important international ramifications.

[From the Houston Chronicle, June 22, 2011]

KEEPING OUR WORD: SCHEDULED TEXAS EXECUTION VIOLATES TREATY AND ENDANGERS AMERICANS ABROAD

Americans traveling abroad are protected, whether they are aware of it or not, by a treaty called the Vienna Convention on Consular Relations, ratified by about 170 countries, which guarantees them access to U.S. consular assistance if they are detained or arrested in a foreign country. In 2010, more than 6,600 Americans were arrested abroad, and more than 3,000 were incarcerated. Many of them benefited from the protections of this treaty.

But unfortunately, the U.S. has repeatedly failed to offer those same protections to foreigners on U.S. soil. The most egregious of these violations is the denial of consular assistance to foreign nationals convicted and sentenced to death. (Currently, about 100 foreign nationals are on U.S. death rows.) And in a particularly urgent case, one of those individuals whose rights were violated, a Mexican national named Humberto Leal Garcia, is scheduled to be executed on July 7 in Huntsville.

Because a bill has been introduced to bring the U.S. into compliance with the treaty, Leal's attorneys have filed a federal petition and a motion for a stay of execution so that Leal will be alive and eligible for the remedies of this legislation when it becomes law.

There are compelling reasons why these petitions should be granted. Chief among them is the fact that this pending legislation will allow for review of cases like Leal's, said his attorney Sandra Babcock, ''where lack of consular assistance may well have made the difference between life and death. That's why the consular access really matters.'' Mexico provides top-flight legal assistance to its nationals under such circumstances.

Leal's court-appointed attorneys were ineffective and inexperienced, Babcock told the Chronicle, resulting in harm to Leal in both the guilt-or-innocence and the penalty phases of his trial. According to Babcock,

they failed to challenge the prosecution's ''junk science'' and flawed DNA evidence or to present expert testimony on Leal's learning disabilities and brain damage. Leal, sentenced to death for the 1994 rape and murder of a 16-year-old girl, was then 21 and had no criminal record.

Also, there is no dispute that this treaty is the law: In 2003, Mexico filed suit against the U.S., claiming that 51 Mexican nationals sentenced to death in U.S. courts had been denied consular access. (Leal was one of them.) In 2004, the International Court of Justice ruled that the U.S. must review those individuals' cases. The issue was finally resolved, in 2008, by the U.S. Supreme Court, which unanimously supported the ICJ decision but ruled that it was up to Congress to implement it.

That is what Senate Judiciary Committee Chairman Patrick Leahy addressed last week, when he introduced legislation to allow federal courts to review such cases, and to increase compliance and provide remedies.

And finally, as Leahy eloquently stated, the U.S. failure to honor its treaty obligations ''undercuts our ability to protect Americans abroad and deeply damages our image as a country that abides by its promises and the rule of law. It would also be completely unacceptable to us if our citizens were treated in this manner.''

For all of these reasons, we urge Congress to act swiftly to pass this legislation, and we urge Gov. Perry to give Leal, and others in his situation, the time to benefit from its remedies if they are shown to have been harmed.

PERRY, UTAH

Mr. HATCH. Mr. President, I rise today to pay tribute to the great city of Perry, UT, on the 100th anniversary of its incorporation.

Today, Perry is a beautiful city of nearly 4,000 residents nestled at the foot of northern Utah's majestic Wasatch Mountains. Its fame and acclaim are extensive for a variety of reasons.

First, it is the apple of many a person's eye because of its location on Utah's famed Fruit Way. Its fruit stands along highway 89 are laden with apples, cherries, apricots, peaches, pears and other produce. I have never found any fruit nearly so sweet in all my travels.

Perry is also home to the legendary Maddox Ranch House, where succulent steaks, fried chicken, homemade rolls and other fare have been food for thought and the palate for locals and many a weary traveler—this Senator, included—for more than six decades.

Best of all, though, are the wonderful residents of Perry. I have always been unfailingly impressed with their work ethic and civic-mindedness their eagerness and willingness to pitch in and build a better future and community for their children and grandchildren.

They also are warm and welcoming. Whenever people pop in, they never seem to be put out. It has been my experience that they are always eager to lend a hand or extend the hand of friendship. I always feel better for being there. It doesn't hurt that my wife Elaine hails from nearby Newton. Little wonder that every time I am in Perry I feel right at home.

Great places like Perry don't just happen. It takes vision and hard work—a trait Orrin Porter Rockwell and his brother Merritt undoubtedly had in abundance when they laid claim to a piece of land in the area adjacent Porter Spring. They were followed in 1851 by the Mormon pioneers, settlers of faith and fortitude who befriended the Native Americans there and founded what became known as Three Mile Creek.

Many milestones have come and gone since then. In 1861 the first school was built, followed by the groundbreaking for the Northern Utah Railroad 10 years later. And the settlers also weathered some adversity, including harsh winters and the Great Flood of 1896. Two years later, Three Mile Creek was renamed Perry in honor of Orrin Alonzo Perry, who served as an LDS bishop there for more than two decades.

June 19, 1911, the date of Perry's incorporation, was another major event and marked a new beginning. Over the ensuing years, the people of Perry, under the guidance of some remarkable and visionary leaders, kept right on building, bringing electricity, drinking water, a town hall and more schools to the city. Just this year, Perry added a wastewater treatment plant and a soccer park to the mix. And I trust many more chapters remain to be written in Perry's illustrious history.

As Perry celebrates its centennial over the Fourth of July weekend, I salute its visionary and hardworking citizens, both past and present, who have made the city what it is today. I am sure Orrin Porter Rockwell and Orrin Alonzo Perry would be proud. You can be certain that this Orrin is.

EXPLOITING GAPS IN U.S. GUN LAWS

Mr. LEVIN. Mr. President, I have long sought to bring attention to the dangerous gaps in U.S. gun laws, hoping the exposure would lead to the passage of commonsense firearm legislation. To those of us who feel that Congress can and should play a role in protecting American neighborhoods from the scourge of gun violence, enacting laws to ensure firearms stay out of the hands of dangerous people seems like a no-brainer. Unfortunately, the National Rifle Association, despite broad support for sensible gun safety laws among Americans across the political spectrum, has successfully blocked much-needed legislative changes.

Recently a startling new voice joined the discussion highlighting the weaknesses in our gun laws, most notably how we administer firearm background checks. Consider the following quote describing the so-called gun show loophole:

America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle without a background check and, most likely, without having to show an identification card.

While this quote does not break any new ground regarding the dangers of the gun show loophole, it is noteworthy because of the person who said it. These were not the words of a Member of Congress, advocating for legislation, nor were they the words of a spokesperson of groups like Mayors Against Illegal Guns or the Brady Campaign. This quote is taken from an Internet video message recorded by Adam Gadahn, an American-born, confirmed al-Qaida operative.

In the video, Gadahn speaks to al-Qaida followers and sympathizers, describing the ease with which a person can purchase a firearm from a private seller without a background check, often with no questions asked. In fact, this video is not merely a description of the loopholes in U.S. gun laws, it is an exhortation to would-be terrorists to exploit these loopholes and kill innocent Americans. To wit, the video ends with Gadahn asking his viewers, ''What are you waiting for?''

This video is a chilling reminder that dangerous loopholes exist in U.S. gun laws, weaknesses that terrorists are actively trying to exploit. While Gadahn is not entirely accurate—a person cannot purchase a ''fully automatic assault'' rifle at a gun show without government knowledge—he correctly describes just how simple it is for dangerous individuals to acquire deadly weapons in the United States, including semi-automatic assault rifles.

I urge my colleagues to take up and pass two gun safety bills introduced by Senator FRANK LAUTENBERG: the Gun Show Background Check Act, S. 35, which would close the loophole that makes it easy for criminals, terrorists and other prohibited buyers to evade background checks and buy guns from private citizens at gun shows; and the Denying Firearms and Explosives to Dangerous Terrorists Act, S. 34, which would close the loophole in Federal law that hinders the ability of law enforcement to keep firearms out of the hands of terrorists by authorizing the Attorney General to deny the sale of a firearm when a background check reveals that the prospective purchaser is a known or suspected terrorist.

Congressional action should not require such stark evidence that al-Qaida and like-minded criminals are trying to use weak U.S. gun laws to carry out terrorist attacks against Americans. But the evidence—clear, explicit and terrifying—is here nonetheless. The time to act is long overdue.

UTAH SHAKESPEARE FESTIVAL

Mr. HATCH. Mr. President, today I wish to pay tribute to the Utah Shakespeare Festival, the Nation's premier regional theater and one of our State's crown jewels, on the occasion of its 50th anniversary.

Great things often evolve from small or modest beginnings. That was certainly the case in 1961 when Fred C. Adams and his late wife, Barbara, founded the event in Cedar City with lofty goals, a bargain-basement budget of $1,000, and 21 volunteers. They envisioned what few others could see—that the 150,000 tourists who flocked to the area each summer might also be gathered for a theater festival.

Today, the Utah Shakespeare Festival is the proud recipient of a Tony Award for being the ''outstanding regional theatre in America.'' It operates year-round, boasts a $6.6 million budget, employs 26 Equity actors and has another 300 community volunteers. Its repertoire has also expanded. Yes, Shakespeare is still the main attraction, but the festival also stages plays from three centuries of playwrights from all across Europe and the United States.

Not bad for a festival that is 250 miles from Salt Lake City, the State's largest metropolitan area.

Geography, though, can hardly be the sole consideration for theatre aficionados who wish to attend the festival. It is simply too good and too glorious to miss, for mileage's sake. That is why I and millions of others have eagerly gone the distance many times to take in Shakespeare's plays at the open-air Adams Memorial Theatre—modeled after the playwright's famed Globe Theatre in London—and other offerings at the indoor Randall L. Jones Theatre. Every time I have gone, I have been thoroughly entertained and richly rewarded.

But the past is past, or, as Shakespeare put it, ''What is past is prologue.'' I look forward to many more productions there, and for the event to capture ever-more acclaim and captivate ever-larger and more appreciative audiences. Perhaps the Bard of Avon's words best sum up the festival's future: ''The golden age is before us, not behind us.'' I firmly believe that to be true.

On this, the 50th anniversary of the Utah Shakespeare Festival, I salute the visionaries like Fred and Barbara Adams, Executive Director R. Scott Phillips, and the scores of organizers, performers, and volunteers who have and continue to make this wonderful event possible.

I commend them for a wonderful 50 years and wish them well as they embark on the next 50 and continue to carry out the festival's mission to ''entertain, enrich and educate.''

ADDITIONAL STATEMENTS

REMEMBERING DR. WALTER A. SOBOLEFF, SR.

● Mr. BEGICH. Mr. President, today I wish to memorialize Dr. Walter A. Soboleff, Sr., who died at his home on May 22, 2011. During a life which spanned more than 102 years, Dr. Soboleff was revered as one of Alaska's greatest teachers. A Presbyterian minister, Tlingit scholar and elder, his quiet wisdom, wry humor, and loving leadership bridged cultures to change attitudes and lives.

Born November 14, 1908, in Killisnoo, AK, to a Tlingit mother and the son of a Russian Orthodox priest, Walter was a member of the Yéil moiety, Raven; L'eeneidi clan, Dog Salmon; and Aanx'aakhittaan House. His Tlingit names included T'aaw Chán and Kaajaakwtí.

From fifth grade through high school, Dr. Soboleff emerged as an academic talent at Sheldon Jackson, a Presbyterian mission school in Sitka, AK. Though baptized by his Russian Orthodox grandfather, his experience at Sheldon Jackson led him to the Presbyterian ministry. Few Alaska Natives had access to college in the 1930s, but Dr. Soboleff was hungry to learn. He attended a term at Oregon State University, fished commercially, and worked the canneries before receiving a full scholarship to the theological seminary at the University of Dubuque, Iowa. He completed his graduate degree there in 1940.

With many offers to fill pulpits around the country, Dr. Soboleff chose to return to Alaska. As the first ordained Alaska Native, he led Juneau's Memorial Presbyterian Church, a struggling mission to the Tlingits. For many at that time, an integrated church was inconceivable, but Dr. Soboleff's inspired fusion of Tlingit and Christian spirituality attracted a diverse and growing congregation. His teachings were so resonant that part of his service was broadcast on the radio, and he even had a weekly news program which was broadcast in the Tlingit language.

Although Memorial Church closed in 1962, Dr. Soboleff maintained his spirit, relocating his ministry to the mission boats Anna Jackman and Princeton Hall. On them, he traveled southeast Alaska to serve remote villages, logging camps, and lighthouse stations.

A man who walked his talk, Dr. Soboleff was an activist of quiet strength who dedicated himself to humanitarian service and the preservation of his culture. He exemplified caring, understanding, and mutual respect. When denied housing because he and his wife Genevieve were Native, and when the Presbyterians closed his church without explanation, he chose the high road and subsequently opened doors. He responded to conflict with benevolence and racial bias with equanimity, and his unexpected kindness softened difficult situations to invite open relationships and understanding.

A worker rather than a joiner, Dr. Soboleff belonged to many diverse organizations, all dedicated to human understanding and, for him, the preservation of his culture.

As a member of the Alaska Native Brotherhood, he served in all offices including seven terms as grand president. Through ANB he worked to empower Alaska Natives and develop collaborations with other organizations to shape antidiscrimination and land claims legislation. After passage of the Alaska Native Claims Settlement Act in 1971, Dr. Soboleff served as a director of the Sealaska Corporation, president of Kootznoowoo, Inc., and chair of the Sealaska Heritage Institute's Board of Trustees.

As a member of the Lions Club, he helped to found the Gold Medal Basketball Tournament, an event which continues to unite southeast Alaska communities in sport.

As a member of the Alaska National Guard, he served 20 years as chaplain and retired as a lieutenant colonel.

In recognition of his many outstanding achievements, the University of Dubuque awarded Dr. Soboleff an honorary doctorate in divinity in 1952; the University of Alaska would follow suit with an honorary doctorate of humanities in 1968.

Widely recognized as one who understood the value of education, Dr. Soboleff was appointed by Governor Walter J. Hickel to the State board of education. The first Alaska Native to serve, he became chair in 1967. In 1970, he became the first director of Native Studies at UAF. There, he taught Tlingit history, language, and literature. Fluent both in Tlingit and English, he translated stories to revive the Tlingit language and restore his people's pride in themselves and their heritage. Cross-cultural understanding and human respect were so important to Dr. Soboleff, that he stayed active until the end of his long life, addressing a rally against domestic violence just weeks before his death. His presence and his words, as always, made a difference.

To Dr. Soboleff's four children, Janet, Sasha, Walter, and Ross, and to his extended family, we send deep condolences along with joy for the gift of his longevity. While Alaska has lost one of the greatest of her leaders, the teachings of Walter A. Soboleff have shaped how we view ourselves and how we treat one another. Those touched by his spirit have been changed for the better, and his legacy lives on.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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.)

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget.

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–2309. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Extra Long Staple Cotton Crop Provisions'' (RIN0563–AC27) received in the Office of the President of the Senate on June 23, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2310. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2311. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Validated End-User Authorization for CSMC Technologies Corporation in the People's Republic of China'' (RIN0694–AF25) received during adjournment of the Senate in the Office of the President of the Senate on June 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2312. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules Implementing Amendments to the Investment Advisers Act of 1940'' (RIN3235–AK82) received during adjournment of the Senate in the Office of the President of the Senate on June 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2313. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Family Offices'' (RIN3235–AK66) received during adjournment of the Senate in the Office of the President of the Senate on June 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2314. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers With Less Than $150 Million in Assets Under Management, and Foreign Private Advisers'' (RIN3235–AK81) received during adjournment of the Senate in the Office of the President of the Senate on June 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2315. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Standards: Advanced Capital Adequacy Framework—Basel II; Establishment of a Risk-Based Capital Floor'' (RIN3064–AD58) received in the Office of the President of the Senate on June 29, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2316. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of $1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC–2317. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States'' (RIN0694–AF12) received during adjournment of the Senate in the Office of the President of the Senate on June 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2318. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Civil Penalties'' (RIN1010–AD74) received in the Office of the President of the Senate on June 28, 2011; to the Committee on Energy and Natural Resources.

EC–2319. 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 ''Stock Basis'' (Notice No. 2011–56) received in the Office of the President of the Senate on June 27, 2011; to the Committee on Finance.

EC–2320. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to activities under the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act of 1998; to the Committee on Foreign Relations.

EC–2321. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a legislative proposal reauthorizing the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

EC–2322. A communication from the Acting Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priority; National Institute on Disability and Rehabilitation Research (NIDRR)—Rehabilitation Research and Training Center (RRTCs)—Interventions to Promote Community Living Among Individuals with Disabilities'' (CFDA No. 84.133B–11) received in the Office of the President of the Senate on June 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2323. A communication from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Final Priorities; Disability and Rehabilitation Research Projects and Centers Program'' (CFDA Nos. 84.133E–1 and 84.133E–3) received in the Office of the President of the Senate on June 27, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2324. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table'' (RIN0906–AA74) received in the Office of the President of the Senate on June 23, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2325. A communication from the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Program Evaluation Activities of the U.S. Department of Health and Human Services—Performance Improvement 2010''; to the Committee on Health, Education, Labor, and Pensions.

EC–2326. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Prevention and Reduction of Underage Drinking''; to the Committee on Health, Education, Labor, and Pensions.

EC–2327. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2010 Department of Labor's Reissued Agency Financial Report; to the Committee on Health, Education, Labor, and Pensions.

EC–2328. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Certification of the Fiscal Year 2011 Total Non-Dedicated Revised Local Source Revenues in Support of the District's $181,330,000 General Obligation Bonds (Series 2010A)''; to the Committee on Homeland Security and Governmental Affairs.

EC–2329. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the Commission's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–2330. A communication from the Assistant Secretary of Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–2331. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2332. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Successor Entities to the Netherlands Antilles'' ((RIN0750–AH32)(DFARS Case 2011–D029)) received in the Office of the President of the Senate on June 28, 2011; to the Committee on Armed Services.

EC–2333. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Extension of Restrictions on the Use of Mandatory Arbitration Agreements'' ((RIN0750–AH34)(DFARS Case 2011–D035)) received in the Office of the President of the Senate on June 28, 2011; to the Committee on Armed Services.

EC–2334. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Assignment of Order Codes'' ((RIN0750–AH25)(DFARS Case 2011–D004)) received in the Office of the President

of the Senate on June 28, 2011; to the Committee on Armed Services.

EC–2335. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Management of Manufacturing Risk in Major Defense Acquisition Programs'' ((RIN0750–AH30)(DFARS Case 2011–D031)) received in the Office of the President of the Senate on June 28, 2011; to the Committee on Armed Services.

EC–2336. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Pilot Program for Acquisition of Military-Purpose Nondevelopmental Items'' ((RIN0750–AH27)(DFARS Case 2011–D034)) received in the Office of the President of the Senate on June 28, 2011; to the Committee on Armed Services.

EC–2337. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Definition of Sexual Assault'' ((RIN0750–AG93)(DFARS Case 2010–D023)) received in the Office of the President of the Senate on June 28, 2011; to the Committee on Armed Services.

EC–2338. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–2339. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–2340. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Report to Congress on Abnormal Occurrences: Fiscal Year (FY) 2010''; to the Committee on Environment and Public Works.

EC–2341. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a legislative proposal relative to authorization for major facility construction projects and leases for fiscal year 2012; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–52. A joint resolution adopted by the General Assembly of the State of Tennessee memorializing Congress to continue to support career and technical education programs, including the Perkins Tech Prep program; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 111

Whereas, the career and technical education programs available to our students here in Tennessee and across this great Nation are a most vital tool for the economic future and advancement of the United States; and

Whereas, on February 11, the House Appropriations Committee in Washington, D.C., introduced legislation, H.R. 1, legislation which completely eliminates funding for the Perkins Tech Prep program for the 2011–2012 school year and makes drastic cuts across other education and workforce development programs; and

Whereas, career and technical education programs play an integral role in providing our students with the experience and training necessary to compete in the modern economy and a reduction in funding will harm Tennessee's students and communities, both big and small, as well as the economic well-being of America: Now, therefore, be it

Resolved by the Senate of the One Hundred Seventh General Assembly of the State of Tennessee, the House of Representatives Concurring, That this General Assembly hereby memorializes the United States Congress to continue to support career and technical education programs, including the Perkins Tech Prep program. Be it further

Resolved, That a certified copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and to each member of Tennessee's Congressional delegation.

POM–53. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the Congress of the United States to sustain home energy assistance for at-risk Louisianians and to declare June 2011 as ''Save LIHEAP'' Month; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 33

Whereas, the federal home energy assistance program is of vital interest to the state of Louisiana and to low to moderate income households, especially the elderly, disabled, or young citizens, who struggle disproportionately to afford heating and cooling costs; and

Whereas, Congress is considering the proposed budget to reduce the fiscal year 2012 Low Income Home Energy Assistance Program (LIHEAP) formula grant funding by fifty-seven percent nationally; and

Whereas, this reduction is disproportionately more damaging in Louisiana, triggering a sixty-seven percent loss, resulting in the life-threatening decrease of 34.7 million dollars to Louisiana; and

Whereas, due to the loss of these funds, tens of thousands of vulnerable Louisiana citizens will lose access to the LIHEAP's vital energy services; and

Whereas, more than four hundred and seventy-six thousand Louisiana households meet LIHEAP's stringent income eligibility requirements; and

Whereas, of these households, one hundred eighty-four thousand shelter someone over the age of sixty, ninety-six thousand are children under the age of six, and one hundred and fifty-four thousand are handicapped individuals, including disabled veterans; and

Whereas, for a Louisiana family of four to be eligible for LIHEAP, the family must earn no more than twenty-seven dollars per day, per capita; and

Whereas, although nearly a half-million Louisiana households meet LIHEAP's federal income criteria, only a small fraction of eligible households are actually helped due to already limited federal funding; and

Whereas, Louisiana's ability to reach at-risk families through LIHEAP is entirely dependent upon the provision of adequate funding from Congress; and

Whereas, home energy assistance is particularly important in Louisiana due to intermittent intense heat and humidity, which is especially threatening to the elderly, disabled, and young citizens; and

Whereas, if the program's core block grants were reduced as proposed, Louisianians would be disproportionately affected, because the national program would be statutorily precluded from considering current population, poverty, and energy price data and mirroring outdated needs of twenty-five years ago; and

Whereas, unless Congress sustains LIHEAP, Louisiana's most vulnerable citizens will be placed at an unnecessarily greater risk. Therefore, be it

Resolved, That the Louisiana Legislature hereby declares June, 2011 to be ''Save LIHEAP Month'' and encourages public and private citizens to join in by encouraging their respective congressional delegation to sustain this vital program at its long-standing national appropriation of five point one billion dollars during federal Fiscal Year 2012. Be it further

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to sustain home energy assistance for at-risk Louisianians and to declare June 2011 as ''Save LIHEAP'' Month. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–54. A resolution adopted by the city of Lackawanna, New York requesting the city of Lackawanna be united under one New York State Assembly-Member; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments and with a preamble:

S.J. Res. 20. A joint resolution authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya (Rept. No. 112–27).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 550. A bill to improve the provision of assistance to fire departments, and for other purposes (Rept. No. 112–28).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Robert R. Allardice, to be Lieutenant General.

Air Force nomination of Maj. Gen. Bradley A. Heithold, to be Lieutenant General.

Air Force nomination of Maj. Gen. Stanley E. Clarke, to be Lieutenant General.

Air Force nomination of Lt. Gen. Paul J. Selva, to be Lieutenant General.

Air Force nomination of Brig. Gen. Terrence A. Feehan, to be Major General.

*Army nomination of Gen. James D. Thurman, to be General.

Army nomination of Lt. Gen. Kathleen M. Gainey, to be Lieutenant General.

Army nomination of Col. John A. Hammond, to be Brigadier General.

Army nomination of Brig. Gen. James T. Walton, to be Major General.

Army nominations beginning with Brig. Gen. Stephen L. Jones and ending with Brig. Gen. Richard W. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2011.

Army nominations beginning with Brigadier General Marcia M. Anderson and ending

with Colonel Bryan W. Wampler, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2011.

Army nomination of Lt. Gen. Keith M. Huber, to be Lieutenant General.

Army nomination of Col. A. C. Roper, Jr., to be Brigadier General.

Army nomination of Lt. Gen. Curtis M. Scaparrotti, to be Lieutenant General.

Army nomination of Lt. Gen. Daniel P. Bolger, to be Lieutenant General.

Army nomination of Maj. Gen. John F. Campbell, to be Lieutenant General.

Army nomination of Brig. Gen. James K. Brown, Jr., to be Major General.

Army nomination of Brig. Gen. Antonio J. Vicens-Gonzalez, to be Major General.

*Marine Corps nomination of Lt. Gen. John R. Allen, to be General.

Navy nomination of Rear Adm. (lh) Mark J. Belton, to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) George W. Ballance and ending with Rear Adm. (lh) Gary W. Rosholt, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2011.

Navy nominations beginning with Capt. Althea H. Coetzee and ending with Capt. Valerie K. Huegel, which nominations were received by the Senate and appeared in the Congressional Record on March 9, 2011.

Navy nominations beginning with Captain Sandra E. Adams and ending with Captain John F. Weigold, which nominations were received by the Senate and appeared in the Congressional Record on March 16, 2011.

Navy nomination of Rear Adm. (lh) Thomas C. Traaen, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) William M. Roberts, to be Rear Admiral.

*Navy nomination of Vice Adm. William H. McRaven, to be Admiral.

Navy nomination of Capt. John G. King, to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) William E. Leigher, to be Rear Admiral.

Navy nomination of Rear Adm. (lh) Cynthia A. Covell, to be Rear Admiral.

Navy nomination of Capt. Annie B. Andrews, to be Rear Admiral (lower half).

Navy nomination of Capt. Robert V. Hoppa, to be Rear Admiral (lower half).

Navy nominations beginning with Captain Richard W. Butler and ending with Captain Hugh D. Wetherald, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Todd A. Eads and ending with Nichole L. Ingalls, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2011.

Air Force nominations beginning with Jeffrey B. Warner and ending with Gary S. Wollam, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nomination of Shaun A. Price, to be Colonel.

Army nominations beginning with Christopher R. Braden and ending with Cm Dyer, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2011.

Army nomination of Matthew B. Phillips, to be Major.

Army nominations beginning with Michael E. Loescher and ending with Leslie W. Roberson, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2011.

Army nominations beginning with Eric G. Puttler and ending with Prasad V. Yalavarthi, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2011.

Army nominations beginning with James L. Benjamin and ending with Gilberto Ruiz, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2011.

Army nominations beginning with Enrique A. Araniz and ending with Clifford W. Wilkins, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2011.

Army nominations beginning with Eric D. Aguila and ending with Omaya H. Youssef, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Army nominations beginning with Alfred C. Anderson and ending with Mark A. Vance, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Army nominations beginning with Timothy S. Adams and ending with Heather L. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Army nominations beginning with Gina E. Adam and ending with D006403, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Army nominations beginning with Asma S. Bukhari and ending with D005266, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Army nominations beginning with Steven A. Baty and ending with Chad A. Weddell, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Army nomination of Karyn L. Armstrong, to be Lieutenant Colonel.

Army nomination of Jodi L. Smith, to be Major.

Army nomination of Jayme M. Sutton, to be Colonel.

Army nominations beginning with Robert Hwang and ending with Anthony C. Kight, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nominations beginning with Farrukh Hamid and ending with Eric W. Simons, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nominations beginning with Jennifer L. Feltwell and ending with Joshua P. Stauffer, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nominations beginning with Andrew C. Brown and ending with John W. Eanes, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011. Army nominations beginning with Colleen M. Murphy and ending with James T. Nora, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nominations beginning with Amy A. Blank and ending with Peter V. Huynh, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nominations beginning with Marti J. Bissell and ending with Carla S. Romero, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Army nominations beginning with David A. Auch and ending with James M. Rollins, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nomination of Jose Ayala, to be Captain.

Navy nomination of Michael B. Tanner, to be Captain.

Navy nomination of Kenneth S. Mitchell, to be Captain.

Navy nomination of Gregory D. Mitchell, to be Captain.

Navy nomination of Theresa H. Dewitt, to be Captain.

Navy nominations beginning with Thomas J. Lopez and ending with Gregory D. Rowe, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Randy L. Crysel and ending with Susan M. Heller, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Katherine A. Mccabe and ending with Jay M. Standring, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Mark G. Benton and ending with Scott W. Thomas, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Thomas M. Adkins and ending with Christopher T. Scholl, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Peter B. Bell and ending with Eric A. Wills, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Errin P. Armstrong and ending with Lyle D. Stuffle, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Brian M. Ackerman and ending with Frank J. Zelenka, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nominations beginning with Bradley H. Boyer and ending with Thomas J. Vonkolnitz, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nomination of William L. Nooney, to be Captain.

Navy nomination of Calvin B. Suffridge, to be Lieutenant Commander.

Navy nominations beginning with Elizabeth J. Jackson and ending with John M. Miyahara, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2011.

Navy nomination of Jeffrey R. Macris, to be Captain.

Navy nomination of Toby C. Swain, to be Captain.

Navy nomination of Daniel J. Hernandez, to be Captain.

Navy nominations beginning with Raymond R. Delgado III and ending with Steven P. Sopko, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with John S. Crawmer and ending with Joseph A. Rodriguez, which nominations were received by

the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Clifford W. Bean III and ending with Andrew D. Stewart, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Steven J. Averett and ending with John A. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Louis W. Arny IV and ending with Brian A. Treat, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Christopher D. Bownds and ending with Karin A. Vernazza, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with James T. Denley and ending with Thomas B. Webber, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Elizabeth J. French and ending with Yvonne Tapia, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Thomas W. Armstrong and ending with James S. Talbert, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with John W. Carson III and ending with Charles S. Willmore, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Karl A. Andina and ending with Norman M. Tobler II, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Syed N. Ahmad and ending with Scott F. Thompson, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Thomas J. Anderson and ending with Allan R. Walters, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Kyle B. Beckman and ending with Tracy A. Vincent, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Timothy A. Ackerman and ending with Randall J. Walker, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Anthony A. Arita and ending with Jonathan P. Wilcox, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Raymond W. Bichard and ending with Edward L. Zawislak, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Karlyna L. D. Andersen and ending with Tara J. Zieber, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nominations beginning with Lynn Acheson and ending with John M. Zuzich, which nominations were received by the Senate and appeared in the Congressional Record on May 26, 2011.

Navy nomination of Roger S. Thompson, to be Commander.

Navy nomination of Monserrat Jorden, to be Lieutenant Commander.

Navy nomination of Timothy W. Grasmick, to be Lieutenant Commander.

Navy nominations beginning with Jeanette D. Groeneveld and ending with John T. Schofield, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with David A. Abernathy and ending with James G. Zoulias, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Kertreck V. Brooks and ending with Michael G. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with John A. Anderson and ending with Benjamin D. Zittere, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Ryan G. Batchelor and ending with Christopher M. Sylvester, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with James M. Belmont and ending with David A. Vondrak, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Gregory A. Francioch and ending with William J. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Michael Cornelius and ending with Douglas T. Wahl, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with James W. Adkisson III and ending with Sherri R. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Marc C. Fryman and ending with James J. Watson, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Christopher R. Anderson and ending with David P. Wolynski, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nominations beginning with Amy R. Alcorn and ending with Michael A. Zurich, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2011.

Navy nomination of Gregory A. Pinkley, to be Lieutenant Commander.

Navy nomination of Li Sung, to be Lieutenant Commander.

Navy nomination of Gregory C. Pedro, to be Lieutenant Commander.

Navy nomination of Chad W. Gagnon, to be Lieutenant Commander.

Navy nomination of Julie R. Wetmore, to be Captain.

Navy nomination of Phillip E. Lee, Jr., to be Captain.

Navy nominations beginning with Paul D. Hanson and ending with Michael J. Stiglitz, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nominations beginning with Carmen I. Bois and ending with Brent B. Hutson, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nominations beginning with Christopher A. Asselta and ending with Ernst K. Walge, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nominations beginning with Rebecca L. Dunavent and ending with Christine C. Rivera, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nominations beginning with Heather C. Beasley and ending with Russell J. Verby, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nominations beginning with Kevin J. Bartol and ending with Bruce J. Weidner, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

Navy nominations beginning with Shane A. Bowen and ending with Warren D. Wollin II, which nominations were received by the Senate and appeared in the Congressional Record on June 16, 2011.

By Mr. KERRY for the Committee on Foreign Relations.

*Lewis Alan Lukens, of Virginia, 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 Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea-Bissau.

Nominee: Lewis Lukens.

Post: Senegal and Guinea Bissau.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: $20, 2008, Obama for America.

Spouse: None.

Children and Spouses: None.

Parents: None.

Grandparents: None.

Brothers and Spouses: None.

Sisters and Spouses: None.

Kenneth J. Fairfax, of Kentucky, 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 Kazakhstan.

Nominee: Kenneth J. Fairfax.

Post: U.S. Ambassador to Kazakhstan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. to the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

Spouse: Nyetta J. Yarkin: None.

Children and Spouses: N/A (No children), None.

Parents: William Marvin Fairfax, Jr. (Deceased/None; Rose Logsdon Fairfax; Deceased/None.

Grandparents: William Marvin Fairfax, Sr.: Deceased/None; Jewell Newton Fairfax; Deceased/None; Anthony Paul Logsdon: Deceased/None; Edwina Rhodes Logsdon: Deceased/None.

Brothers and Spouses: Stephen Fairfax: $500, 5/07/2007, Ron Paul; $500, 7/11/2007, Ron Paul, Spouse: Katherine Poole: None. David Fairfax: None; (no spouse).

7. Sisters and Spouses: Kathleen Leubker-Fairfax: None; Spouse: Mark Leubker: $25, 5/24/2010, J.D. Hayworth's Senate Campaign;

Diane Fairfax Gorman: None; Spouse: Matt Gorman: None.

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*D. Brent Hardt, of Florida, 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 Co-operative Republic of Guyana.

Nominee: David Brent Hardt.

Post: Guyana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Self: none.

Spouse: $120, 3/25/08, Obama for America.

Children and Spouses: Graham M.A. Hardt: $15, 11/7/07, Obama for America; Craig N. Hardt: none; Simon A. Hardt: none.

Parents: Carole Jean Nieminski: none; Father: (deceased).

Grandparents: (deceased).

Brothers and Spouses: Bruce Andrew Hardt: none; Patty Hardt: none.

Sisters and Spouses: Brenda Sue Siravo: $25, (est.) 01/08, Mike Huckabee; William Siravo: none; Tiffany Ann Perry: none; Christopher: $100 (est.) 11/10, John Larson, House; $100 (est.) 10/08, John Larson, House; $100, (est.) 10/08, Chris Murphy, House; $100, (est.) 10/08, Obama for America.

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*Donald W. Koran, 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 Republic of Rwanda.

Nominee: Donald William Koran.

POST: Kigali.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Cynthia Lynn Goodson: None.

3. Children and Spouses: Mary Elizabeth Koran: None. Laura Cathleen Koran: $50 (approx.), 2008, Obama.

4. Parents: Donald William Koran—deceased; Lorella Kenton Koran—deceased.

5. Grandparents: Edward J. Koran—deceased; Helen Koran—deceased; William W. Smith—deceased; Frances Kenton Smith—deceased.

6. Brothers and Spouses: Kenton Charles Koran and Barbara Koran: None; Lawrence Andrew Koran and Dianne Koran: None.

7. Sisters and Spouses: None.

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*Geeta Pasi, of New York, 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 Republic of Djibouti.

Nominee: Geeta Pasi.

Post: Djibouti.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses Names: N/A.

4. Parents: Kamla Pasi, deceased, mother, none; Keshave Chandra Pasi, deceased, father, none.

5. Grandparents: Shanti Verma, deceased, maternal grandmother, none; Ruldu Ram Verma, deceased, maternal grandfather, none; Karam Chand Pasi, deceased, paternal grandfather, none; Bimla Kapoor Pasi, deceased, paternal grandmother, none.

6. Brothers and Spouses: Sunil Kumar Pasi, brother, 1000.00, 6/27/05, Bob Corker for Senate; 5.00, 9/29/2007, McConnell for Senate Committee; 5.00, 10/12/2007, McConnell for Senate Committee; 5.00, 10/12/2007, McConnell for Senate Committee; 5.00, 11/8/2007, McConnell for Senate Committee; 7. 69, 6/25/2008, McConnell for Senate Committee; 7.69, 7/8/2008, McConnell for Senate Committee; 6.33, 7/8/2008, McConnell for Senate Committee; 7/69, 7/16/2008, McConnell for Senate Committee; 5.67, 10/25/2008, McConnell for Senate Committee; Less than 20 dollars, 2008, Republican National Committee; Less than 20 dollars, 2009, Democratic Senatorial Campaign Committee; 5.00, 6/5/2009, Toomey for Senate; 5.00, 8/4/2010, Vitter for Senate; 17.69, 10/15/2009, Lowden for Senate; Less than 20 dollars, 2010, Portman for Senate. Hallie Lewis, sister in law, none.

7. Sisters and Spouses: Rita Pasi, sister, none. Usha Pasi, sister, 250.00, 9/30/09, Citizens for Alan Khazei; 250.00, 2/3/08, Obama for America; 1000.00, 10/30/08, Obama for America. Subir Sachdev, brother in law, 250.00, 11/02/07, Bill Foster for Congress Committee.

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*James Harold Thessin, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Paraguay.

Nominee: James Harold Thessin.

Post: U.S. Ambassador to Paraguay.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contribution, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: My son Jonathan Thessin: $100, 10/08, Jim Himes for Congress; $50, 5/08, Mark Warner for U.S. Senate; $330, 2007–2008, Obama for America; $100, 04/07, Jamie Eldridge for Congress. My daughter-in-law Rebecca Thessin—None. My daughter Rachel Thessin: $100, 9/08, Obama for America. My son-in-law Will Farr: $50, 9/08, Obama for America; $100, 1/08, Clinton for President.

4. Parents: None, Eunice E. Thessin; Harold C. Thessin—(deceased).

5. Grandparents: George and Amelia Thessin—(deceased); Arthur J and Caroline Stenz—(deceased).

6. Brothers and Spouses: None, Mark and Margie Thessin.

7. Sisters and Spouses: None, Gail and Jim Salentine, Dawn and Dennis Abts.

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*Lisa J. Kubiske, 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 Republic of Honduras.

Nominee: Lisa Jean Kubiske.

Post: Chief of Mission in Honduras.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $30, Nov 2008, Obama for America; $100, Aug 2008, Obama for America; $100, Jun 2008, Hillary Clinton Cmte.

2. Spouse: $100, Jun 2008, Obama for America.

3. Joint self & spouse: $100, Nov 2007, Richardson for Pres; $100, Jun 2007, Richardson for Pres.

4. Children and Spouses: Jessica & Kevin Feldt, None; Philip Kubiske, None; Adam Kubiske, None.

5. Parents: Florence Walton, $25, Fall 2009?, DNC; Ivan Shapiro—Deceased.

6. Grandparents: Auguste Shapiro—Deceased; Archibald Shapiro—Deceased; Ceceilia Goodstein—Deceased; Philip Goodstein—Deceased.

7. Brothers and Spouses: None.

8. Sisters and Spouses: Alexandra Shapiro, None; Charles Richardson, None.

9. Charles Richardson, Per Mr. Richardson, he donated small amounts totaling less than $500 to a few House candidates in the 2008 and 2010 election campaign cycles.

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*Michael H. Corbin, of California, 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 United Arab Emirates.

Nominee: Michael H. Corbin.

Post: United Arab Emirates.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Mary Ellen Hickey: None.

3. Children and Spouses: Alexa Corbin, None; Justin Corbin, None.

4. Parents: Hugh Corbin, $25, 6/2008, Barack Obama Campaign; Maris Corbin, None.

5. Grandparents: Ethne Parris—Deceased; James Archibald Parris—Deceased; Peggy Streater Everett—Deceased; Edgar Everett—Deceased.

6. Brothers and Spouses: Marcus Corbin (brother), $500, 8/29/08, Obama for America; Caroline Russell (spouse), $250, 8/30/08, Obama for America; $250, 9/28/08, Obama for America.

7. Sisters and Spouses: None.

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*Jeanine E. Jackson, of Wyoming, 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 Malawi.

Nominee: Jeanine Elizabeth Jackson.

Post: Lilongwe, Malawi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Mark H. Jackson: None.

3. Children and Spouses: None. No children.

4. Parents: Elizabeth Mathew and Laurence Mathew: Deceased, None.

5. Grandparents: Mae and Earl Mathew, Minnie and Ernest Zickrick: Deceased, None.

6. Brothers and Spouses: Don Mathew and Jane Zelenka, None.

7. Sisters and Spouses: Lorraine Cynova and Charles Cynova, None.

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*Matthew H. Tueller, of Utah, 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 State of Kuwait.

Nominee: Matthew H. Tueller.
Post: Kuwait.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date and donee:
1. Self: none.
2. Spouse: DeNeece Tueller: none.
3. Children and Spouses: Marie Amara Tueller: none; Kyle Newkirk: none; Margaret Tueller Proffitt: none; Clark Proffitt: none; David G. Tueller: none; Ayae T. Tueller: none; Daniel B. Tueller: none; Christian M. Tueller: none.
4. Parents: Blaine C. Tueller: $100, 8/4/2010, Utah Democratic Party; Jean Marie Tueller: none.
5. Grandparents: Lamont E. Tueller: deceased; Elva C. Tueller: deceased; Leland D. Heywood: deceased; Marie E. Heywood: deceased.
6. Brothers and Spouses: James B. Tueller: none; Beth D. Tueller: none.
7. Sisters and Spouses: Jan T. Lowman: none; Winfield N. Lowman: none; Anna T. Stone: $185, 10/2008, Obama for America; Bernell Stone: $200, 08/2008, Claralyn Hill, UT; $200, 06/2008, Common Dream; Marie T. Emmett: none; Chad Emmett: none; Diane T. Pritchett: $1,000, 10/08, Obama for America; Lant H. Pritchett: $4,514, 2008, Obama for America; $1,000, 2008, Obama Victory; $1,000, 2008, DNC; Martha T. Barrett: none; Jeff Barrett: none; Elisabeth T. Dearden: none; Kirk Dearden: $100, 2008, Obama for America; Rachael Tueller: none; Jeanne T. Krumperman: none; Paul Krumperman: none.

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*Susan Laila Ziadeh, of Washington, 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 State of Qatar.
Nominee: Susan L. Ziadeh.
Post: Qatar.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: Farhat Jacob Ziadeh (father) and Suad Salem Ziadeh (mother): $50.00, 10/08/05, Friends for Jim McDermott, Committee for Congress; $35.00, 03/11/08, Friends for Jim McDermott, Committee for Congress.
5. Grandparents: Mother's Parents: Abraham and Warde Salem—deceased; Father's Parents: Jacob and Nimeh Ziadeh—deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Shireen Ziadeh Abed: None; Albert Abed (spouse): None; Rhonda Ziadeh Salem: $900, 10/13/06, Team Sununu; $1100, 10/13/06, Team Sununu; George Salem (spouse): $1000, 03/30/05, Hatch Election Committee; $1000, 04/21/05, Hatch Election Committee; ($1000), 04/29/05, REFUND—Hatch Election Committee; $1000, 05/17/05, Sandhills Political Action Committee; $500, 12/14/05, Chafee for Senate; $1000, 12/22/05, Sandhills Political Action Committee; $500, 03/16/06, Charles Boustany Jr. MD for Congress; $500, 03/16/06, Keep Nick Rahall in Congress Committee; $1000, 04/27/06, Arab American Leadership Council; $1000, 09/28/06, Bouchard for U.S. Senate; $5000, 10/18/06, Arab American Leadership Council; $1461.84, 10/18/06, Gift Basket for Sununu Reception; $3000, 03/30/07, Sandhills Political Action Committee; $500, 10/05/07, Tom Davis Senate Exploratory Committee; $5000, 10/16/07, DLA PIPER LLP (US) Political Action Committee; $500, 11/13/07, Shelby for U.S. Senate; $1000, 11/14/07, John Stephen for Congress; $500, 11/20/07, Committee to Elect David Cappiello for Congress; $1000, 11/16/07, Charles Boustany Jr. MD for Congress; $500, 11/19/07, Jay Footlik for Congress; $1000, 12/27/07, Shelby for U.S. Senate; $500, 02/25/08, Tom Davis for Congress; $2300, 02/20/08, John McCain 2008 Inc.; $500, 05/15/08, Ros-Lehtinen for Congress; $1000, 09/23/08, Committee to Elect David Cappiello for Congress; $5000, 10/14/08, McCain Palin Victory; $5000, 10/28/08, Arab American Leadership Council PAC; $500, 03/27/09, Bennett Election Committee; $500, 04/08/09, Charles Boustany Jr. MD for Congress; $500, 04/27/09, Moving America Forward—Senator Bill Nelson; $500, 06/30/09, Friends of John Thune; $1000, 08/05/09, Shelby for U.S. Senate; $1000, 09/02/09, DLA PIPER LLP (US) Political Action Committee; $2400, 02/24/10, Rich Ashooh Committee; $1000, 03/23/10, Friends of Schumer; $2300, 03/31/10, Friends of Frank Wolf; $1000, 04/22/10, Scott Brown for U.S. Senate Committee; $1000, 04/22/10, Friends of John McCain; $1000, 05/10/10, Keep Nick Rahall in Congress Committee; $1000, 06/10/10, Ellison for Congress; $1400, 07/06/10, Friends of John McCain Inc.; $2500, 07/19/10, DLA PIPER LLP (US) Political Action Committee; $1000, 08/13/10, Moran for Congress; $500, 09/28/10, Dan Coats for Indiana; $2500, 10/04/10, Arab American Leadership Council (ALC) PAC; $1000, 10/07/10, Congressman Darrell Issa PAC; $500, 10/26/10, Justin Amash for Congress; Deena Ziadeh Ayyub and Bilal Ayyub (spouse): $100, 12/2005, Mikulski for Senate; $50, 12/11/05, Friends of Saqib Ali for Senate; $100, 08/06/06, Van Hollen for Congress; $100, 08/06/06, Montgomery County Democratic Central Committee; $65, 03/24/07, Montgomery County Democratic Central Committee; $50, 07/27/07, Democratic Senatorial Campaign Committee; $50, 08/01/07, Obama for America; $75, 09/16/09, Friends of Saqib Ali for Senate; $100, 07/11/10, Arab American Leadership Council (ALC) PAC; $100, 08/23/10, Van Hollen for Congress; $100, 09/19/10, Friends of Rob Garagiola for Senate; Reema Ann Ziadeh: None; David Martin (spouse): None.

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*Anne W. Patterson, of Virginia, a Career Member of the Senior Foreign Service, Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.
Nominee: Anne W. Patterson.
Post: Ambassdor to Egypt.
(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)
Contributions, amount, date, and donee:
Self: None.
Spouse (David R.): None.
Children and Spouses: Edward and Mien Patterson: None; Andrew Patterson: None.
Parents: Carol and John Woods: None; Viola and Harry Patterson (deceased): None.
Grandparents: All deceased.
Brothers and Spouses: John D. Woods, Jr. and Jean Woods: None.

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*Dereth Britt Glance, of New York, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.
*Richard M. Moy, of Montana, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.
*Ariel Pablos-Mendez, of New York, to be an Assistant Administrator of the United States Agency for International Development.
*Roberto R. Herencia, of Illinois, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Naadia Lisa Porter and ending with Mara R. Tekach-Ball, which nominations were received by the Senate and appeared in the Congressional Record on May 12, 2011.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Jennifer A. Di Toro, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.
*Donna Mary Murphy, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.
*Yvonne M. Williams, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*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 Mr. TOOMEY:

S. 1292. A bill to require the Administrator of the Environmental Protection Agency to consider the impact on employment levels and economic activity prior to issuing a regulation, policy statement, guidance document, endangerment finding, or other requirement, implementing any new or substantially altered program, or denying any permit, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. AKAKA):

S. 1293. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

By Mr. MERKLEY (for himself, Mr. CARPER, Mr. UDALL of New Mexico, and Mr. BENNET):

S. 1294. A bill to promote the oil independence of the United States, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1295. A bill to amend the Trade Act of 1974 to create a Citrus Disease Research and Development Trust Fund to support research on diseases impacting the citrus industry, and for other purposes; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 1296. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in the State of Rhode Island; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. NELSON of Nebraska, Mr. ALEXANDER, Mr. COBURN, Mr. ENZI, and Mr. SHELBY):

S. 1297. A bill to preserve State and institutional authority relating to State authorization and the definition of credit hour; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1298. A bill to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium; to the Committee on Indian Affairs.

By Mr. MORAN (for himself, Mr. LUGAR, Mr. ISAKSON, Mr. BURR, and Mr. BROWN of Massachusetts):

S. 1299. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KIRK:

S. 1300. A bill to amend title 23, 45, and 49, United States Code, to encourage the use of private-public partnerships in transportation; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, Mrs. BOXER, Mr. CARDIN, and Mr. WYDEN):

S. 1301. A bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1302. A bill to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy; to the Committee on Environment and Public Works.

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

S. 1303. A bill to authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 1304. A bill to make funds available to reimburse certain fishermen for legal fees and costs incurred in connection with improper fines and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

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

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LUGAR (for himself and Mr. INHOFE):

S. Res. 218. A resolution encouraging the United States Trade Representative to establish and articulate a strategy for initiating negotiations for a free trade agreement between the United States and the Association of Southeast Asian Nations; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. INHOFE):

S. Res. 219. A resolution designating September 13, 2011, as ''National Celiac Disease Awareness Day''; to the Committee on the Judiciary .

By Mr. KERRY (for himself, Mr. LUGAR, and Mr. REID):

S. Res. 220. A resolution expressing the sense of the Senate regarding the June 30, 2011, opening of the Tom Lantos Institute in Budapest, Hungary; considered and agreed to.

By Mr. WICKER (for himself, Ms. LANDRIEU, Mr. COCHRAN, Mr. LEVIN, Mr. LUGAR, Mr. NELSON of Florida, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. LAUTENBERG, Mrs. HAGAN, Ms. MURKOWSKI, Ms. STABENOW, and Ms. CANTWELL):

S. Res. 221. A resolution congratulating Kappa Alpha Psi Fraternity, Inc., on reaching the historic milestone of 100 years of serving local and international communities, maintaining a commitment to the betterment of mankind, and enriching the lives of collegiate men throughout the United States; considered and agreed to.

By Mr. CASEY:

S. Res. 222. A resolution recognizing the American Revolution Center for its role in telling the story of the American Revolution and the continuing impact on struggles for freedom, self-government, and the rule of law throughout the world, and encouraging the Center in its efforts to build a new Museum of the American Revolution; considered and agreed to.

ADDITIONAL COSPONSORS

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 219

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 438

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 506

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 652

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 705

At the request of Mr. CARPER, the name of the Senator from Georgia (Mr.

CHAMBLISS) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 755

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) 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. 800

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) 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. 807

At the request of Mr. ENZI, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 807, a bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses.

S. 835

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 835, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 959

At the request of Mrs. HAGAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 959, a bill to improve outcomes for students in persistently low-performing schools, to create a culture of recognizing, rewarding, and replicating educational excellence, to authorize school turnaround grants, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal–State military coordination in domestic emergency response, and for other purposes.

S. 1045

At the request of Ms. LANDRIEU, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1045, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease.

S. 1231

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1231, a bill to reauthorize the Second Chance Act of 2007.

S. 1248

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 1248, a bill to prohibit the consideration of any bill by Congress unless the authority provided by the Constitution of the United States for the legislation can be determined and is clearly specified.

S. 1273

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1273, a bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes.

S. 1278

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. JOHANNS), the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services.

S. 1280

At the request of Mr. ISAKSON, the names of the Senator from Delaware (Mr. COONS) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1280, a bill to amend the Peace Corps Act to require sexual assault risk-reduction and response training, and the development of sexual assault protocol and guidelines, the establishment of victims advocates, the establishment of a Sexual Assault Advisory Council, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 170

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 170, a resolution honoring Thad Allen of the United States Coast Guard (Ret.) for his lifetime of selfless commitment and exemplary service to the United States.

S. RES. 185

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor 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.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BROWN of Massachusetts, Mr. KERRY, Mrs. BOXER, Mr. CARDIN, and Mr. WYDEN):

S. 1301. A bill to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to join with Senators SCOTT BROWN, JOHN KERRY, and others to introduce the Trafficking Victims Protection Reauthorization Act of 2011, which will reaffirm and expand our commitment to fighting human trafficking. Since it was first enacted with strong bipartisan support more than a decade ago, the Trafficking Victims Protection Act has played a central role in our country's efforts to combat human trafficking both abroad and at home.

Championed by the late Senator Wellstone and Senator Brownback, the original Trafficking Victims Protection Act drew upon the work and support of a broad coalition of advocacy organizations from across the political and social spectrum groups dedicated to children's rights, human rights, and women's rights, as well as religious organizations including Evangelical, Catholic, Protestant, and Jewish groups. It was signed by President Clinton and reauthorized twice under President Bush. I am pleased that today we continue the tradition of bipartisan cooperation as we seek the fourth reauthorization of this critical law.

Earlier this week, the State Department released its annual Trafficking in Persons Report, which documents the continuing significant human trafficking crisis worldwide. The report has received considerable attention, as The Washington Post editorialized yesterday, the United States has made significant strides on this issue, both through the Trafficking Victims Protection Act and through important initiatives from this administration. But much work remains to be done domestically and around the world.

Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded, or coerced into labor or sexual exploitation. Millions of children, women, and men throughout the world are trafficked every year, including here in the United States. According to recent Government estimates, between 15,000 and 20,000 people are trafficked to the United States annually for the purpose of labor and sexual exploitation. Thousands more of our own children are bought and sold in the commercial sex industry every year.

It is no surprise that border states are at a particularly high risk for human trafficking. I am proud that my home state of Vermont is taking significant steps to address the issue. State legislators in Vermont recently passed a comprehensive anti-trafficking law that includes criminal penalties, prevention programs, and services for human trafficking victims. I commend the Vermont legislature for taking on this important issue.

Trafficking is an affront to human dignity that we cannot ignore. The United States offers a beacon of hope to so many who face human rights abuses abroad, so we cannot sit back idly while this injustice continues not only elsewhere in the world, but also here at home. Thanks to the tools provided by the Trafficking Victims Protection Act, we have made progress in combating this major human rights abuse, but there is more work to be done.

This reauthorization reflects Congress's ongoing commitment to abolishing human trafficking. It strengthens the government's ability to combat trafficking by expanding enforcement tools, and by encouraging further inter-agency cooperation to identify victims, investigate offenses, and provide victim services.

Strengthening our response to human trafficking in the United States will help this country serve as a model for the world as we work with other nations to confront this complicated problem. An important tool in that international effort is the annual Trafficking in Persons Report established in the original Trafficking Victims Protection Act. That report has come to serve as an important diplomatic tool to encourage foreign governments to increase efforts against modern-day slavery. This legislation will require that the United States include itself in the report, a step already initiated by Secretary of State Clinton last year.

Fighting human trafficking was a priority of the Bush administration, and the Obama administration is continuing that commitment. I applaud the hard work of Secretary of State Clinton, Attorney General Holder, Secretary of Labor Solis, and Secretary of Health and Human Services Sebelius to find new ways to work together to indentify and support victims of trafficking while bringing the full force of the United States down on those who seek to profit from the exploitation of others. Nowhere on Earth should it be acceptable to deceive, abuse, and force a person into a life of enslavement, least of all here in the United States. We must do all we can to end this scourge.

I look forward to working with Senator BROWN and Senator KERRY to continue the bipartisan work started by Senators Wellstone and Brownback more than a decade ago. I hope that Senators from both parties will join us to quickly pass this critical reauthorization.

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. 1301

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 ''Trafficking Victims Protection Reauthorization Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

Sec. 101. Regional strategies for combating trafficking in persons.
Sec. 102. Regional anti-trafficking officers.
Sec. 103. Partnerships against significant trafficking in persons.
Sec. 104. Protection and assistance for victims of trafficking.
Sec. 105. Minimum standards for the elimination of trafficking.
Sec. 106. Best practices in trafficking in persons eradication.
Sec. 107. Protections for domestic workers and other nonimmigrants.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Penalties Against Traffickers and Other Crimes

Sec. 201. Criminal offenses against traffickers.
Sec. 202. Civil remedies; clarifying definition.

Subtitle B—Ensuring Availability of Possible Witnesses and Informants

Sec. 211. Protections for trafficking victims who cooperate with law enforcement.
Sec. 212. Protection against fraud in foreign labor contracting.
Sec. 213. Protections for certain derivative beneficiaries of deceased trafficking or crime victims.
Sec. 214. Consultation with the Attorney General on adjustment of status of certain trafficking victims.

Subtitle C—Ensuring Interagency Coordination and Expanded Reporting

Sec. 221. Reporting requirements for the Attorney General.
Sec. 222. Reporting requirements for the Secretary of Labor.
Sec. 223. Information sharing to combat child labor and slave labor.
Sec. 224. Government training efforts to include the Department of Labor.
Sec. 225. GAO report on the use of foreign labor contractors.

Subtitle D—Enhancing State and Local Efforts to Combat Trafficking in Persons

Sec. 231. Assistance for domestic minor sex trafficking victims.
Sec. 232. Expanding local law enforcement grants for investigations and prosecutions of trafficking.
Sec. 233. Model State criminal law protection for child trafficking victims and survivors.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Adjustment of authorization levels for the Trafficking Victims Protection Act of 2000.
Sec. 302. Adjustment of authorization levels for the Trafficking Victims Protection Reauthorization Act of 2005.

TITLE IV—UNACCOMPANIED ALIEN CHILDREN

Sec. 401. Protection for minors seeking asylum.
Sec. 402. Appropriate custodial settings for unaccompanied minors who reach the age of majority while in Federal custody.
Sec. 403. Appointment of child advocates for unaccompanied minors.
Sec. 404. Access to Federal foster care and unaccompanied refugee minor protections for certain U Visa recipients.
Sec. 405. GAO study of the effectiveness of border screenings.

TITLE I—COMBATING INTERNATIONAL TRAFFICKING IN PERSONS

SEC. 101. REGIONAL STRATEGIES FOR COMBATING TRAFFICKING IN PERSONS.

Section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103) is amended—

(1) in subsection (d)(7)(J), by striking ''section 105(f) of this division'' and inserting ''subsection (g)'';

(2) in subsection (e)(2)—

(A) by striking ''(2) COORDINATION OF CERTAIN ACTIVITIES.—'' and all that follows through ''exploitation.'';

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

''(f) REGIONAL STRATEGIES FOR COMBATING TRAFFICKING IN PERSONS.—Each regional bureau in the Department of State shall contribute to the realization of the anti-trafficking goals and objectives of the Secretary of State. By June 30 of each year, in cooperation with the Office to Monitor and Combat Trafficking, each regional bureau shall submit a list of anti-trafficking goals and objectives for each country in its geographic area of responsibility. Host governments shall be informed of the goals and objectives for their particular country by June 30 and, to the extent possible, host government officials should contribute to the drafting of the goals and objectives.''.

SEC. 102. REGIONAL ANTI-TRAFFICKING OFFICERS.

Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(2) by inserting after subsection (d), the following:

''(e) REGIONAL ANTI-TRAFFICKING IN PERSONS OFFICERS.—Under the authority, direction, and control of the President, the Secretary of State, in accordance with the provisions of this Act, and in order to promote effective bilateral and regional anti-trafficking diplomacy, public diplomacy initiatives, and coordination of programs, is authorized—

''(1) to appoint, at United States embassies, anti-trafficking in persons officers, who shall collaborate with other countries to eliminate human trafficking; and

''(2) to use the officers appointed under paragraph (1) for tasks such as—

''(A) expanding the anti-trafficking efforts of the Office to Monitor and Combat Trafficking in Persons of the Department of State;

''(B) monitoring trafficking trends in the region;

''(C) assessing compliance with the provisions of this Act; and

''(D) assisting and advising United States embassies overseas on the preparation of the annual Trafficking in Persons Report.''.

SEC. 103. PARTNERSHIPS AGAINST SIGNIFICANT TRAFFICKING IN PERSONS.

The Trafficking Victims Protection Act of 2000 is amended—

(1) in section 105(e)(2) (22 U.S.C. 7103(e)(2))—

(A) by striking ''(2) COORDINATION'' and all that follows through ''ASSISTANCE'' and inserting the following:

''(2) UNITED STATES ASSISTANCE.—''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and moving such subparagraphs, as so redesignated, 2 ems to the left;

(2) by inserting after section 105 (22 U.S.C. 7103) the following:

''SEC. 105A. CREATING, BUILDING, AND STRENGTHENING PARTNERSHIPS AGAINST SIGNIFICANT TRAFFICKING IN PERSONS.

''(a) DECLARATION OF PURPOSE.—The purpose of this section is to promote collaboration and cooperation—

''(1) between the United States Government and governments listed on the annual Trafficking in Persons Report;

''(2) between foreign governments and civil society actors; and

''(3) between the United States Government and private sector entities.

''(b) PARTNERSHIPS.—The Director, in coordination and cooperation with other officials at the Department of State involved in corporate responsibility and global partnerships, the Deputy Under Secretary for International Affairs of the Department of Labor, and other relevant officials of the United States Government, shall promote, build, and sustain partnerships between the United States Government and private entities, including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations, to ensure that—

''(1) United States citizens do not use any item, product, or material produced or extracted with the use and labor from victims of severe forms of trafficking; and

''(2) such entities do not contribute to trafficking in persons involving sexual exploitation.

''(c) ADDITIONAL MEASURES TO ENHANCE ANTI-TRAFFICKING RESPONSE AND CAPACITY.—The President shall establish and carry out programs with foreign governments and civil society to enhance anti-trafficking response and capacity, including—

''(1) technical assistance and other support to improve the capacity of foreign governments to investigate, identify, and carry out inspections of private entities, including labor recruitment centers, at which trafficking victims may be exploited, particularly exploitation involving forced and child labor;

''(2) technical assistance and other support for foreign governments and nongovernmental organizations to provide immigrant populations with information, in the native languages of the major immigrant groups of such populations, regarding the rights of such populations in the foreign country and local in-country nongovernmental organization-operated hotlines;

''(3) technical assistance to provide legal frameworks and other programs to foreign governments and nongovernmental organizations to ensure that—

''(A) foreign migrant workers are provided the same protection as nationals of the foreign country;

''(B) labor recruitment firms are regulated; and

''(C) workers providing domestic services in households are provided protection under labor rights laws; and

''(4) assistance to foreign governments to register vulnerable populations as citizens or nationals of the country to reduce the ability of traffickers to exploit such populations.

''(d) PROGRAM TO ADDRESS EMERGENCY SITUATIONS.—The Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons, is authorized to establish a fund to assist foreign governments in meeting unexpected, urgent needs in prevention of trafficking in persons, protection of victims, and prosecution of trafficking offenders.

''(e) CHILD PROTECTION COMPACTS.—

''(1) IN GENERAL.—The Secretary of State, acting through the Ambassador-at-Large of the Office to Monitor and Combat Trafficking in Persons and in consultation with the Bureau of Democracy, Human Rights, and Labor, the Bureau of International Labor Affairs of the Department of Labor, the United States Agency for International Development, and other relevant agencies, is authorized to provide assistance under this section for each country that enters into a child protection compact with the United States to support policies and programs that—

''(A) prevent and respond to violence, exploitation, and abuse against children; and

''(B) measurably reduce severe forms of trafficking in children by building sustainable and effective systems of justice and protection.

''(2) ELEMENTS.—A child protection compact under this subsection shall establish a multi-year plan for achieving shared objectives in furtherance of the purposes of this Act, and shall describe—

''(A) the specific objectives the foreign government and the United States Government expect to achieve during the term of the compact;

''(B) the responsibilities of the foreign government and the United States Government in the achievement of such objectives;

''(C) the particular programs or initiatives to be undertaken in the achievement of such objectives and the amount of funding to be allocated to each program or initiative by both countries;

''(D) regular outcome indicators to monitor and measure progress toward achieving such objectives; and

''(E) a multi-year financial plan, including the estimated amount of contributions by the United States Government and the foreign government, and proposed mechanisms to implement the plan and provide oversight.

''(3) FORM OF ASSISTANCE.—Assistance under this subsection may be provided in the form of grants, cooperative agreements, or contracts to or with national governments, regional or local governmental units, or nongovernmental organizations or private entities with expertise in the protection of victims of severe forms of trafficking in persons.

''(4) ELIGIBLE COUNTRIES.—The Secretary of State, acting through the Office to Monitor and Combat Trafficking in Persons, and in consultation with the agencies set forth in paragraph (1) and relevant officers of the Department of Justice, shall select countries with which to enter into child protection compacts. The selection of countries under this paragraph shall be based on—

''(A) the selection criteria set forth in paragraph (5); and

''(B) objective, documented, and quantifiable indicators, to the maximum extent possible.

''(5) SELECTION CRITERIA.—A country shall be selected under paragraph (4) on the basis of—

''(A) a documented high prevalence of trafficking in persons within the country; and

''(B) demonstrated political will and sustained commitment by the government of such country to undertake meaningful measures to address severe forms of trafficking in persons, including protection of victims and the enactment and enforcement of anti-trafficking laws against perpetrators.

''(6) SUSPENSION AND TERMINATION OF ASSISTANCE.—

''(A) IN GENERAL.—The Secretary may suspend or terminate assistance provided under this subsection in whole or in part for a country or entity if the Secretary determines that—

''(i) the country or entity is engaged in activities that are contrary to the national security interests of the United States;

''(ii) the country or entity has engaged in a pattern of actions inconsistent with the criteria used to determine the eligibility of the country or entity, as the case may be; or

''(iii) the country or entity has failed to adhere to its responsibilities under the Compact.

''(B) REINSTATEMENT.—The Secretary may reinstate assistance for a country or entity suspended or terminated under this paragraph only if the Secretary determines that the country or entity has demonstrated a commitment to correcting each condition for which assistance was suspended or terminated under subparagraph (A).''.

SEC. 104. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) TASK FORCE ACTIVITIES.—Section 105(d)(6) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(6)) is amended by inserting '', and make reasonable efforts to distribute information to enable all Federal Government agencies to publicize the National Human Trafficking Resource Center Hotline on their websites, in all headquarters offices, and in all field offices throughout the United States'' before the period at the end.

(b) CONGRESSIONAL BRIEFING.—Section 107(a)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)(2)) is amended by inserting ''and shall brief Congress annually on such efforts'' before the period at the end.

SEC. 105. MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (3)—

(A) by striking ''peacekeeping'' and inserting ''diplomatic, peacekeeping,'';

(B) by striking '', and measures'' and inserting '', a transparent system for remediating or punishing such public officials as a deterrent, measures''; and

(C) by inserting '', effective bilateral, multilateral, or regional information sharing and cooperation arrangements with source, transit, or destination countries in its trafficking route, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting'' before the period at the end;

(2) in paragraph (4), by inserting ''and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with source, transit, and destination countries in its trafficking route'' before the period at the end;

(3) in paragraph (7)—

(A) by inserting '', including diplomats and soldiers,'' after ''public officials'';

(B) by striking ''peacekeeping'' and inserting ''diplomatic, peacekeeping,''; and

(C) by inserting ''A government's failure to remediate public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria.'' after ''such trafficking.'';

(4) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(5) by inserting after paragraph (8) the following:

''(9) Whether the government has entered into transparent partnerships, cooperative arrangements, or agreements with—

''(A) domestic civil society organizations or the private sector to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or

''(B) the United States toward agreed goals and objectives in the collective fight against trafficking.''.

SEC. 106. BEST PRACTICES IN TRAFFICKING IN PERSONS ERADICATION.

Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''with respect to the status of severe forms of trafficking in persons that shall include—'' and inserting ''describing the anti-trafficking efforts of the United States and foreign governments according to the minimum standards and criteria enumerated in section 108, and the nature and scope of trafficking in persons in each country and analysis of the trend lines for individual governmental efforts. The report shall include—'';

(B) in subparagraph (B), by striking ''compliance;'' and inserting ''compliance, including the identification and mention of governments that—

''(A) are on such list and have demonstrated exemplary progress in their efforts to reach the minimum standards; or

''(B) have entered into an agreement with the Secretary to accomplish certain actions before the subsequent year's annual report in an attempt to reach full compliance with the minimum standards;'';

(C) in subparagraph (E), by striking ''; and''; and inserting a semicolon;

(D) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(E) by inserting at the end the following:

''(G) a section entitled 'Exemplary Governments and Practices in the Eradication of Trafficking in Persons' to highlight—

''(i) effective practices and use of innovation and technology in prevention, protection, prosecution, and partnerships, including by foreign governments, the private sector, and domestic civil society actors; and

''(ii) governments that have shown exemplary overall efforts to combat trafficking in persons.'';

(2) by striking paragraph (2); and

(3) in paragraph (3), by adding at the end the following:

''(E) PUBLIC NOTICE.—Not later than 30 days after notifying Congress of each country determined to have met the requirements under subclauses (I) through (III) of subparagraph (A)(iii), the Secretary of State shall provide a detailed description of the credible evidence supporting such determination on a publicly available website maintained by the Department of State.''.

SEC. 107. PROTECTIONS FOR DOMESTIC WORKERS AND OTHER NONIMMIGRANTS.

Section 202 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375b) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''AND VIDEO FOR CONSULAR WAITING ROOMS'' after ''INFORMATION PAMPHLET''; and

(B) in paragraph (1)—

(i) by inserting ''and video'' after ''information pamphlet''; and

(ii) by adding at the end the following: ''The video shall be distributed and shown in consular waiting rooms in embassies and consulates determined to have the greatest concentration of employment or education-based non-immigrant visa applicants, and where sufficient video facilities exist in waiting or other rooms where applicants wait or convene. The Secretary of State is authorized to augment video facilities in such consulates or embassies in order to fulfill the purposes of this section.'';

(2) in subsection (b), by inserting ''and video'' after ''information pamphlet'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''and produce or dub the video'' after ''information pamphlet''; and

(B) in paragraph (2), by inserting ''and the video produced or dubbed'' after ''translated''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''and video'' after ''information pamphlet'';

(B) in paragraph (2), by inserting ''and video'' after ''information pamphlet''; and

(C) by adding at the end the following:

''(4) DEADLINE FOR VIDEO DEVELOPMENT AND DISTRIBUTION.—Not later than 1 year after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary of State shall make available the video developed under subsection (a) produced or dubbed in all the languages referred to in subsection (c).''.

TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

Subtitle A—Penalties Against Traffickers and Other Crimes

SEC. 201. CRIMINAL OFFENSES AGAINST TRAFFICKERS.

(a) RICO AMENDMENT.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 1351 (relating to fraud in foreign labor contracting),'' before ''section 1425''.

(b) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Section 2423(c) of title 18, United States Code, is amended by inserting ''or resides, either temporarily or permanently, in a foreign country'' after ''commerce''.

(c) UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS.—

(1) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by adding at the end the following:

''§ 1597. Unlawful conduct with respect to immigration documents

''(a) DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, OR POSSESSION OF IMMIGRATION DOCUMENTS.—It shall be unlawful for any person to knowingly destroy, or, for a period of more than 48 hours, conceal, remove, confiscate, or possess, an actual or purported passport or other immigration document of another individual—

''(1) in the course of a violation of section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324);

''(2) with intent to violate section 1351 of this title or section 274 of the Immigration and Nationality Act (8 U.S.C. 1324); or

''(3) in order to, without lawful authority, maintain, prevent, or restrict the labor of services of the individual.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

''(c) OBSTRUCTION.—Any person who obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in subsection (b).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by adding at the end the following:

''1597. Unlawful conduct with respect to immigration documents.''.

SEC. 202. CIVIL REMEDIES; CLARIFYING DEFINITION.

(a) CIVIL REMEDY FOR PERSONAL INJURIES.—Section 2255 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''section 2241(c)'' and inserting ''section 1589, 1590, 1591, 2241(c)''; and

(2) in subsection (b), by striking ''six years'' and inserting ''10 years''.

(b) DEFINITION.—

(1) IN GENERAL.—Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

(A) by redesignating paragraphs (1) through (14) as paragraphs (2) through (15), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) ABUSE OR THREATENED ABUSE OF LAW OR LEGAL PROCESS.—The term 'abuse or threatened abuse of the legal process' means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.'';

(C) in paragraph (14), as redesignated, by striking ''paragraph (8)'' and inserting ''paragraph (9)''; and

(D) in paragraph (15), as redesignated, by striking ''paragraph (8) or (9)'' and inserting ''paragraph (9) or (10)''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et eq.) is amended—

(i) in section 110(e) (22 U.S.C. 7107(e))—

(I) by striking ''section 103(7)(A)'' and inserting ''section 103(8)(A)''; and

(II) by striking ''section 103(7)(B)'' and inserting ''section 103(8)(B)''; and

(ii) in section 113(g)(2) (22 U.S.C. 7110(g)(2)), by striking ''section 103(8)(A)'' and inserting ''section 103(9)(A)''.

(B) NORTH KOREAN HUMAN RIGHTS ACT OF 2004.—Section 203(b)(2) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833(b)(2)) is amended by striking ''section 103(14)'' and inserting ''section 103(15)''.

(C) TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.—Section 207 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044e) is amended—

(i) in paragraph (1), by striking ''section 103(8)'' and inserting ''section 103(9)'';

(ii) in paragraph (2), by striking ''section 103(9)'' and inserting ''section 103(10)''; and

(iii) in paragraph (3), by striking ''section 103(3)'' and inserting ''section 103(4)''.

(D) VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005.—Section 111(a)(1) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14044f(a)(1)) is amended by striking ''paragraph (8)'' and inserting ''paragraph (9)''.

Subtitle B—Ensuring Availability of Possible Witnesses and Informants

SEC. 211. PROTECTIONS FOR TRAFFICKING VICTIMS WHO COOPERATE WITH LAW ENFORCEMENT.

Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in subclause (II)—

(i) by inserting ''(aa)'' after (II); and

(ii) by adding at the end the following: ''or

''(bb) had been in the United States on account of such trafficking, which took place during the most recent 5-year period, and fled from the United States—

''(AA) to escape a serious threat based on that trafficking; or

''(BB) to protect the life or safety of an individual described in clause (ii) from a threat posed by the traffickers or their associates;'';

(B) in subclause (III)(bb), by inserting '', including a reasonable fear of retaliation posed by the traffickers or their associates against an individual described in clause (ii)'' after ''trauma''; and

(C) in subclause (IV), by inserting ''or by remaining in, or returning to, the alien's country of origin, if the alien had previously fled the United States under the conditions described in subclause (II)(bb)'' after ''removal''; and

(2) in clause (ii)(III), by inserting '', or any adult or minor children of a derivative beneficiary of the alien, as'' after ''age''.

SEC. 212. PROTECTION AGAINST FRAUD IN FOREIGN LABOR CONTRACTING.

Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii)) is amended by inserting ''fraud in foreign labor contracting (as defined in section 1351 of title 18, United States Code);'' after ''perjury;''.

SEC. 213. PROTECTIONS FOR CERTAIN DERIVATIVE BENEFICIARIES OF DECEASED TRAFFICKING OR CRIME VICTIMS.

Section 204(l)(2) of the Immigration and Nationality Act (8 U.S.C. 1154(l)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

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

''(E) a derivative beneficiary of an alien admitted in 'T' nonimmigrant status (as described in section 101(a)(15)(T)(ii));

''(F) a derivative beneficiary of an alien admitted in 'U' nonimmigrant status (as described in section 101(a)(15)(U)(ii));

''(G) a derivative beneficiary of an alien who was a VAWA self-petitioner; or''.

SEC. 214. CONSULTATION WITH THE ATTORNEY GENERAL ON ADJUSTMENT OF STATUS OF CERTAIN TRAFFICKING VICTIMS.

Section 245(l)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(*l*)(1) is amended, in the matter preceding subparagraph (A), by inserting a comma after ''appropriate''.

Subtitle C—Ensuring Interagency Coordination and Expanded Reporting

SEC. 221. REPORTING REQUIREMENTS FOR THE ATTORNEY GENERAL.

Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) by redesignating subparagraphs (D) through (J) as subparagraphs (F) through (L);

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

''(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) during the preceding fiscal year;

''(D) the mean and median time in which it takes to adjudicate applications submitted under the provisions of law set forth in subparagraph (C), including the time between the receipt of an application and the issuance of a visa and work authorization;

''(E) any efforts being taken to reduce the adjudication and processing time, while ensuring the safe and competent processing of the applications;'';

(3) in subparagraph (I)(iii), by striking ''and'' at the end;

(4) in subparagraph (J), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(K) the activities undertaken by Federal agencies to train appropriate State, tribal, and local government and law enforcement officials to identify victims of severe forms of trafficking, including both sex and labor trafficking;

''(L) the activities undertaken by Federal agencies in cooperation with State, tribal, and local law enforcement officials to identify, investigate, and prosecute offenses under sections 1581, 1583, 1584, 1589, 1590, 1592, and 1594 of title 18, United States Code, or equivalent State offenses, including, in each fiscal year—

''(i) the number, age, gender, country of origin, and citizenship status of victims identified for each offense;

''(ii) the number of individuals charged, and the number of individuals convicted, under each offense;

''(iii) the number of individuals referred for prosecution for State offenses, including offenses relating to the purchasing of commercial sex acts;

''(iv) the number of victims granted continued presence in the United States under section 107(c)(3); and

''(v) the number of victims granted a visa or otherwise provided status under subparagraph (T)(i) or (U)(i) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

''(M) the activities undertaken by the Department of Justice and the Department of Health and Human Services to meet the specific needs of minor victims of domestic trafficking, including actions taken pursuant to subsection (f) and section 202(a) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(a)), and the steps taken to increase cooperation among Federal agencies to ensure the effective and efficient use of programs for which the victims are eligible.''.

SEC. 222. REPORTING REQUIREMENTS FOR THE SECRETARY OF LABOR.

Section 105(b) of the Trafficking Victims Protection Act of 2005 (22 U.S.C. 7112(b)) is amended by adding at the end the following:

''(3) SUBMISSION TO CONGRESS.—Not later than December 1, 2012, and every 2 years thereafter, the Secretary of Labor shall submit the list developed under paragraph (2)(C) to Congress.''.

SEC. 223. INFORMATION SHARING TO COMBAT CHILD LABOR AND SLAVE LABOR.

Section 105(a) of the Trafficking Victims Protection Act of 2005 (22 U.S.C. 7112(a)) is amended by adding at the end the following:

''(3) INFORMATION SHARING.—The Secretary of State shall, on a regular basis, provide information relating to child labor and forced labor in the production of goods in violation of international standards to the Department of Labor to be used in developing the list described in subsection (b)(2)(C).''.

SEC. 224. GOVERNMENT TRAINING EFFORTS TO INCLUDE THE DEPARTMENT OF LABOR.

Section 107(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) is amended—

(1) in the first sentence, by inserting ''the Department of Labor, the Equal Employment Opportunity Commission,'' before ''and the Department''; and

(2) in the second sentence, by inserting '', in consultation with the Secretary of Labor,'' before ''shall provide''.

SEC. 225. GAO REPORT ON THE USE OF FOREIGN LABOR CONTRACTORS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report on the use of foreign labor contractors to—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Health, Education, Labor, and Pensions of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

(4) the Committee on Education and the Workforce of the House of Representatives.

(b) CONTENTS.—The report under subsection (a) should, to the extent possible—

(1) address the role and practices of United States employers in—

(A) the use of labor recruiters or brokers; or

(B) directly recruiting foreign workers;

(2) analyze the laws that protect such workers, both overseas and domestically;

(3) describe the oversight and enforcement mechanisms in Federal departments and agencies for such laws; and

(4) identify any gaps that may exist in these protections; and

(5) recommend possible actions for Federal departments and agencies to combat any abuses.

(c) REQUIREMENTS.—The report under subsection (a) shall—

(1) describe the role of labor recruiters or brokers working in countries that are sending workers and receiving funds, including any identified involvement in labor abuses;

(2) describe the role and practices of employers in the United States that commission labor recruiters or brokers or directly recruit foreign workers;

(3) describe the role of Federal departments and agencies in overseeing and regulating the foreign labor recruitment process, including certifying and enforcing under existing regulations; and

(4) based on the information required under paragraphs (1) through (3), identify any common abuses of foreign workers and the employment system, including the use of fees and debts, and recommendations of actions that could be taken by Federal departments and agencies to combat any identified abuses.

Subtitle D—Enhancing State and Local Efforts to Combat Trafficking in Persons

SEC. 231. ASSISTANCE FOR DOMESTIC MINOR SEX TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a) is amended to read as follows:

"SEC. 202. ESTABLISHMENT OF A GRANT PROGRAM TO DEVELOP, EXPAND, AND STRENGTHEN ASSISTANCE PROGRAMS FOR CERTAIN PERSONS SUBJECT TO TRAFFICKING.

''(a) DEFINITIONS.—In this section:

''(1) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

''(2) ASSISTANT ATTORNEY GENERAL.—The term 'Assistant Attorney General' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or unit of local government that—

''(A) has significant criminal activity involving sex trafficking of minors;

''(B) has demonstrated cooperation between Federal, State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

''(C) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

''(i) building or establishing a residential care facility for minor victims of sex trafficking, through;

''(ii) the provision of rehabilitative care to minor victims of sex trafficking;

''(iii) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

''(iv) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

''(v) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

''(vi) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

''(D) provides assurance that a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to residential care or services provided with a grant under this section.

''(4) MINOR VICTIM OF SEX TRAFFICKING.—The term 'minor victim of sex trafficking' means an individual who—

''(A) is younger than 18 years of age, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

''(B)(i) is not younger than 18 years of age nor older than 20 years of age;

''(ii) on the day before the individual reached 18 years of age, was described in subparagraph (A); and

''(iii) was receiving shelter or services as a minor victim of sex trafficking.

''(5) QUALIFIED NONGOVERNMENTAL ORGANIZATION.—The term 'qualified nongovernmental organization' means an organization that—

''(A) is not a State or unit of local government, or an agency of a State or unit of local government;

''(B) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

''(C) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section.

''(6) SEX TRAFFICKING OF A MINOR.—The term 'sex trafficking of a minor' means an offense (described in section 1591(a) of title 18, United States Code), against a minor.

''(b) SEX TRAFFICKING BLOCK GRANTS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary, may make block grants to 4 eligible entities located in different regions of the United States to combat sex trafficking of minors.

''(B) REQUIREMENT.—Not fewer than 1 of the block grants made under subparagraph (A) shall be awarded to an eligible entity with a State population of less than 5,000,000.

''(C) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant made under this section shall be for an amount not less than $1,500,000 and not greater than $2,000,000.

''(D) DURATION.—

''(i) IN GENERAL.—A grant made under this section shall be for a period of 1 year.

''(ii) RENEWAL.—

''(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for up to 3 1-year periods.

''(II) PRIORITY.—In making grants in any fiscal year after the first fiscal year in which grants are made under this section, the Assistant Attorney General shall give priority to an eligible entity that received a grant in the preceding fiscal year and is eligible for renewal under this subparagraph, taking into account any evaluation of the eligible entity conducted under paragraph (4), if available.

''(E) CONSULTATION.—In carrying out this section, the Assistant Attorney General shall consult with the Assistant Secretary with respect to—

''(i) evaluations of grant recipients under paragraph (4);

''(ii) avoiding unintentional duplication of grants; and

''(iii) any other areas of shared concern.

''(2) USE OF FUNDS.—

''(A) ALLOCATION.—Not less than 67 percent of each grant made under paragraph (1) shall be used by the eligible entity to provide residential care and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

''(i) providing residential care to minor victims of sex trafficking, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

''(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

''(iv) case management services for minor victims of sex trafficking;

''(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

''(vi) legal services for minor victims of sex trafficking;

''(vii) specialized training for social service providers, public sector personnel, and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors and severe forms of trafficking in persons;

''(viii) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors;

''(ix) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

''(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

''(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor; and

''(x) screening and referral of minor victims of severe forms of trafficking in persons.

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

''(i) describe the activities for which assistance under this section is sought; and

''(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(4) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of each grant made under this section to determine the impact and effectiveness of programs funded with the grant.

''(c) MANDATORY EXCLUSION.—An eligible entity that receives a grant under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(d) COMPLIANCE REQUIREMENT.—An eligible entity shall not be eligible to receive a

grant under this section if, during the 5 fiscal years before the eligible entity submits an application for the grant, the eligible entity has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(e) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(f) AUDIT REQUIREMENT.—For fiscal years 2014 and 2015, the Inspector General of the Department of Health and Human Services shall conduct an audit of all 4 eligible entities that receive block grants under this section.

''(g) MATCH REQUIREMENT.—An eligible entity that receives a grant under this section shall provide a non-Federal match in an amount equal to not less than—

''(1) 15 percent of the grant during the first year;

''(2) 25 percent of the grant during the first renewal period;

''(3) 40 percent of the grant during the second renewal period; and

''(4) 50 percent of the grant during the third renewal period.

''(h) NO LIMITATION ON SECTION 204 GRANTS.—An entity that applies for a grant under section 204 is not prohibited from also applying for a grant under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 to the Attorney General for each of the fiscal years 2012 through 2015 to carry out this section.

''(j) GAO EVALUATION.—Not later than 30 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains—

''(1) an evaluation of the impact of this section in aiding minor victims of sex trafficking in the jurisdiction of the entity receiving the grant; and

''(2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.''.

(b) SUNSET PROVISION.—The amendment made by subsection (a) shall be effective during the 4-year period beginning on the date of the enactment of this Act.

SEC. 232. EXPANDING LOCAL LAW ENFORCEMENT GRANTS FOR INVESTIGATIONS AND PROSECUTIONS OF TRAFFICKING.

Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking '', which involve United States citizens, or aliens admitted for permanent residence, and'';

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(C) by inserting after subparagraph (A) the following:

''(B) to train law enforcement personnel how to identify victims of severe forms of trafficking in persons and related offenses;''; and

(D) in subparagraph (C), as redesignated, by inserting ''and prioritize the investigations and prosecutions of those cases involving minor victims'' after ''sex acts'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

''(d) NO LIMITATION ON SECTION 202 GRANT APPLICATIONS.—An entity that applies for a grant under section 202 is not prohibited from also applying for a grant under this section.'';

(4) in subsection (e), as redesignated, by striking ''$20,000,000 for each of the fiscal years 2008 through 2011'' and inserting ''$10,000,000 for each of the fiscal years 2012 through 2015''; and

(5) by adding at the end the following:

''(f) GAO EVALUATION AND REPORT.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this section on—

''(1) the ability of law enforcement personnel to identify victims of severe forms of trafficking in persons and investigate and prosecute cases against offenders, including offenders who engage in the purchasing of commercial sex acts with a minor; and

''(2) recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate to improve the ability described in paragraph (1).''.

SEC. 233. MODEL STATE CRIMINAL LAW PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) protects children exploited through prostitution by including safe harbor provisions that—

''(A) treat an individual under 18 years of age who has been arrested for engaging in, or attempting to engage in, a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

''(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

''(C) require the referral of an individual described in subparagraph (A) to appropriate service providers, including comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation; and

''(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph;''.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. ADJUSTMENT OF AUTHORIZATION LEVELS FOR THE TRAFFICKING VICTIMS PROTECTION ACT OF 2000.

The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended—

(1) in section 112A(b)(4) (22 U.S.C. 7109a(b)(4)), by striking ''2008 through 2011'' and inserting ''2012 through 2015'';

(2) in section 112B(d) (22 U.S.C. 7109b(d)), by striking ''2008 through 2011'' and inserting ''2012 through 2015''; and

(3) in section 113 (22 U.S.C. 7110)—

(A) subsection (a)—

(i) by striking ''2008 through 2011'' each place it appears and inserting ''2012 through 2015''; and

(ii) by inserting '', including regional trafficking in persons officers,'' after ''for additional personnel'' ;

(B) in subsection (b)—

(i) in paragraph (1), by striking ''$12,500,000 for each of the fiscal years 2008 through 2011'' and inserting ''$14,500,000 for each of the fiscal years 2012 through 2015''; and

(ii) in paragraph (2), by striking ''to the Secretary of Health and Human Services'' and all that follows and inserting ''$7,000,000 to the Secretary of Health and Human Services for each of the fiscal years 2012 through 2015.'';

(C) in subsection (c)(1)—

(i) in subparagraph (A), by striking ''2008 through 2011'' each place it appears and inserting ''2012 through 2015'';

(ii) in subparagraph (B)—

(I) by striking ''$15,000,000 for fiscal year 2003 and $10,000,000 for each of the fiscal years 2008 through 2011'' and inserting ''$10,000,000 for each of the fiscal years 2012 through 2015''; and

(II) by striking ''2008 through 2011'' and inserting ''2012 through 2015''; and

(iii) in subparagraph (C), by striking ''2008 through 2011'' and inserting ''2012 through 2015'';

(D) in subsection (d)—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively;

(ii) in the paragraph (1), as redesignated, by striking ''$10,000,000 for each of the fiscal years 2008 through 2011'' and inserting ''$12,000,000 for each of the fiscal years 2012 through 2015'';

(iii) in paragraph (2), as redesignated, by striking ''2008 through 2011'' and inserting ''2012 through 2015''; and

(iv) in paragraph (3), as redesignated, by striking ''to the Attorney General'' and all that follows and inserting ''$7,000,000 to the Attorney General for each of the fiscal years 2012 through 2015.'';

(E) in subsection (e), by striking ''2008 through 2011'' each place it appears and inserting ''2012 through 2015'';

(F) in subsection (f), by striking ''2008 through 2011'' and inserting ''2012 through 2015'';

(G) in subsection (h), by striking ''2008 through 2011'' and inserting ''2012 through 2015''; and

(H) in subsection (i), by striking ''2008 through 2011'' and inserting ''2012 through 2015''.

SEC. 302. ADJUSTMENT OF AUTHORIZATION LEVELS FOR THE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2005.

The Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164) is amended—

(1) by striking section 102(b)(7); and

(2) in section 201(c), by striking ''2008 through 2011'' each place it appears and inserting ''2012 through 2015''.

TITLE IV—UNACCOMPANIED ALIEN CHILDREN

SEC. 401. PROTECTION FOR MINORS SEEKING ASYLUM.

(a) IN GENERAL.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), by amending subparagraph (E) to read as follows:

''(E) APPLICABILITY TO MINORS.—Subparagraphs (A), (B), and (C) shall not apply to an applicant who is younger than 18 years of age on the earlier of—

''(i) the date on which the asylum application is filed; or

''(ii) the date on which any Notice to Appear is issued.''; and

(2) in subsection (b)(3)(C), by striking ''an unaccompanied alien child'' and all that follows and inserting the following: ″an applicant who is younger than 18 years of age on the earlier of—

''(i) the date on which the asylum application is filed; or

''(ii) the date on which any Notice to Appear is issued.''.

(b) REINSTATEMENT OF REMOVAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) in paragraph (5), by striking ''If the Attorney General'' and inserting ''Except as provided in paragraph (8), if the Secretary of Homeland Security''; and

(2) by adding at the end the following:

''(8) APPLICABILITY OF REINSTATEMENT OF REMOVAL.—Paragraph (5) shall not apply to an alien who has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, if the alien was younger than 18 years of age on the date on which the alien was removed or departed voluntarily under an order of removal.''.

SEC. 402. APPROPRIATE CUSTODIAL SETTINGS FOR UNACCOMPANIED MINORS WHO REACH THE AGE OF MAJORITY WHILE IN FEDERAL CUSTODY.

Section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended—

(1) by striking ''Subject to'' and inserting the following:

''(A) MINORS IN DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY.—Subject to''; and

(2) by adding at the end the following:

''(B) ALIENS TRANSFERRED FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEPARTMENT OF HOMELAND SECURITY CUSTODY.—If a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight. Such aliens shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home.''.

SEC. 403. APPOINTMENT OF CHILD ADVOCATES FOR UNACCOMPANIED MINORS.

Section 235(c)(6) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(A) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(B) APPOINTMENT OF CHILD ADVOCATES.—

''(i) INITIAL SITES.—Not later than 2 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary of Health and Human Services shall establish child advocate programs at 3 new immigration detention sites to provide independent child advocates for trafficking victims and vulnerable unaccompanied alien children.

''(ii) ADDITIONAL SITES.—Not later than 3 years after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Secretary shall establish and implement child advocate programs at immigration detention sites at which more than 50 children are held in immigration custody.

''(iii) SELECTION OF SITES.—Sites at which child advocate programs will be established under this subparagraph shall be selected sequentially, with priority given to locations with—

''(I) the largest number of unaccompanied alien children; and

''(II) the most vulnerable populations of unaccompanied children.

''(C) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, and annually thereafter, the Secretary of Health and Human Services shall submit a report describing the activities undertaken by the Secretary to authorize the appointment of independent Child Advocates for trafficking victims and vulnerable unaccompanied alien children to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(D) ASSESSMENT OF CHILD ADVOCATE PROGRAM.—

''(i) IN GENERAL.—As soon as practicable after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2011, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the Child Advocate Program operated by the Secretary of Health and Human Services.

''(ii) MATTERS TO BE STUDIED.—In the study required under clause (i), the Comptroller General shall— collect information and analyze the following:

''(I) analyze the effectiveness of existing child advocate programs in improving outcomes for trafficking victims and other vulnerable unaccompanied alien children;

''(II) evaluate the implementation of child advocate programs in new sites pursuant to subparagraph (B);

''(III) evaluate the funds available to the Secretary of Health and Human Services and project the additional funds that would be needed to fully implement effective child advocate programs for all trafficking victims and other vulnerable unaccompanied children;

''(IV) evaluate the barriers to improving outcomes for trafficking victims and other vulnerable unaccompanied children; and

''(V) make recommendations on statutory changes to improve the Child Advocate Program in relation to the matters analyzed under subclauses (I) through (IV).

''(iii) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit the results of the study required under this subparagraph to—

''(I) the Committee on the Judiciary of the Senate;

''(II) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(III) the Committee on the Judiciary of the House of Representatives; and

''(IV) the Committee on Education and the Workforce of the House of Representatives.

''(E) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and Human Services to carry out this subsection—

''(i) $1,000,000 for each of the fiscal years 2012 and 2013; and

''(ii) $2,000,000 for each of the fiscal years 2014 and 2015.''.

SEC. 404. ACCESS TO FEDERAL FOSTER CARE AND UNACCOMPANIED REFUGEE MINOR PROTECTIONS FOR CERTAIN U VISA RECIPIENTS.

Section 235(d)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(d)(4)) is amended—

(1) in subparagraph (A),

(A) by striking ''either'';

(B) by striking ''or who'' and inserting a comma; and

(C) by inserting '', or has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)),'' before '', shall be eligible''; and

(2) in subparagraph (B), by inserting '', or status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)),'' after ''(8 U.S.C. 1101(a)(27)(J))''.

SEC. 405. GAO STUDY OF THE EFFECTIVENESS OF BORDER SCREENINGS.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study examining the effectiveness of screenings conducted by Department of Homeland Security personnel in carrying out section 235(a)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(a)(4)).

(2) STUDY.—In carrying out paragraph (1), the Comptroller General shall take into account the degree to which Department of Homeland Security personnel are adequately ensuring that—

(A) all children are being screened to determine whether they are described in section 235(a)(2)(A) of the William Wilberforce Trafficking Victims Protection Reauthorization Act;

(B) appropriate and reliable determinations are being made about whether children are described in section 235(a)(2)(A) of such Act;

(C) children are repatriated in an appropriate manner, consistent with clauses (i) through (iii) of section 235(a)(2)(C) of such Act;

(D) children are appropriately being permitted to withdraw their applications for admission, in accordance with section 235(a)(2)(B)(i) of such Act;

(E) children are being properly cared for while they are in the custody of the Department of Homeland Security and awaiting repatriation or transfer to the custody of the Secretary of Health and Human Services; and

(F) children are being transferred to the custody of the Secretary of Health and Human Services in a manner that is consistent with such Act.

(3) ACCESS TO DEPARTMENT OF HOMELAND SECURITY OPERATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for the purposes of conducting the study described in subsection (a), the Secretary shall provide the Comptroller General with unrestricted access to all stages of screenings and other interactions between Department of Homeland Security personnel and children encountered by the Comptroller General.

(B) EXCEPTIONS.—The Secretary shall not permit unrestricted access under subparagraph (A) if the Secretary determines that the security of a particular interaction would be threatened by such access.

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of the commencement of the study described in subsection (a), the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains the Commission's findings and recommendations.

By Mr. KERRY:

S. 1304. A bill to make funds available to reimburse certain fishermen for legal fees and costs incurred in connection with improper fines and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today, Federal regulations developed to limit fishing have forced some fishermen out of business and pushed many more to the brink. Too many Massachusetts fishermen are doing all they can every day to keep a roof over their head and to feed their families. They are extremely frustrated that the Department of Commerce has made a series of decisions that seem to make it more difficult for them to take care of their families.

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

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

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

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

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

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

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

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

S.J. RES. 23

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

''ARTICLE—

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBMITTED RESOLUTIONS

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

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

S. RES. 218

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

Whereas ASEAN membership has now expanded and includes 10 countries;

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

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

Whereas ASEAN significantly contributes to regional stability in East Asia;

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

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

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

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

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

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

Whereas the nations of ASEAN are working toward economic integration;

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

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

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

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

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

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

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

S. RES. 219

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

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

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

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

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

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

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

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

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

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

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

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

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

Whereas celiac disease is linked to many autoimmune disorders, including thyroid disease, systemic lupus erythematosus, type 1 diabetes, liver disease, collagen vascular disease, rheumatoid arthritis, and Sjogren's syndrome;

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

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

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

Resolved, That the Senate—

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

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

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

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

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

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

S. RES. 220

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

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

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

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

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

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

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

Resolved, That it is the sense of the Senate—

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

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

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

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

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

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

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

S. RES. 221

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

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

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

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

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

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

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

Whereas Kappa Alpha Psi designated St. Jude Children's Research Hospital as the primary benefactor of its national fundraising efforts;

Whereas Kappa Alpha Psi sponsors Kappas on Capitol Hill, a 4-day conference in Washington, District of Columbia, that seeks to increase member awareness of the political process through workshops, seminars, and lectures, and that seeks to inform its members of the importance of the political process in bettering society;

Whereas Kappa Alpha Psi emphasizes financial literacy in its community-based outreach by partnering with the National Association of Bankruptcy Trustees, the National Foundation for Credit Counseling, and the National Pan-Hellenic Council to implement 2 major programs, Credit Abuse Resistance Education and Greeks Learning to Avoid Debt;

Whereas Kappa Alpha Psi, through its Kappa League and National Guide Right programs, matches thousands of at-risk youths throughout the United States with role models and mentors that encourage the youths to positively contribute to and become leaders in their communities;

Whereas, since 1990, the Kappa Alpha Psi Kappa Scholarship Fund has provided scholarship grants to more than 10,000 high school graduates to assist in furthering their education and has encouraged its undergraduate and alumni chapters to support similar endeavors to broaden the ability of economically disadvantaged youth to aspire to obtain a college education;

Whereas the oldest formal program of Kappa Alpha Psi, the Holiday Food Drive, provides food, clothing, and toys to thousands of low income individuals in many metropolitan and rural communities throughout the United States;

Whereas the national theme of Kappa Alpha Psi, ''One Kappa, Creating Inspiration: A Call to Service'', has mobilized Kappa Alpha Psi members across the United States who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better servant leaders for their families and communities, the United States, and the fraternity at large;

Whereas Kappa Alpha Psi partners with the United Negro College Fund, the National Association for the Advancement of Colored People, and the National Urban League;

Whereas Kappa Alpha Psi supports the National Education Association, the National Association of State Boards of Education, the Association of Fraternity/Sorority Advisors, the North-American Interfraternity Conference, and the National Pan-Hellenic Council; and

Whereas Kappa Alpha Psi Fraternity will hold its Centennial Celebration at its 80th Grand Chapter Meeting in Indianapolis, Indiana, July 5, 2011, through July 10, 2011: Now, therefore, be it

Resolved, That the Senate congratulates Kappa Alpha Psi Fraternity, Inc., on 100 years of serving local communities and enriching the lives of collegiate men throughout the United States.

SENATE RESOLUTION 222—RECOGNIZING THE AMERICAN REVOLUTION CENTER FOR ITS ROLE IN TELLING THE STORY OF THE AMERICAN REVOLUTION AND THE CONTINUING IMPACT ON STRUGGLES FOR FREEDOM, SELF-GOVERNMENT, AND THE RULE OF LAW THROUGHOUT THE WORLD, AND ENCOURAGING THE CENTER IN ITS EFFORTS TO BUILD A NEW MUSEUM OF THE AMERICAN REVOLUTION

Mr. CASEY submitted the following resolution; which was considered and agreed to:

S. RES. 222

Whereas the American Revolution secured the independence of the United States of America, and made possible a vibrant system of self-government based on liberty and equality;

Whereas the history and ideas of the American Revolution have sustained the Nation through its moments of greatest peril and inspired many of the greatest achievements;

Whereas the American Revolution Center (in this resolution referred to as the ''Center'') is the steward of a nationally significant collection of artifacts, manuscripts, and artwork from the period of the American Revolution;

Whereas the Center is actively working to be a ''connector'' to other American Revolution organizations and sites through its website and with collaborative programming;

Whereas the Center has committed itself to the establishment of a new ''Museum of the American Revolution'' that is to be built in Philadelphia, Pennsylvania, just steps from Independence Hall, the Liberty Bell, Carpenter's Hall, and Christ Church;

Whereas the Museum of the American Revolution will be built in one of our Nation's most historic neighborhoods, visited by many millions of people from around the world each year;

Whereas the Museum of the American Revolution will tell the entire story of the American Revolution, providing a context for heritage tourists as they travel to other Revolutionary-era sites in Philadelphia and throughout the United States; and

Whereas the Center and the proposed Museum of the American Revolution will provide future generations with both a physical and a virtual venue to learn the story of the American Revolution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contribution of the American Revolution Center to the preservation of the story of the founding of the United States; and

(2) expresses support for the Center's efforts to establish an appropriate museum to tell such story to future generations.

AMENDMENTS SUBMITTED AND PROPOSED

SA 521. Mr. COBURN (for himself, Mr. UDALL of Colorado, Ms. COLLINS, Mrs. MCCASKILL, Mr. BURR, Mr. PAUL, Mr . BROWN of Massachusetts, Mr. MCCAIN, Ms. AYOTTE, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the resolution S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent.

SA 522. Mr. HARKIN (for Mr. UDALL of New Mexico (for himself and Mr. HARKIN)) submitted an amendment intended to be proposed by Mr. HARKIN to the resolution S. Res. 116, supra.

SA 523. Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, and Mr. CARPER) proposed an amendment to the resolution S. Res. 116, supra.

TEXT OF AMENDMENTS

SA 521. Mr. COBURN (for himself, Mr. UDALL of Colorado, Ms. COLLINS, Mrs. MCCASKILL, Mr. BURR, Mr. PAUL, Mr. BROWN of Massachusetts, Mr. MCCAIN, Ms. AYOTTE, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the resolution S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent; as follows:

At the end of the resolution, insert the following:

SEC. _____. PREVENTING DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS RESOLUTION.

(a) SHORT TITLE.—This section may be cited as the ''Preventing Duplicative and Overlapping Government Programs Resolution''.

(b) REPORTED LEGISLATION.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking ''and (b)'' and inserting ''(b), and (c)'';

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

''(c) The report accompanying each bill or joint resolution of a public character reported by any committee (including the Committee on Appropriations and the Committee on the Budget) shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''.

(c) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

''6. (a) It shall not be in order in the Senate to proceed to any bill or joint resolution unless the committee of jurisdiction has prepared and posted on the committee website an overlapping and duplicative programs analysis and explanation for the bill or joint resolution as described in subparagraph (b) prior to proceeding.

''(b) The analysis and explanation required by this subparagraph shall contain—

''(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

''(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.

''(c) This paragraph may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate upon their certification that such waiver is necessary as a result of a significant disruption to Senate facilities or to the availability of the Internet or a bill or joint resolution is designated as 'emergency.' ''.

SA 522. Mr. HARKIN (for Mr. UDALL of New Mexico (for himself and Mr. HARKIN)) submitted an amendment intended to be proposed by Mr. HARKIN to the resolution S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent; as follows:

At the end of the resolution, insert the following:

SEC. ____. ESTABLISHING MAJORITY VOTE THRESHOLD FOR PROCEEDING TO NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

''Is it the sense of the Senate that the debate shall be brought to a close?'' And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn -- except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting -- then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of. On a nomination to an Executive Branch position requiring the advise and consent of the Senate, the necessary affirmative vote shall be a majority of the Senators duly chosen and sworn.''.

SA 523. Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, and Mr. CARPER) proposed an amendment to the resolution S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent; as follows:

On page 5, line 2, strike ''15 to 21'' and insert ''6''.

On page 6, after line 24, insert the following:

(31) Chief Financial Officer, from the following:

(A) Department of Agriculture.
(B) Department of Commerce.
(C) Department of Defense.
(D) Department of Education.
(E) Department of Energy.
(F) Department of Environmental Protection Agency.
(G) Department of Health and Human Services.
(H) Department of Homeland Security.
(I) Department of Housing and Urban Development.
(J) Department of the Interior.
(K) Department of Labor.
(L) National Aeronautics and Space Administration.
(M) Department of State.
(N) Department of Transportation.
(O) Department of the Treasury.
(P) Department of Veterans Affairs.

(32) Assistant Secretary for Financial Management of the Air Force.

(33) Assistant Secretary for Financial Management of the Army.

(34) Assistant Secretary for Financial Management of Navy.

(35) Controller, Office of Federal Financial Management, Office of Management and Budget.

(36) Assistant Secretaries or other officials whose primary responsibility is legislative affairs from the following:

(A) Department of Agriculture.
(B) Department of Energy.
(C) Department of Defense.
(D) Department of Housing and Urban Development.
(E) Department of Commerce.
(F) Department of Treasury.
(G) Department of State.
(H) Department of Health and Human Services.
(I) United States Agency for International Development.
(J) Department of Education.
(K) Department of Labor.
(L) Department of Justice.
(M) Department of Veterans Affairs.
(N) Department of Transportation.

(37) Commissioner, Rehabilitative Services Administration, Department of Education.

(38) Commissioner, Administration for Children, Youth, and Families, Department of Health and Human Services.

(39) Commissioner, Administration for Native Americans, Department of Health and Human Services.

(40) Federal Coordinator, Alaska Natural Gas Transportation Projects.

(41) Assistant Secretary for Administration, Department of Commerce.

On page 7, strike line 5 and insert the following:

SEC. 4. COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.

The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by such committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

SEC. 5. EFFECTIVE DATE.

NOTICE OF INTENT TO OBJECT

I, Senator TOM COBURN, intend to object to proceeding to S. 618, a bill to promote the strengthening of the private sector in Egypt and Tunisia, dated June 29, 2011.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 29, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 29, 2011, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. 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 June 29, 2011, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 29, 2011, at 10:30 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Barriers to Justice and Accountability: How the Supreme Court's Recent Rulings Will Affect Corporate Behavior.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on June 29, 2011, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on June 29, 2011, in the President's Room at 11 a.m.

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development, be authorized to meet during the session of the Senate on June 29, 2011, at 2 p.m. to conduct a hearing entitled ''Promoting Broader Access to Public Transportation for America's Older Adults and People with Disabilities.''

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

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on June 29, 2011, at 9:30 a.m. to conduct a hearing entitled ''Emergence of Swap Execution Facilities: A Progress Report.''

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, be authorized to meet during the session of the Senate

on June 29, 2011, at 2:30 p.m. to conduct a hearing entitled, ''The Diplomat's Shield: Diplomatic Security and Its Implications for U.S. Diplomacy.''

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Kate Waters, Andrew Brau, and Jayme Wiebold of my staff be granted floor privileges for the duration of today's proceedings.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Derek Skinner from Senator BINGAMAN's office be given the privileges of the floor during the pendency of S. 679, the Presidential Appointment Efficiency and Streamlining Act.

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

Mr. WYDEN. Mr. President, I ask unanimous consent that Sean Mills be given the privilege of the floor through the rest of the day.

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

OPENING OF THE TOM LANTOS INSTITUTE IN BUDAPEST, HUNGARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 220.

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

The bill clerk read as follows:

A resolution (S. Res. 220) expressing the sense of the Senate regarding the June 30, 2011, opening of the Tom Lantos Institute in Budapest, Hungary.

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

Mr. REID. Mr. President, I ask unanimous consent that my name be added as a cosponsor of this important resolution.

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

Mr. REID. I served with Tom Lantos in the House of Representatives. He was one of the finest orators I have ever heard. He was an academic. He had a Ph.D. in economics. He was a wonderful Member of Congress. He was a survivor of the Holocaust, as was his wife. He was a courageous man. He was captured by the Nazis as a teenager on multiple occasions. He escaped, was brought back. His blond hair kind of gave him away. But he was just a wonderful human being, and I still miss him a great deal.

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 this matter be printed in the RECORD.

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

The resolution (S. Res. 220) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 220

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

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

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

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

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

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

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

Resolved, That it is the sense of the Senate—

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

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

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

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

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

CONGRATULATING KAPPA ALPHA PSI FRATERNITY, INC.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 221.

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

The bill clerk read as follows:

A resolution (S. Res. 221) congratulating Kappa Alpha Psi Fraternity, Inc., on reaching the historic milestone of 100 years of serving local and international communities, maintaining a commitment to the betterment of mankind, and enriching the lives of collegiate men throughout the United States.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

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

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

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

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

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

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

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

Whereas Kappa Alpha Psi designated St. Jude Children's Research Hospital as the primary benefactor of its national fundraising efforts;

Whereas Kappa Alpha Psi sponsors Kappas on Capitol Hill, a 4-day conference in Washington, District of Columbia, that seeks to increase member awareness of the political process through workshops, seminars, and lectures, and that seeks to inform its members of the importance of the political process in bettering society;

Whereas Kappa Alpha Psi emphasizes financial literacy in its community-based outreach by partnering with the National Association of Bankruptcy Trustees, the National Foundation for Credit Counseling, and the National Pan-Hellenic Council to implement 2 major programs, Credit Abuse Resistance Education and Greeks Learning to Avoid Debt;

Whereas Kappa Alpha Psi, through its Kappa League and National Guide Right programs, matches thousands of at-risk youths throughout the United States with role models and mentors that encourage the youths to positively contribute to and become leaders in their communities;

Whereas, since 1990, the Kappa Alpha Psi Kappa Scholarship Fund has provided scholarship grants to more than 10,000 high school graduates to assist in furthering their education and has encouraged its undergraduate and alumni chapters to support similar endeavors to broaden the ability of economically disadvantaged youth to aspire to obtain a college education;

Whereas the oldest formal program of Kappa Alpha Psi, the Holiday Food Drive, provides food, clothing, and toys to thousands of low income individuals in many metropolitan and rural communities throughout the United States;

Whereas the national theme of Kappa Alpha Psi, ''One Kappa, Creating Inspiration: A Call to Service'', has mobilized Kappa Alpha Psi members across the United States who are leaders in business, education, government, the humanities, arts and entertainment, science, and medicine to become better servant leaders for their families and communities, the United States, and the fraternity at large;

Whereas Kappa Alpha Psi partners with the United Negro College Fund, the National Association for the Advancement of Colored People, and the National Urban League;

Whereas Kappa Alpha Psi supports the National Education Association, the National Association of State Boards of Education, the Association of Fraternity/Sorority Advisors, the North-American Interfraternity Conference, and the National Pan-Hellenic Council; and

Whereas Kappa Alpha Psi Fraternity will hold its Centennial Celebration at its 80th Grand Chapter Meeting in Indianapolis, Indiana, July 5, 2011, through July 10, 2011: Now, therefore, be it

Resolved, That the Senate congratulates Kappa Alpha Psi Fraternity, Inc., on 100 years of serving local communities and enriching the lives of collegiate men throughout the United States.

RECOGNIZING THE AMERICAN REVOLUTION CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 222.

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

The bill clerk read as follows:

A resolution (S. Res. 222) recognizing the American Revolution Center for its role in telling the story of the American Revolution and the continuing impact on struggles for freedom, self-government, and the rule of law throughout the world, and encouraging the Center in its efforts to build a new Museum of the American Revolution.

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

Mr. CASEY. Mr. President, it goes without saying that the history of the American evolution is a major chapter of our Nation's history, of American history. Yet currently there is no single place where a person can go which tells the American story from its colonial past through present day. I believe that there should be a place where visitors can come to learn more about the revolution and can see artifacts, manuscripts, and artwork from this period. I believe there should be an institution dedicated to telling this important story.

Today, I am very happy to submit a resolution which not only expresses how important it is to tell the story of the American Revolution and the continuing impact on struggles for freedom, self-government and the rule of law throughout the world, but also to encourage the American Revolution Center in its efforts to build a new Museum of the American Revolution.

The American Revolution Center plans to open the Nation's first museum dedicated to this period. When built, the museum will house such items as General George Washington's original sleeping and office tent and an original Revolutionary-era 13-star flag known as the Commander-in-Chief's Standard. By educating Americans and visitors from abroad, the museum will honor the sacrifices of the Founding generation by keeping the story alive.

I am particularly pleased that the American Revolution Center has decided to build this museum in Philadelphia, PA, just steps from Independence Hall, the Liberty Bell, Carpenter's Hall, and Christ Church. It is fitting that a museum dedicated to telling the rich, detailed story of America's founding should make its home in Philadelphia, the birthplace of the Declaration of Independence and the U.S. Constitution. Nearly 1 million people are expected to visit the museum, which will be located among the streets and buildings where armies once marched and where people debated powerful ideas about democracy and equality.

As someone who believes that there is much to learn from history, I strongly support the American Revolution Center and its effort to build a Museum of the American Revolution in Philadelphia.

Mr. REID. 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. 222) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 222

Whereas the American Revolution secured the independence of the United States of America, and made possible a vibrant system of self-government based on liberty and equality;

Whereas the history and ideas of the American Revolution have sustained the Nation through its moments of greatest peril and inspired many of the greatest achievements;

Whereas the American Revolution Center (in this resolution referred to as the ''Center'') is the steward of a nationally significant collection of artifacts, manuscripts, and artwork from the period of the American Revolution;

Whereas the Center is actively working to be a ''connector'' to other American Revolution organizations and sites through its website and with collaborative programming;

Whereas the Center has committed itself to the establishment of a new ''Museum of the American Revolution'' that is to be built in Philadelphia, Pennsylvania, just steps from Independence Hall, the Liberty Bell, Carpenter's Hall, and Christ Church;

Whereas the Museum of the American Revolution will be built in one of our Nation's most historic neighborhoods, visited by many millions of people from around the world each year;

Whereas the Museum of the American Revolution will tell the entire story of the American Revolution, providing a context for heritage tourists as they travel to other Revolutionary-era sites in Philadelphia and throughout the United States; and

Whereas the Center and the proposed Museum of the American Revolution will provide future generations with both a physical and a virtual venue to learn the story of the American Revolution: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contribution of the American Revolution Center to the preservation of the story of the founding of the United States; and

(2) expresses support for the Center's efforts to establish an appropriate museum to tell such story to future generations.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at noon Thursday, June 30, the Senate proceed to executive session to consider Calendar No. 197; there be 2 hours of debate equally divided in the usual form; that upon the use or yielding back of that time the Senate proceed to vote, without intervening action or debate, on Calendar No. 197; that the motion to reconsider be considered made and laid upon the table; there be no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

Mr. REID. Mr. President, I may not have the opportunity tomorrow to speak on this nomination of David Petraeus. In the last 50 years, he is the most noted soldier that we have had in the U.S. military. This man could retire and go off into the business community and make millions and millions of dollars.

This man has a Ph.D. from Princeton. He is a highly decorated member of the Army. He is just such a fine man, and he is walking away from that money because—as he told me—he thinks he owes his country more public service. This is one of the finest people we have ever had as a public servant in our country.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORITY FOR COMMITTEE TO MEET

Mr. REID. Mr. President, I ask unanimous consent the Finance Committee be authorized to meet at 10 a.m. during tomorrow's session of the Senate, Thursday, June 30, and they be permitted to meet beyond the 2-hour limit set forth under rule XXVI.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, appoints the following Senator as Vice Chairman of the U.S.-China Interparliamentary Group meeting to be held in Washington, DC, Tuesday, July 12, 2011: the Honorable SAXBY CHAMBLISS of Georgia.

ORDERS FOR THURSDAY, JUNE 30, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 12 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first hour and the Republicans controlling the second hour; that following morning business, the Senate proceed to executive session, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, there will be at least one rollcall vote tomorrow at 2 p.m. on the confirmation of GEN David Petraeus to be Director of the Central Intelligence Agency.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Thursday, June 30, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

DAVID NUFFER, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE DALE A. KIMBALL, RETIRED.

THOMAS OWEN RICE, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE ROBERT H. WHALEY, RETIRED.

DEPARTMENT OF JUSTICE

GREGORY K. DAVIS, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE DUNN LAMPTON, RESIGNED.

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 major general

BRIG. GEN. SCOTT M. HANSON

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 major general

BRIG. GEN. VERLE L. JOHNSTON, JR.

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. DONALD P. DUNBAR

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 30, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 12

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JULY 13

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 958, to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, S. 1094, to reauthorize the Combating Autism Act of 2006 (Public Law 109–416), an original bill entitled, ''Workforce Investment Act Reauthorization of 2011'', and any pending nominations.
Room to be announced

JULY 14

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Daily Digest

HIGHLIGHTS

Senate passed S. 679, Presidential Appointment Efficiency and Streamlining Act, as amended.

Senate agreed to S. Res. 116, Expedited Senate Consideration of Certain Nominations, as amended.

Senate

Chamber Action

Routine Proceedings, pages S4165–S4241

Measures Introduced: Thirteen bills and six resolutions were introduced, as follows: S. 1292–1304, S.J. Res. 23, and S. Res. 218–222. **Pages S4225–26**

Measures Reported:

S.J. Res. 20, authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya, with amendments. (S. Rept. No. 112–27)

S. 550, to improve the provision of assistance to fire departments, with an amendment in the nature of a substitute. (S. Rept. No. 112–28) **Page S4221**

Measures Passed:

Presidential Appointment Efficiency and Streamlining Act: By 79 yeas to 20 nays (Vote No. 101) Senate passed S. 679, to reduce the number of executive positions subject to Senate confirmation, by the order of the Senate of Wednesday, June 22, 2011, 60 Senators having voted in the affirmative, after taking action on the following amendments proposed thereto: **Pages S4174–81**

Adopted:

Portman Modified Amendment No. 509, to strike the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget. **Pages S4174, S4176**

Toomey/Vitter Amendment No. 514, to strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development. (A unanimous-consent agreement was reached providing that the amendment be considered as having been adopted before the managers' amendment to the bill.) **Pages S4174, S4176, S4191–92**

Rejected:

By 44 yeas to 55 nays (Vote No. 99), DeMint Amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts. (By the order of the Senate of Wednesday, June 22, 2011, the amendment having failed to achieve 60 votes in the affirmative, the amendment was not agreed to.) **Pages S4174, S4175–76**

By 25 yeas to 74 nays (Vote No. 100), DeMint Amendment No. 511, to enhance accountability and transparency among various Executive agencies. **Pages S4174, S4176**

Expedited Senate Consideration of Certain Nominations: By 89 yeas to 8 nays (Vote No. 103), Senate agreed to S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent, after taking action on the following amendments proposed thereto: **Pages S4181–S4209**

Adopted:

Schumer Amendment No. 523, to add positions for expedited consideration. **Page S4208**

Rejected:

By 63 yeas to 34 nays (Vote No. 102), two-thirds of the Senate not having voted in the affirmative, Senate failed to agree to Coburn Amendment No. 521, to prevent the creation of duplicative and overlapping Federal programs. **Pages S4189–91, S4206–08**

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order that Harkin (for Udall (NM)/Harkin) Amendment No. 522, to establish a majority vote threshold for proceeding to

nominations, was not relevant, and the amendment thus fell. **Pages S4201–06**

Tom Lantos Institute: Senate agreed to S. Res. 220, expressing the sense of the Senate regarding the June 30, 2011, opening of the Tom Lantos Institute in Budapest, Hungary. **Page S4239**

Congratulating Kappa Alpha Psi Fraternity: Senate agreed to S. Res. 221, congratulating Kappa Alpha Psi Fraternity, Inc., on reaching the historic milestone of 100 years of serving local and international communities, maintaining a commitment to the betterment of mankind, and enriching the lives of collegiate men throughout the United States. **Pages S4239–40**

American Revolution Center: Senate agreed to S. Res. 222, recognizing the American Revolution Center for its role in telling the story of the American Revolution and the continuing impact on struggles for freedom, self-government, and the rule of law throughout the world, and encouraging the Center in its efforts to build a new Museum of the American Revolution. **Page S4240**

Appointments:

U.S.-China Interparliamentary Group: The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, appointed the following Senator as Vice Chairman of the U.S.-China Interparliamentary Group meeting to be held in Washington, DC, Tuesday, July 12, 2011:

Senator Chambliss. **Page S4241**

Finance Committee—Agreement: A unanimous-consent agreement was reached providing that the Committee on Finance be authorized to meet at 10 a.m., during the session of the Senate on Thursday, June 30, 2011, and be permitted to meet beyond the two hour limit in Rule 26. **Page S4241**

Petraeus Nomination—Agreement: A unanimous-consent-time agreement was reached providing that at 12 noon, on Thursday, June 30, 2011, Senate begin consideration of the nomination of David H. Petraeus, of New Hampshire, to be Director of the Central Intelligence Agency, that there be two hours for debate equally divided in the usual form; that upon the use or yielding back of time, Senate vote without intervening action or debate, on confirmation of the nomination; that no further motions be in order to the nomination. **Page S4240**

Nominations Received: Senate received the following nominations:

David Nuffer, of Utah, to be United States District Judge for the District of Utah.

Thomas Owen Rice, of Washington, to be United States District Judge for the Eastern District of Washington.

Gregory K. Davis, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

3 Air Force nominations in the rank of general. **Page S4241**

Measures Read the First Time: **Page S4197**

Executive Communications: **Pages S4220–21**

Petitions and Memorials: **Page S4221**

Executive Reports of Committees: **Pages S4221–25**

Additional Cosponsors: **Pages S4226–27**

Statements on Introduced Bills/Resolutions: **Pages S4227–37**

Additional Statements: **Page S4219**

Amendments Submitted: **Pages S4237–38**

Notices of Intent: **Page S4238**

Authorities for Committees to Meet: **Pages S4238–39**

Privileges of the Floor: **Page S4239**

Record Votes: Five record votes were taken today. (Total—103) **Pages S4176–78, S4207–08**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:57 p.m., until 9:30 a.m. on Thursday, June 30, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4241.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported 1,603 nominations in the Army, Navy, Air Force, and Marine Corps.

SWAP EXECUTION FACILITIES

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine the emergence of swap execution facilities, focusing on a progress report, after receiving testimony from Kevin McPartland, Tabb Group, Ben Macdonald, Bloomberg, LP, James Cawley, Javelin Capital Markets, Stephen Merkel, BGC Partners, Inc., and Chris Bury, Jefferies and Company, Inc., all of New York, New York; Neal B. Brady, Eris Exchange, LLC, Chicago, Illinois; and William Thum, Vanguard, Washington, D.C.

PUBLIC TRANSPORTATION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing, Transportation and Community Development concluded a hearing to examine promoting broader access to public transportation for America's older adults and people with disabilities, after receiving testimony from Lee Hammond, American Association of Retired Persons, Salisbury, Maryland; James Corless, Transportation for America, Washington, D.C.; Mary A. Leary, Easter Seals Transportation Group, Fairfax, Virginia; Steve Fittante, Middlesex County Area Transit, Phillipsburg, New Jersey; and Randal O'Toole, Cato Institute, Camp Sherman, Oregon.

PRIVACY AND DATA SECURITY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine privacy and data security, focusing on protecting consumers in the modern world, after receiving testimony from Julie Brill, Commissioner, Federal Trade Commission; Cameron F. Kerry, General Counsel, Department of Commerce; Austin C. Schlick, General Counsel, Federal Communications Commission; Scott Taylor, Hewlett-Packard Company, Palo Alto, California; Stuart K. Pratt, Consumer Data Industry Association (CDIA), Ioana Rusu, Consumers Union, and Thomas M. Lenard, Technology Policy Institute, all of Washington, D.C.; and Tim Schaaff, Sony Network Entertainment International, Foster City, California.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Derek J. Mitchell, of Connecticut, to be Special Representative and Policy Coordinator for Burma, with the rank of Ambassador, and Frankie Annette Reed, of Maryland, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, who was introduced by Representative Faleomavaega, both of the Department of State, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 473, to extend the chemical facility security program of the Department of Homeland Security, with an amendment; and

The nominations of Jennifer A. Di Toro, Donna Mary Murphy, and Yvonne M. Williams, all to be an Associate Judge of the Superior Court of the District of Columbia.

DIPLOMATIC SECURITY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the diplomat's shield, focusing on diplomatic security and its implications for United States diplomacy, and if expanded missions and inadequate facilities pose critical challenges to training efforts, after receiving testimony from Eric J. Boswell, Assistant Secretary of State for Diplomatic Security; Jess T. Ford, Director, International Affairs and Trade, Government Accountability Office; and Susan Rockwell Johnson, American Foreign Service Association, Washington, D.C.

BARRIERS TO JUSTICE AND ACCOUNTABILITY

Committee on the Judiciary: Committee concluded a hearing to examine barriers to justice and accountability, focusing on how the Supreme Court's recent rulings will affect corporate behavior, after receiving testimony from Andrew Pincus, Mayer Brown LLP, and Robert Alt, The Heritage Foundation, both of Washington, D.C.; Melissa Hart, University of Colorado School of Law Byron R. White Center for the Study of American Constitutional Law, Boulder; James D. Cox, Duke University School of Law, Durham, North Carolina; and Betty Dukes, San Francisco, California.

NOMINATIONS

Committee on Rules and Administration: Committee concluded a hearing to examine the nominations of Gineen Maria Bresso, of Florida, Thomas Hicks, of Virginia, and Myrna Perez, of Texas, all to be a Member of the Election Assistance Commission, after the nominees, who were all introduced by Senator Schumer, testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the following business items:

S. 277, to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune;

S. 572, to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay;

S. 745, to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits;

S. 894, to amend title 38, United States Code, to provide for an increase, effective December 1, 2011, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

S. 914, to amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans; and

S. 951, to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 10 a.m. on Friday, July 1, 2011 in pro forma session.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 30, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to markup H.R. 2055, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, 11 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Security and International Trade and Finance, to hold hearings to examine stakeholder perspectives on reauthorization of the Export-Import Bank of the United States, 10 a.m., SD–538.

Full Committee, to hold hearings to examine the state of the Federal Deposit Insurance Corporation (FDIC), focusing on deposit insurance, consumer protection, and financial stability, 2 p.m., SD–538.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold an oversight hearing to examine a review of Environmental Protection Agency (EPA) regulations replacing the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR), 10 a.m., SD–406.

Committee on Finance: To hold hearings to examine perspectives on deficit reduction, focusing on a review of key issues, 10 a.m., SD–215.

Full Committee, business meeting to consider proposed legislation implementing the United States-Korea Free Trade Agreement, the United States-Colombia Trade Promotion Agreement, the United States-Panama Trade Promotion Agreement, and the associated proposed Statements of Administrative Action, 3 p.m., SD–215.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs, to hold hearings to examine the state of democracy in the Americas, 10 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine Afghanistan reconstruction contracts, focusing on lessons learned and ongoing problems, 10 a.m., SD–342.

Committee on Indian Affairs: To hold hearings to examine S. 1262, to improve Indian education, 2:15 p.m., SD–628.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold an oversight hearing to examine the Financial Fraud Enforcement Task Force, 10 a.m., SD–226.

Select Committee on Intelligence: Closed business meeting to consider pending calendar business, 2:30 p.m., SH–219.

House

No hearings are scheduled.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, June 30

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 12 p.m.), Senate will begin consideration of the nomination of David H. Petraeus, of New Hampshire, to be Director of the Central Intelligence Agency, and vote on confirmation of the nomination, at approximately 2 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Friday, July 1

House Chamber

Program for Friday: The House will meet in pro forma session at 10 a.m.

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