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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Father Steven E. Boes, the national executive director of Boys Town in Boys Town, NE.

The guest Chaplain offered the following prayer:

Creator God, we ask Your blessing upon the men and women of the Senate. Give them the wisdom of Father Edward Flanagan, the founder of Boys Town, who taught America that ''there are no bad boys; only bad environment, bad training, and bad example.'' Help us as a nation to save children by healing families so that they can provide the good environment, training, and example our young people need to be healthy, productive citizens. Please inspire our Senators to work together to strengthen our families and communities so that our children can become stronger in body, mind, and spirit.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

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

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

WELCOMING FATHER BOES

Mr. NELSON of Nebraska. Mr. President, I rise to thank Father Steven Boes for delivering the opening prayer this morning.

Father Boes has been a priest of the Archdiocese of Omaha since 1985. He has more than 20 years experience as a counselor and youth advocate in Nebraska.

Father Boes served 8 years as director of the St. Augustine Indian Mission and School in Winnebago, NE. He established programs to help Winnebago and Omaha children preserve their traditional language, spirituality, and culture while preparing them for higher education.

In 2005, Father Boes was named the executive director of Boys Town, one of the largest childcare organizations in America. Boys Town provides compassionate, research-proven treatment for children with behavioral, emotional, and physical problems. Father Boes is the fourth priest to succeed Father Edward Flanagan, the founder of Boys Town.

As a young priest in Omaha, Father Flanagan had grown discouraged in his work with transient men. His frustration led him to borrow $90 to rent a drafty downtown boarding house and open his first home for boys in 1917. Youngsters from all over Omaha soon began showing up at the doorstep of Father Flanagan's Home for Boys. Father Flanagan said:

When the idea of a boys' home grew in my mind, I never thought anything remarkable about taking in all of the races and all of the creeds. To me, they are all God's children. They are my brothers. They are children of God. I must protect them to the best of my ability.

In 1921, Father Flanagan moved his boys home to a farm just outside of Omaha, and it soon became known as the Village of Boys Town. By the 1930s, hundreds of boys lived there. The world learned of Father Flanagan's success in 1938 when he was played by Spencer Tracy in the ''Boys Town'' Hollywood movie.

Boys Town began admitting girls in 1979 and established programs at more than one dozen sites across the country in the mid-1980s.

Under the leadership of Father Boes, Boys Town has focused on implementing its unique integrated continuum of care to strengthen a child's mind, body, and spirit. Father Boes is also expanding Boys Town's role in advocating for changes to our childcare system, which is often fragmented, expensive, and ineffective. He has called for smarter investments and earlier interventions for at-risk children, which can prevent much more expensive problems for society if those children fall through the cracks. For instance, keeping a 14-year-old from dropping out of high school will end up saving taxpayers about $500,000 over that child's lifetime. Keeping him from becoming a career criminal will save as much as $5 million.

Almost a century ago, Father Flanagan said:

There is nothing the matter with our growing boys that love, proper training, and guidance will not remedy.

Father Boes continues to carry out that mission of healing today.

I thank Father Boes—I know we all do—for his devotion to building healthy, positive lives for children, and I thank Father Boes for his words here

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

this morning. May they indeed guide us to do what is right for America and the world.

Thank you, Mr. President.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, I appreciate the comments of my friend, the senior Senator from Nebraska.

Following any leader remarks, the Senate will be in morning business until 1 p.m. today. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes.

Following morning business, the Senate will be in executive session to consider the nomination of Michael Francis Urbanski to be U.S. District Judge for the Western District of Virginia. There will be 1 hour of debate on that. So at approximately 2 p.m. there will be a vote on the confirmation of the Urbanski nomination.

MEASURE PLACED ON THE CALENDAR—S. 953

Mr. REID. Mr. President, I am told that S. 953 is at the desk and due for a second reading.

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

The assistant legislative clerk read as follows:

A bill (S. 953) to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

OIL SUBSIDIES

Mr. REID. Mr. President, as I speak, the heads of the five largest oil and gas companies in the world are testifying across the street. With the country watching, these extremely wealthy CEOs of extremely profitable corporations are trying to explain to the Senate and, most importantly, to the American people why they still need taxpayer handouts. I don't envy them because it is an impossible position to defend.

Think about this: In just the first 3 months of this year, the oil industry made $36 billion in profits alone—not revenues, profits. That is $12 billion a month. That is $3 billion a week. In anyone's book, that is pretty good money. Meanwhile, the American taxpayers are giving these same successful companies $4 billion a year. So when we take these companies' profits and add in the handout you, I, and every taxpayer give them, America is saying to big oil: You make $3 billion a week for 52 weeks, and we will basically give you a 53rd week for free. Even in the strongest economies, that seems unnecessary. In this recovering economy, it is downright indefensible.

Defending these tax breaks is such a hard thing to do that the big oil bosses have called for backup. Most of our Republican colleagues have eagerly answered the call publicly already. But there is something I learned in the courtroom a long time ago: When you try to defend the indefensible, you are left with not much of a case. That is why the Republican defenders of big oil have resorted to simply making things up. They will tell us that without this taxpayer-funded bonus, gas prices will go up. They say that because they know it is a scary thought. Gas prices are already high. But there is a big problem with their argument: It is false. It is not true.

Big oil subsidies don't have a thing to do with the prices at the pump. A report released yesterday by a nonpartisan, independent agency says as much. Experts at the Congressional Research Service who wrote this report don't mention it just once, they write it over and over again. Here is one way CRS says it:

There is little reason to believe that the price of oil or gasoline consumers face will increase.

Here is another:

Available output and prices should be unaffected.

Here is one more from the independent, nonpartisan expert report: Taking away big oil's tax breaks will have ''no effect on the price of gasoline.'' I repeat—no effect on the price of gasoline.

Little reason to believe prices will increase; prices should be unaffected; no effect on the price of gasoline—their words, not mine.

So the American people should know this: Every time you hear someone defend taxpayer gifts to oil companies by scaring you about gas prices, they are not telling the truth. Every time you hear someone say we need to find better uses for taxpayer money but we also need to keep giving billions and billions of dollars of that same money to oil companies, ask yourself how it is possible that both are true.

I am pleased to see that some of my Republican colleagues are coming around. The Speaker of the House recently said these companies should be paying their fair share. Yesterday, the senior Senator from Arizona admitted that subsidies are likely unnecessary. Even the former head of Shell, one of the five companies testifying today, agrees.

If we are serious about reducing the deficit, this is an easy place to start. It is, in effect, a no-brainer. Taxpayer giveaways to companies pulling in record profits are the epitome of wasteful spending. So this is the Democrats' idea: Let's use the savings from these taxpayer giveaways to drive down the deficit, not drive up oil company profits. There are no gimmicks in this legislation. It simply says, let's apply this money to the deficit. These CEOs and their companies are free to make as much money as they ethically can, and that is the way it should be in our great country. They just don't need the help of the taxpayers of our country. They don't need our help. And the country could sure use that extra $4 billion a year. It is such an obvious solution that it should have happened years ago.

Here we are with one side saying that black is black and the other side still insisting that black is blue. This debate would be a lot easier if the Republicans just came out and said what they really mean. They should simply say openly that they want to protect their friends in big oil. I don't agree with it, but that is their right. Instead, they are peddling misinformation and scare tactics. Republicans should at least have the decency to admit it and then let the American people decide who is best representing their interests.

RECOGNITION OF THE MINORITY LEADER

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

DEBT AND SPENDING

Mr. MCCONNELL. Mr. President, anyone who cares about the future of our country should pay attention to the debate we are having right now in Washington. The outcome of this debate will determine whether America goes the way of debt-ridden countries in Europe where unemployment is permanently high and expectations are permanently low or whether we will claim our role as a place where people are rewarded for hard work and for taking risks.

This debate is important for other reasons too. Last month, one of the major ratings agencies gave the United States a negative outlook. It said that because of our debt, we stand a one-in-three chance of being downgraded. The consequences of that would be truly devastating, and so would the impact on our ability to govern. If we allow it to happen, we will be admitting that America cannot solve its problems. I won't accept that.

The fact that we have a crisis is not in doubt. Right now, America is taking in about $2.2 trillion each year in tax revenues, and each year we are spending about $2.2 trillion on mandatory spending programs and net interest on our debt.

What that means is that all of the other spending—every single discretionary dollar we spend right now on

roads, schools, defense, food safety, environmental protection—all of it, every single penny is borrowed money. We do not have a dime to spend above and beyond the dimes we have to spend by law. If that is not a fiscal crisis, I do not know what is.

The Democrats' solution to this crisis is simple: raise the debt limit—raise the debt limit—so we can maintain the status quo. In fact, the chairman of the President's Council of Economic Advisers said in a speech yesterday that it would be ''quite insane'' to do anything about the deficit while increasing the debt ceiling. That from the chairman of the President's Council of Economic Advisers yesterday.

The problem with that is it is not a solution. It is the avoidance of a solution, and that is not what the American people want. The American people spoke loudly and clearly in November. They want to see changes around here. Washington is mortgaging their future and their children's future by spending too much. They did not speak out last November because they expected Republicans to come here and raise taxes. They sent Republicans here to get our fiscal house in order, and that is what we intend to do.

Americans are still outraged that Washington did not do something to prevent the last financial crisis—a crisis most people did not see coming. Failing to prevent one that every one of us knows is coming is, of course, totally inexcusable.

So my message has been clear: Failing to do something about the debt would be far worse in the long run than failing to raise the debt limit, and that is why I am repeating my plea to the Democrats this morning: The time to avert this crisis is right now. The window is closing. We cannot raise the debt ceiling, as the President has requested, without major spending cuts now.

Some have suggested we use triggers. Well, the triggers have already been pulled. What good is a fire alarm that goes off after the building burns down? Agreeing to a trigger is to deny this crisis. We need to face this problem now—not tomorrow, not after the President leaves office, not after the markets collapse, not after hell breaks loose, not after we lose another 3 million jobs and the housing market collapses again—now, right now. Anything less would be a dereliction of duty and a signal to the world that America does not have the will to fix its problems. Republicans refuse to accept that.

That has been my message all along. That is a message we will be taking down to the White House later this morning.

Mr. 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 debate only until 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized for the duration of my remarks.

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

USE OF TORTURE

Mr. MCCAIN. Mr. President, the successful end of the 10-year manhunt to bring Osama bin Laden to justice has appropriately heightened the Nation's appreciation for the diligence, patriotism, and courage of our Armed Forces and our intelligence community. They are a great credit and inspiration to the country that has asked so much of them and, like all Americans, I am in their debt.

But their success has also reignited debate over whether the so-called enhanced interrogation techniques of enemy prisoners, including waterboarding, were instrumental in locating bin Laden and whether they are necessary and justifiable means for securing valuable information that might help prevent future terrorist attacks against us and our allies and lead to the capture or killing of those who would perpetrate them. Or are they, and should they be, prohibited by our conscience and laws as torture or cruel, inhuman, and degrading treatment.

I believe some of these practices—especially waterboarding, which is a mock execution, and thus to me indisputably torture—are and should be prohibited in a nation that is exceptional in its defense and advocacy of human rights. I believe they are a violation of the Detainee Treatment Act of 2005, the Military Commissions Act of 2006, and Common Article Three of the Geneva Conventions, all of which forbid cruel, inhuman, and degrading treatment of all captured combatants, whether they wear the uniform of a country or are essentially stateless.

I opposed waterboarding and similar so-called enhanced interrogation techniques before Osama bin Laden was brought to justice, and I oppose them now. I do not believe they are necessary to our success in our war against terrorists, as the advocates of these techniques claim they are.

Even more importantly, I believe that if America uses torture, it could someday result in the torture of American combatants. Yes, I know al-Qaida and other terrorist organizations do not share our scruples about the treatment of enemy combatants, and have and will continue to subject American soldiers and anyone they capture to the cruelest mistreatment imaginable. But we must bear in mind the likelihood that someday we will be involved in a more conventional war against a state and not a terrorist movement or insurgency and be careful that we do not set a standard that another country could use to justify their mistreatment of our prisoners.

Lastly, it is difficult to overstate the damage that any practice of torture or cruel, inhuman, and degrading treatment by Americans does to our national character and historical reputation—to our standing as an exceptional nation among the countries of the world. It is too grave to justify the use of these interrogation techniques. America has made its progress in the world not only by avidly pursuing our geopolitical interests, but by persuading and inspiring other nations to embrace the political values that distinguish us. As I have said many times before, and still maintain, this is not about the terrorists. It is about us.

I understand the reasons that govern the decision to approve these interrogation methods, and I know those who approved them and those who employed them in the interrogation of captured terrorists were admirably dedicated to protecting the American people from harm. I know they were determined to keep faith with the victims of terrorism and to prove to our enemies that the United States would pursue justice tirelessly, relentlessly, and successfully, no matter how long it took. I know their responsibilities were grave and urgent, and the strain of their duty was considerable. I admire their dedication and love of country. But I dispute that it was right to use these methods, which I do not believe were in the best interests of justice or our security or the ideals that define us and which we have sacrificed much to defend.

I do not believe anyone should be prosecuted for having used these techniques in the past, and I agree that the administration should state definitively that no one will be. As one of the authors of the Military Commissions Act, which I believe prohibits waterboarding and other ''enhanced interrogation techniques,'' we wrote into the language of the law that no one who used them before the enactment of the law should be prosecuted. I do not think it is helpful or wise to revisit that policy.

Many advocates of these techniques have asserted their use on terrorists in our custody, particularly Khalid Sheikh Mohammed, revealed the trail to bin Laden—a trail which had gone cold in recent years but would now lead to his destruction. The former Attorney General of the United States, Michael Mukasey, recently claimed that ''the intelligence that led to bin Laden . . . began with a disclosure from

Khalid Sheikh Mohammed, who broke like a dam under the pressure of harsh interrogation techniques that included waterboarding. He loosed a torrent of information—including eventually the nickname of a trusted courier of bin Laden.'' That is false.

With so much misinformation being fed into such an essential public debate as this one, I asked the Director of Central Intelligence, Leon Panetta, for the facts, and I received the following information:

The trail to bin Laden did not begin with a disclosure from Khalid Sheikh Mohammed, who was waterboarded 183 times. We did not first learn from Khalid Sheikh Mohammed the real name of bin Laden's courier, or his alias, Abu Ahmed al-Kuwaiti—the man who ultimately enabled us to find bin Laden. The first mention of the name Abu Ahmed al-Kuwaiti, as well as a description of him as an important member of al-Qaida, came from a detainee held in another country. The United States did not conduct this detainee's interrogation, nor did we render him to that country for the purpose of interrogation. We did not learn Abu Ahmed's real name or alias as a result of waterboarding or any ''enhanced interrogation technique'' used on a detainee in U.S. custody. None of the three detainees who were waterboarded provided Abu Ahmed's real name, his whereabouts, or an accurate description of his role in al-Qaida.

In fact, not only did the use of ''enhanced interrogation techniques'' on Khalid Sheikh Mohammed not provide us with key leads on bin Laden's courier, Abu Ahmed, it actually produced false and misleading information. Khalid Sheikh Mohammed specifically told his interrogators that Abu Ahmed had moved to Peshawar, got married, and ceased his role as an al-Qaida facilitator—which was not true, as we now know. All we learned about Abu Ahmed al-Kuwaiti through the use of waterboarding and other ''enhanced interrogation techniques'' against Khalid Sheikh Mohammed was the confirmation of the already known fact that the courier existed and used an alias.

I have sought further information from the staff of the Senate Intelligence Committee, and they confirmed for me that, in fact, the best intelligence gained from a CIA detainee—information describing Abu Ahmed al-Kuwaiti's real role in al-Qaida and his true relationship to Osama bin Laden—was obtained through standard, noncoercive means, not through any ''enhanced interrogation technique.''

In short, it was not torture or cruel, inhuman, and degrading treatment of detainees that got us the major leads that ultimately enabled our intelligence community to find Osama bin Laden. I hope former Attorney General Mukasey will correct his misstatement. It is important that he do so because we are again engaged in this important debate, with much at stake for America's security and reputation. Each side should make its own case but do so without making up its own facts.

For my part, I would oppose any legislation, if any should be proposed, that is intended to authorize the administration to return to the use of waterboarding or other methods of interrogation that I sincerely believe are torture or cruel, inhuman, and degrading, and as such unworthy of and injurious to our country. This debate is ongoing, but I do not believe it will lead to a change in current policy prohibiting these methods.

Perhaps this is a debate for the history books. But it is still important because Americans in a future age, as well as their leaders, might face these same questions. We should do our best to provide them a record of our debates and decisions that is notable not just for its passion but for its deliberativeness and for opinions that were formed by facts, and formed with scrupulous care by both sides for the security of the American people and the success of the ideals we cherish. We have a duty to leave future American generations with a history that will offer them not confusion but instruction as they face their crises and challenges and try to lead America safely and honorably through them. Both sides cannot be right, of course, but both sides can be honest, diligent, and sincere.

Let me briefly elaborate my reasons for opposing the return to these interrogation policies.

Obviously, to defeat our enemies we need intelligence, but intelligence that is reliable. We should not torture or treat inhumanely terrorists we have captured. I believe the abuse of prisoners harms, not helps, our war effort. In my personal experience, the abuse of prisoners sometimes produces good intelligence but often produces bad intelligence because under torture a person will say anything he thinks his captors want to hear—whether it is true or false—if he believes it will relieve his suffering. Often, information provided to stop the torture is deliberately misleading, and what the advocates of cruel and harsh interrogation techniques can never prove is that we could not have gathered the same intelligence through other more humane means—as a review of the facts provides solid reason to be confident that we can. The costs of assuming otherwise can be hugely detrimental.

It has been reported, and the staff of the Senate Intelligence Committee confirms for me, that a man named Ibn al-Sheikh al-Libi had been captured by the United States and rendered to Egypt where we believe he was tortured and provided false and misleading information about Saddam Hussein's weapons of mass destruction program. That false information was ultimately included in Secretary of State Colin Powell's statement to the U.N. Security Council and, I assume, helped influence the Bush administration's decision to invade Iraq.

Furthermore, I think it is supremely unfair to the men and women in our intelligence community and military who labored for a decade to locate Osama bin Laden to claim falsely that they only succeeded because we used torture to extract actionable intelligence from a few detainees several years ago. I have not found evidence to suggest that torture—or since so much of our disagreement is definitional, interrogation methods that I believe are torture and which I believe are prohibited by U.S. law and international treaty obligations we are not just a party to but leading advocates of—played an important part in finding and killing bin Laden. Rather, I think his death at the hands of the United States argues quite the contrary, that we can succeed without resort to these methods.

It is also the case that the mistreatment of enemy prisoners endangers our own troops who might someday be held captive. While some enemies, and al-Qaida surely, will never be bound by the principle of reciprocity, we should have concern for those Americans captured by more conventional enemies if not in this war then in the next. Until about 1970, North Vietnam ignored its obligations not to mistreat the Americans they held prisoner, claiming that we were engaged in an unlawful war against them and thus not entitled to the protections of the Geneva Conventions. But when their abuses became widely known and incited unfavorable international attention, they subsequently decreased their mistreatment of our POWs.

Some have argued if it is right to kill bin Laden, then it should also be right to torture him had he been captured rather than killed. I disagree. First, the Americans who killed bin Laden were on a military mission against the leader of a terrorist organization with which we are at war. It was not a law enforcement operation or primarily an intelligence operation. They could not be certain that bin Laden, even though he was unarmed, did not possess some means of harming them—a suicide vest, for instance—and they were correctly instructed to take no unnecessary chances in the completion of their mission.

Second, bin Laden was a mass murderer. Had we captured him, he would have eventually received the ultimate sanction for his terrible crimes, as captured war criminals in previous wars have. But war criminals captured, tried, and executed in World War II, for instance, were not tortured in advance of their execution, either in retaliation for their crimes or to elicit information that might have helped us locate, apprehend, and convict other war criminals. This was not done because civilized nations have long made a distinction between killing and injuring in the heat of combat, on the one hand, and the deliberate infliction of physical torture on an incapacitated fighter on the other.

This distinction is recognized not only in longstanding American values

and practices but also in the Geneva Conventions that provide legal protections for our own fighting men and women.

All of these arguments have the force of right but, ultimately, even they are beside the most important point. There are many arguments to be made against torture on practical grounds. As I have said, I believe torture produces unreliable information, hinders our fight against global terrorism, and harms our national interest and reputation. But, ultimately, this debate is about far more than technical or practical issues. It is about far more than whether torture works or does not work. It is about far more than utilitarian matters.

Ultimately, this is about morality. What is at stake is the very idea of America—the America whose values have inspired the world and instilled in the hearts of its citizens the certainty that no matter how hard we fight, no matter how dangerous our adversary, in the course of vanquishing our enemies, we do not compromise our deepest values. We are America, and we hold our ourselves to a higher standard. That is what is at stake.

Although Osama bin Laden is dead, America remains at war, and to prevail in this war we need more than victories on the battlefield. This is a war of ideas as well, a struggle to advance freedom in the face of terror in places where oppressive rule has bred the malevolence that feeds the ideology of violent extremism. Prisoner abuses exact a terrible toll on us in this war of ideas. They inevitably become public, and when they do they threaten our moral standard and expose us to false but widely disseminated charges that democracies are no more inherently idealistic and moral than other regimes.

I understand that Islamic extremists who resort to terror would destroy us utterly if they could obtain the weapons to do so. But to defeat them utterly, we must also prevail in our defense of the universal values that ultimately have the greatest power to eradicate this evil ideology.

Although it took a decade to find him, there is one consolation for bin Laden's 10-year evasion of justice. He lived long enough to see what some are calling the Arab spring, the complete repudiation of bin Laden's world view and the cruel disregard for human life and human dignity he used to advance it. In Egypt and Tunisia, Arabs successfully reclaimed their rights from autocracies to determine their own destiny without resort to violence or the deliberate destruction of innocent life. Now Arabs are trying valiantly, by means as just as their cause, to do the same in Syria and elsewhere.

As the United States discusses and debates what role we should play to influence the course of the Arab spring, can we not all agree that the first and most obvious thing we can do is stand as an example of a just government and equal justice under the law, as a champion of the idea that an individual's human rights are superior to the will of the majority or the wishes of the government?

Individuals might forfeit their life and liberty as punishment for breaking laws, but even then, as recognized in our Constitution's prohibition of cruel and unusual punishment, they are still entitled to respect for their basic human dignity, even if they have denied that respect to others.

I do not mourn the loss of any terrorist's life, nor do I care if in the course of serving their malevolent cause they suffer great harm. They have earned their terrible punishment in this life and the next. What I do mourn is what we lose when by official policy or official neglect we allow, confuse, or encourage those who fight this war for us to forget that best sense of ourselves, that which is our greatest strength; that when we fight to defend our security, we also fight for an idea, not a tribe, not a land, not a king, not a twisted interpretation of an ancient religion, but for an idea that all men are endowed by their Creator with inalienable rights.

It is indispensable to our success in this war that those we ask to fight it know that in the discharge of their dangerous responsibilities to our country, they are never expected to forget they are Americans and the valiant defenders of a sacred idea of how nations should be governed and conduct their relations with others—even our enemies.

Those of us who have given them this onerous duty are obliged by our history and the many terrible sacrifices that have been made in our defense to make clear to them that they need not risk our country's honor to prevail, that they are always—through the violence, chaos, and heartache of war, through deprivation, cruelty and loss they are always Americans, and different, stronger, and better than those who would destroy us.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The majority leader is recognized.

Mr. REID. Mr. President, in 1982, I was elected to the U.S. House of Representatives. I was elected along with the now-senior Senator from the State of Arizona, JOHN MCCAIN. We were both part of that class of 1982.

I have given a lot of speeches on this Senate floor. So has my friend from Arizona and so have all of us. Frankly, most of the speeches we give may have a little bite for a day or two. But the speech just given by my friend, the senior Senator from Arizona, will be forever remembered in our country and in this body.

Senator MCCAIN and I have had our differences over the years. That does not take away from the fact that we are friends. We love prizefighting, and we love our States that are neighbors, Arizona and Nevada. He has an admirable record representing his party and running for the Presidency of the United States and chairman of a number of committees during his tenure in the Senate. We came to the Senate together, in addition to the House of Representatives.

I want the record to reflect my admiration and respect—as I believe the whole Senate's respect—for the speech given by this fine man from Arizona. No one in the Senate—no one, without any qualification—could have given the speech that was given today. Why? Because he speaks with knowledge—personal knowledge—that I am sure he still remembers in those dark nights when he is trying to rest about his having been tortured. Here is a man who, after having been tortured brutally, solitary confinement for not a week, not a month but years, was given permission by the North Vietnamese to go home: We will let you go home.

He said: I am not going home unless I go home with my colleagues who are in prison with me. Think about that—that concentration camp, basically.

I wish I had the ability to express in words my admiration for what he has just said because the things we do when it comes to our evil enemy, to say that all holds are barred does not work. The easy thing to do would be to say we should treat them as poorly as they treat us. But it takes a resume and courage to stand and speak as my friend from Arizona did today.

Mr. MCCAIN. Mr. President, may I thank my very honorable friend and adversary for his kind remarks. I will always remember them. I thank him.

Mr. REID. Mr. President, I will end my remarks today by reading three paragraphs from an op-ed that is running all over the country today, in newspapers all over America, an op-ed written by Senator JOHN MCCAIN:

As we debate how the United States can best influence the course of the Arab Spring, can't we all agree that the most obvious thing we can do is stand as an example of a nation that holds an individual's human rights as superior to the will of the majority or the wishes of government? Individuals might forfeit their life as punishment for breaking laws, but even then, as recognized in our Constitution's prohibition of cruel and unusual punishment, they are still entitled to respect for their basic human dignity, even if they have denied that respect to others.

All of these arguments have the force of right, but they are beside the most important point. Ultimately, this is more than a utilitarian debate. This is a moral debate. It is about who we are.

I don't mourn the loss of any terrorist's life. What I do mourn is what we lose when by official policy or official neglect we confuse or encourage those who fight this war for us to forget the best sense of ourselves.

Through the violence, chaos and heartache of war, through deprivation and cruelty and loss, we are always Americans, and different, stronger and better than those who would destroy us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I will speak in morning business. Before I do

that, I wish to associate myself with the remarks of the Senator from Nevada in paying tribute to the Senator from Arizona. Senator MCCAIN's words were both eloquent and profound, and they reflect not only his strong beliefs but his own personal experience and also reflect something else that has been consistent in everything he has done in the Senate; that is, his respect and deep regard for the men and women of the military services. His reflections today remind us of what they have done and of the high standards of conduct they expect of themselves and that we have to recognize also. Again, I join Senator REID in saluting Senator MCCAIN for his words but, as he does so many times, for also being the conscience of the Senate on so many important topics.

TAX SUBSIDIES

Mr. REED. Mr. President, I want to talk about the provisions my colleagues and I have introduced to ensure that the large oil companies of this Nation which are receiving great tax subsidies no longer receive taxpayer money to subsidize their profits, and to target those savings towards deficit reduction, which is one of the great tasks before us.

We are seeing an extraordinary runup in gas prices. In Rhode Island, the prices are exceeding $4 a gallon. These high gas prices threaten our economic recovery and they also put a brake on the expansion in job growth which is so necessary for all of our citizens. In fact, it is estimated that because of these gas prices, U.S. households will pay about $825 more in 2011 for gasoline than they did last year. That is a big bite out of the discretionary spending available to moderate-income families across this country.

One aspect of this runup in gas prices is the role of speculation. I am pleased that the President responded to a letter I led suggesting the appointment of a task force to look into this. He created the Oil and Gas Price Fraud Working Group, and under the leadership of Attorney General Eric Holder, they are looking seriously at the speculative aspects of the runup in gas prices. Some economists estimate that excessive speculation can drive up prices by as much as $1 a gallon. In fact, the huge retreat in the commodities market for oil last week suggests that much more than just simple supply and demand is responsible for these huge price increases, and we have to look carefully at this.

I am pleased to be a cosponsor, along with Senator MENENDEZ and several of my colleagues, of the Close Big Oil Tax Loopholes Act. It is extraordinarily ironic—and that is a mild term—to see the oil industry receiving huge subsidies at a time when market prices are producing what you would think would be the major incentive oil and gas companies need to explore and develop, and that incentive is the rather substantial given prices at the pump throughout the Nation. In fact, these prices have transformed and turned themselves into huge profits for the industry. ExxonMobil, for example, posted its biggest first-quarter profit in 8 years, with net income rising 69 percent, to $10.7 billion. In fact, the combined profits of the big five oil companies were more than $30 billion for the first quarter. Those are the kinds of rewards in the marketplace that suggest to everybody that the need for subsidies from the government is nonexistent. Indeed, what we have seen, rather than using the subsidies and these excess profits to go out and intensify the search for new oil, is that most of this has gone to providing dividends or stock buybacks to stockholders. That is a legitimate use of corporate money, but it really undercuts this notion that these subsidies are so essential for the companies to be competitive and also necessary for the kind of activity they are undertaking to search for and develop new oil resources.

There are so many aspects of the bill that I think are positive. They have been, in part or in whole, debated before. The bill ends a deduction the oil industry receives for the production of oil that is meant to assist American manufacturers, not oil producers. Some suggest that the oil companies only discovered this tax loophole after the fact but exploited it very aggressively, that it was intended for small companies that are producing physical products that could be shipped around the country; not for bringing in oil, reprocessing it, refining it, and getting a tax break. There are so many other irrational aspects of these subsidies that, again, the subsidies themselves have been called for a serious review, evaluation, and indeed elimination.

The other factor that compels us to take this step today is that we have to begin to reduce the deficit. All of the resources that are being saved, we hope through this legislation, will be targeted to deficit reduction. We can continue to provide the necessary support for our economy through a healthy oil and gas system, but not to subsidize an industry that does well in the marketplace, and we ought to use those funds to reduce the deficit.

There is another aspect not directly related to the provisions Senator MENENDEZ and I support, but relates to this debate. At the same time as the big oil companies defend these subsidies, they are also pushing for increased offshore drilling, but are unwilling to help ensure that it is safe. For example, we have tried to get the oil and gas industry to at least pay more for the inspections that are so necessary on these offshore platforms to provide for safety and prevent another Deepwater Horizon explosion. The administration has proposed an increase in fees oil companies pay for rig inspections from the present fee of $3,250 to $17,000, and the companies have balked at this. Here is an industry that is deriving huge tax subsidies, and obviously the example of the devastating Deepwater Horizon explosion and spill has raised serious concerns about the ability to manage and safely develop some of these offshore platforms, and essentially they are saying: No, we are not going to pay more for the inspection fees that are necessary.

The total increase is minimal. In fact, let me give a comparison. BP, British Petroleum, would be asked to pay about $1.5 million in fees, if this new fee structure were in effect, for their offshore platforms. That would represent about 0.01 percent of the $10.9 billion in revenues from the Gulf of Mexico last year. Yet the companies are saying no. When it comes to paying their fair share for inspections that directly benefit them, provide further confidence to the public that their operations are successful, and give them, frankly, more confidence in allowing or encouraging further offshore drilling, they say no. But when it comes to tax subsidies that benefit their bottom line, they say yes, yes, yes.

I think what we have to do is press forward to ensure that these tax subsidies are revoked, and dedicate these tax subsidies to deficit reduction. In that way, we can let the market decide on the success or failure of these companies. That is one of the mantras I hear so often from many here, particularly from my colleagues on the other side of the aisle. I think it can be done without in any way impacting the cost of fuel in the United States.

I think, frankly, what we are seeing—going back to my initial point—is that there are factors beyond tax subsidies that are driving up the cost of fuel: speculation; issues of the international exchange; the value of the dollar. But it is quite clear, given our dependency—and we have to get off that dependency on oil—that there will be a robust market for petroleum products in this country for the foreseeable future. That market alone justifies increased exploration, research, and other activity, and it will reward the companies. These subsidies are not necessary. Instead of wasting taxpayer money on subsidizing big oil profits, it is time we close these loopholes and return the savings to the American taxpayer. With that, I urge rapid support and favorable support of Senator MENENDEZ's legislation.

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

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

The legislative clerk proceeded to call the roll.

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

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

USE OF TORTURE

Mr. DURBIN. Mr. President, there was a column written in this morning's

Washington Post which was extraordinary. It was written by one of our Republican colleagues, Senator JOHN MCCAIN of Arizona.

JOHN MCCAIN and I came to the House of Representatives in the same year—1983. Though he came to the Senate first, we have worked on many things together over the years. We have our differences, that is for sure. But there are times when JOHN does extraordinarily good things, and this morning was one of them. He wrote a column in the Washington Post about the issue of torture. It is an issue that has been in the headlines for the last 2 weeks, after the capture and killing of Osama bin Laden and the questions raised as to whether so-called enhanced interrogation techniques, or torture in another parlance, were used to obtain information that led to Osama bin Laden.

A few years ago, that issue came up on the floor of the Senate. I had strong feelings about it. But Senator MCCAIN stepped up and led the effort to put the Senate and our government on record that we were opposed to the use of torture. No person is better qualified in this Congress to speak to it than Senator MCCAIN. He was a victim of torture himself when he served in the U.S. Navy during the Vietnam war. He was shot down as a naval aviator and spent more than 5 years in prison. I cannot imagine what that must have been like. Couple that with the severe physical injuries he still labors with today and the torture—mental and physical—that accompanied it, and no person is as well qualified as Senator MCCAIN to speak to it.

This morning, in the Washington Post, he once again stated what may not be the popular view but I believe is the right view—that the United States should make it clear we do not accept torture as a standard for our conduct when it comes to dealing with our enemies. For the longest time, that has been our standard. It was only relaxed or changed after 9/11, when some in a previous administration argued that was the only way to get information from these hard-core terrorists.

Senator MCCAIN made a good point in his article this morning in the Washington Post. He asked Leon Panetta, head of the Central Intelligence Agency, whether there was any linkage to these enhanced interrogation techniques and the information that led to the disclosure of the messenger who was then linked to Osama bin Laden which led to his capture. Leon Panetta said no, and MCCAIN revealed that in his article. In fact, the information which came out of waterboarding one of these terrorists ended up being just plain wrong. Senator MCCAIN made the point in his article, when you are being tortured, you will say almost anything to make the torture stop. You will lie, if you have to, just to make it stop. That is what happened here.

So I wish to commend him. It was courageous for him to write that article this morning—not very popular but right. I wish to thank JOHN on behalf of both sides of the Senate aisle for his leadership and for having the courage to speak out on such an important issue relative to the values of America and who we are.

He ended his column talking about how we would expect our troops to be treated if they were taken prisoner. If anyone tortured an American soldier, I don't know of a single American who wouldn't step forward and say it is an outrage. Well, if we are going to stand for humane treatment, sensible treatment of detainees, then we are doing it not only to protect our values but to protect our men and women who serve this country both in the intelligence agencies and in the military services.

OIL SUBSIDIES

Mr. DURBIN. Mr. President, an issue is going to come up next week which is very important for every American family and business; that is, the issue of gasoline prices. I have been across my State, and as I mentioned on the floor earlier, my expert on gasoline prices is my wife. When I speak to her in the morning in Springfield, IL, she will tell me the latest in gasoline prices. Last week, it was $4.20 a gallon. I don't know what it is this week. But what she asks me is—as everyone in Illinois must ask—what are you going to do about it?

It turns out we are going to do something. It may not have a direct impact on gas prices, but it certainly has a direct impact on our policy toward oil companies. You see, American families are being clobbered three times by high prices at gasoline stations: first, at the pump; second, when we give $4 billion in subsidies every year in the Tax Code to oil companies; and third, when we have to borrow the money from China to give to these oil companies and we end up paying interest to China—ourselves, our children, and our grandchildren.

Paying three times for outrageous gasoline prices is an outrage itself. The big oil companies have made almost $1 trillion in profits over the last 10 years—over $35 billion in the first 3 months of this year. Some of these oil companies are breaking records on Wall Street for corporate profits. The Wall Street Journal also reported last week that the CEOs of oil and gas companies who are appearing before the Senate Finance Committee today had the highest median compensation—at $13.7 million annually in 2010, up 17.3 percent from the year before.

In addition to the profits, the oil industry receives over $4 billion in tax giveaways each year. Instead of using that money to lower prices at the pump, these giveaways have merely been used to pad the profits and the compensation of the oil companies and their executives. Yesterday, Senator MENENDEZ introduced a bill, which I am cosponsoring, to end the special treatment of tax breaks given to the five largest oil companies in America. This would save Americans over $4 billion a year, and it is our goal to use that money to reduce our Nation's deficit.

Americans across the board agree it is time to end this corporate welfare for the big oil companies. In a recent poll, three out of four Americans support eliminating tax credits for the oil and gas industries to reduce the Federal deficit. We have to deal with our deficit that is growing at an unsustainable rate, and I am hoping this will be a commonsense, good-faith, bipartisan agreement to end these subsidies. We can take the taxpayer dollars flowing to the oil companies and give them, instead, to those who are dealing with our deficit to reduce it.

Incidentally, we are not talking about business expenses at these oil companies, which is what many of these executives would like to have people think. These are subsidies used to increase profits and reduce their tax burden. Last year, Exxon had an effective tax rate on its U.S. income of 16 percent—less than half the corporate tax rate. According to the Congressional Budget Office, the average American has an effective tax rate of over 20 percent. So Exxon was actually paying a lower tax rate on their profits than the average American pays on their income.

In addition, the big five oil companies have used 71 percent of their profits not for exploration and production, which is what they would like you to think, but rather for boosting share prices. Actually, they used only 12 percent of their prices for exploration and new development. In other words, these oil companies spend almost six times as much on dividends and stock buybacks as they do in looking for new sources of oil. The primary use of these subsidies is not to discover new oil, it is to discover new record-breaking profits.

It is time for government handouts to these extremely profitable, well-established companies to come to an end. Ending them will not raise gas prices, as some Republicans have argued. We are dealing with a world market for oil. The price is set by the global market. Gasoline prices have risen significantly, even with these subsidies in place. Removing them will not change these prices.

The Congressional Research Service has said the effects of removing the subsidies would be very small. According to the Department of the Treasury, removing them would cause the loss of less than one-tenth of 1 percent of the global oil supply and have little or no impact on prices in the United States.

In addition, removing oil subsidies reduces U.S. oil production by less than one-half of 1 percent, and it will increase exploration and production costs by less than 2 percent for companies that are making record-breaking profits.

Removing these subsidies will not affect the price of gasoline, nor will increasing our domestic production. That is the other thing. Remember the chant ''drill baby drill''? It was all over the place during the last Presidential campaign. In fact, domestic oil production in 2010 was at the highest it has been in 7 years. Even with production strongly increasing, oil prices keep going up, and so do gas prices.

Keep in mind, the United States has less than 2 percent of the world's proven oil reserves and every year we use 25 percent of the world's oil production. Even though we have increased production, we still see prices going up. Our fuel price would not be altered by increased drillings. We would still need to import over 50 percent of our oil.

As has been said many times: We can't drill ourselves out of this problem. We simply don't have enough oil. The only way to end our dependence and insulate ourselves from high gas prices is to finally develop for America a national energy policy. Other countries have one. We don't. We need a sound, comprehensive policy that includes plans for energy efficiency and new renewable sources. Increased drilling is not going to significantly reduce gas prices.

Actually, Congress has taken another step to help consumers bring prices under control at the gas pumps. Last year, Congress voted to reform the swipe fee that big banks get paid from merchants on debit card transactions. So every time you fill the tank and swipe your debit card, you are paying, on average, 40 cents or more to the bank for the swiping of that card. What we have done is to say the Federal Reserve should establish a reasonable and proportional level for that fee. They think it should be much less than 40 cents.

The big banks and credit card companies are screaming bloody murder. The notion that the gas company, the convenience store, the retailer, the restaurant, the hotel would not have to pay these high swipe fees means a loss in profits to the big banks. But what it means to consumers is more competition in price and lower prices. As long as you have a competitive market—one gas station across the street from another—when you reduce the cost to the owner of the gas station, you are more likely to see a reduction in the prices charged to consumers.

I received a letter on Tuesday from 52 national, regional, and State trade associations representing virtually all the gas retailers in America. They made it clear swipe fees inflate gasoline prices and that because the gas retailing industry is extremely competitive, lower swipe fees will produce savings that will be passed on to consumers.

The big banks and credit card companies are trying to stop this reform. You can understand that. These credit card companies and big banks make over $1 billion a month on what they charge for our using a debit card. If you bring it down to an actual reasonable and proportional cost, they will make less, merchants will get more, and consumers will pay less.

There is a movement to try to delay this for a so-called study of 30 months. I did the calculation. Thirty months times the profits the big banks and credit card companies will take out of the existing swipe fee comes to about $40 billion that is going to be taken out of the American economy if we agree to a 2½- or 3-year delay of this. That is not fair to consumers, it doesn't help the economy, and it doesn't help bring down gasoline prices.

American families can't afford to continue paying for high gasoline prices at the pump, in subsidies to oil companies, and in interest paid on money borrowed from other governments to help us pay these subsidies. It is time to end these handouts to the big profitable oil companies. It is time to rein in the swipe fee that is benefitting the biggest banks in America as well as the credit card companies. It is time to finally focus on families and consumers across America who have a challenge today because of this increase in cost.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 10, 2011.

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

MAY 10, 2011.

Hon. RICHARD DURBIN,
Majority Whip, U.S. Senate,
Washington, DC.

DEAR SENATOR DURBIN: Our associations represent virtually every part of the retail industry selling motor fuels in the United States. Like many Americans, we are concerned about the price of gasoline today. Not only are rising prices bad for our customers, but when the price of gasoline rises, retailers make less money. That might not make sense at first glance, but the retail sale of gasoline is extremely price competitive. Retailers put their prices on large signs that motorists can see as they drive. Studies have shown that customers will drive out of their way just to save one or two cents per gallon. As a result, when the wholesale price of gasoline rises, retailers cannot raise prices to consumers fast enough to keep pace.

This is one of the many reasons why the swipe fees paid by our industry are so offensive. Swipe fees are fixed centrally by the credit card giants for both debit and credit cards as a fixed fee plus a percentage of the transaction. That means the fee retailers pay to sell gasoline goes up every time the price of gasoline goes up. While gasoline retailers make less money on rising prices, they pay higher and higher fees. That simply is not fair.

With gasoline nearing $4 per gallon, debit swipe fees average about 6 cents per gallon—and credit swipe fees are about 8 cents per gallon. Our customers worry about every extra penny they pay for gasoline and 6 to 8 cents extra is far too much money. To put these huge fees in perspective, consider that every penny per gallon change in the retail price of gasoline costs consumers an additional $3.75 million per day or $1.38 billion each year.

The surest and swiftest way to reduce gas prices, however, is to let the Durbin amendment and the Federal Reserve's rule implementing it take effect on time. Doing that will reduce the fees gasoline retailers pay, and the EIA definitively concluded in a 2003 report that gasoline retailers pass through 100 percent of cost reductions in the form of lower gasoline prices. That means lower debit swipe fees will lead to lower gas prices.

Senator Tester's bill (S. 575) would do the opposite. It would stop swipe fee relief for two years and keep pushing up gas prices. That same 2003 EIA study found that cost increases get passed along in the form of higher gas prices. Therefore, a vote for S. 575 is a vote for two years of higher gas prices than anyone should be paying.

There are many reasons why reform is needed now to limit the price-fixing by credit card giants and banks on debit swipe fees. While some of those reasons might be subject to debate, it is hard for any of us in the business of gasoline retailing to understand why—given the pricing pressures we and our customers all face today—any Senator would vote for two years of higher gas prices when some relief is only a couple of months away. We urge you in the strongest terms to vote against S. 575, a bill that will keep gas prices too high.

Sincerely,

NACS—National Association of Convenience Stores; NATSO—National Association of Truck Stop Operators; PMAA—Petroleum Marketers Association of America; IGMA—Society of Independent Gasoline Marketers of America; P&CMA—Petroleum & Convenience Marketers of Alabama; APMA—Arizona Petroleum Marketers Association; AOMA—Arkansas Oil Marketers Association, Inc.; CIOMA—California Independent Oil Marketers Association; CWPMA—Colorado Petroleum Marketers and Convenience Store Association; ICPA—Independent Connecticut Petroleum Association FPMA—Florida Petroleum Marketers & Convenience Store Association, Inc.; GOA—Georgia Oilmen's Association; HPMA—Hawaii Petroleum Marketers Association; IPM&CSA—Idaho Petroleum Marketers and Convenience Store Association; IPMA/IACS—Illinois Petroleum Marketers Association/Illinois Association of Convenience Stores; IPCA—Indiana Petroleum Marketers and Convenience Store Association, Inc.; PMCI—Petroleum Marketers & Convenience Stores of Iowa; PMCA—Petroleum Marketers and Convenience Store Association of Kansas; KPMA—Kentucky Petroleum Marketers Association; LOMACS—Louisiana Oil Marketers and Convenience Store Association; MODA—Maine Energy Marketers Association; MPAMACS—Michigan Petroleum Association/Michigan Association of Convenience Stores; MAPDA—Mid-Atlantic Petroleum Distributors' Association; MPM—Minnesota Petroleum Marketers Association; MPMCSA—Mississippi Petroleum Marketers & Convenience Stores Association; MPCA—Missouri Petroleum Marketers and Convenience Store Association; MPMCSA—Montana Petroleum Marketers and Convenience Store Association; NCPA—Nebraska Petroleum Marketers & Convenience Store Association; NPM&CSA—Nevada Petroleum Marketers & Convenience Store Association; NEFI—New England Fuel Institute; IOMANE—Independent Oil Marketers Association of New England; FMANJ—Fuel Merchants Association of New Jersey; NMPMA—New Mexico Petroleum Marketers Association;

ESPA—Empire State Petroleum Association, Inc. (NY); NCPCM—North Carolina Petroleum & Convenience Marketers; NDPMA—North Dakota Petroleum Marketers Association; OPMCA—Ohio Petroleum Marketers & Convenience Store Association; OPMCA—Oklahoma Petroleum Marketers & Convenience Store Association; OPA—Oregon Petroleum Association; PPMCSA—Pennsylvania Petroleum Marketers & Convenience Store Association; SCPMA—South Carolina Petroleum Marketers Association; SDPPMA—South Dakota Petroleum and Propane Marketers Association; TFCA—Tennessee Fuel & Convenience Store Association; TPCA—Texas Petroleum Marketers and Convenience Store Association; UPMRA—Utah Petroleum Marketers and Retailers Association; VFDA—Vermont Fuel Dealers Association; VPCGA—Virginia Petroleum, Convenience and Grocery Association; WOMA—Washington Oil Marketers Association/Pacific Northwest Oil Heat Council; WPMA—Western Petroleum Marketers Association; OMEGA—West Virginia Oil Marketers and Grocers Association; WPMCA—Wisconsin Petroleum Marketers & Convenience Store Association; CWPMA—Wyoming Petroleum Marketers and Convenience Store Association.

THANKING MAYOR RICHARD M. DALEY

Mr. DURBIN. Mr. President, if you were to have visited the city of Chicago in the last 50 years and someone had asked you the name of the mayor and you said Daley, you would have been right about 90 percent of the time because for 42 of the last 55 years there has been a Richard Daley as mayor of Chicago. Monday marks the end of that era, when Richard M. Daley steps down as the current mayor after six terms in office. He has led Chicago for 22 years and 8 months, 5 months longer than his dad and longer than any mayor in Chicago's history.

I know Rich Daley pretty well. We started together in politics. He was a State senator and I was a staff attorney to the Illinois State Senate back in 1970s. Back then, he was a young father with a young family, brand new to public life. I worked for him on the Senate Judiciary Committee and I got to know him sitting next to him for many hours of hearings, watching his reaction to ideas, measuring the man.

He and his wife Maggie were going through a tough time then. They had a little baby who was very sick and eventually passed away. It was an emotionally draining experience for the whole family and those of us who worked closely with him felt the sense of loss that he and his family experienced. But he is an extraordinary man.

Richard Michael Daley was born in 1942, the fourth of seven children, and the eldest son of Richard J. Daley and Sis Daley. His father, who ran Chicago from 1955 until his death in 1976, was one of the most powerful big city mayors America has ever known.

Rich Daley grew up in a modest red brick house in Bridgeport, a storied Irish neighborhood of blue-collar bungalows on the south side of Chicago. The famine Irish immigrants who settled the neighborhood in the 19th century called it ''Hardscrabble.''

Rich Daley's mom and dad taught the kids that family always comes first. His father, even as mayor, made a practice of eating dinner every night at home with his family, with very few exceptions.

Mayor Daley introduced his kids to politics at an early age. Often after dinner he bundled them up and put them in the car and took them to ward meetings he was attending, so I guess politics is in the Daley blood.

One brother, Bill, is now President Obama's Chief of Staff. He served as U.S. Commerce Secretary under President Clinton. Another brother, John Daley, is a Cook County commissioner. In Chicago's De La Salle High School, which Rich Daley attended, his nickname was ''Mayor.'' No surprise. In his yearbook he said his ambition was to become a ''great lawyer and a politician.''

His family name may have helped open some doors to his dreams, but then he had to make a name for himself. As he once told a reporter, his father said to him: ''I can put you on the ballroom floor, but you have to dance yourself.''

He started his political life as a delegate to the convention that rewrote Illinois' constitution in 1970. Two years later, he was elected to the Illinois State Senate in a landslide. As a senator, he steered to passage important mental health and nursing home reforms. He pushed for laws to combat child abuse and drug abuse—and against a sales tax on food and medicine.

In 1980, he was elected Cook County State's attorney. As the county's chief prosecutor, he earned a reputation for law and order. He tripled the number of African-American prosecutors in the office and was reelected twice. He first ran for mayor in 1983. After finishing last in a three-way primary, he considered getting out of politics. Thank goodness, he changed his mind. He got a second chance to run for mayor in 1989, in a special election to finish the unexpired term of Chicago's beloved first African-American mayor, Harold Washington. That time, he won with 56 percent of the vote, and took the oath of office on April 24, 1989, his 47th birthday. He would go on to be reelected five times, never with less than 60 percent of the vote.

Richard Daley's vision has always been clear: To make Chicago one of the best cities in the world. And he has pursued that goal with fierce determination. His leadership helped transform Chicago from a rustbelt manufacturing center to a cultural and commercial center that the Global Cities Index calls the sixth-most global city in the world, alongside New York, London, and Hong Kong.

Richard Daley is funny, blunt, impatient, emotional, and notoriously demanding—especially of his staff. Like his father, he is a hands-on manager. Whenever he sees anything that needs attention—a pothole, graffiti—he makes a note on a blue slip of paper and then calls department heads to make sure the problems are fixed.

His tenure includes some disappointments—most recently, the city's failed bid to bring the 2016 Olympic and Paralympic Games to Chicago. But we gave it our best try. But it also includes far more remarkable successes.

He travelled the world promoting Chicago. He helped bring new jobs and new vitality to the Greater Loop, the economic heart of Chicago. The Daley years brought the expansion of McCormick Place, the ongoing modernization of O'Hare International Airport, the redevelopment of Soldier Field, home of the Chicago Bears, and the transformation of Navy Pier into one of the city's top tourist attractions. Mayor Daley pushed bravely for sensible gun laws. It is understandable. Too many times he has had to attend the funerals of policemen and other people in the city who were gunned down by gun violence from gangs and other sources.

Mayor Daley has worked relentlessly to make Chicago the most livable big-city in America and the most environmentally friendly city in the world. During his tenure, Chicago created a comprehensive plan to help lower greenhouse gas emissions and address climate change. The city planted more than 600,000 trees and built more than 600 green roofs covering more than 7 million square feet, more than any other city in America. New flower beds now line the sidewalks and medians.

Downtown, a 24-acre expanse that was once an eyesore of tangled rail lines is now Millennium Park, one of the most magnificent city parks in the world, an emerald-green showcase for music, recreation, art and design.

In 1995, Mayor Daley made his boldest and riskiest political move. He asked the State legislature for control and responsibility of Chicago's public schools. When a political ally told him that taking on the schools ''could be the end of your career,'' the mayor replied, ''If I can't do that for the children of Chicago, then I should not be mayor.'' Underperforming schools were closed, new schools were opened. Test scores went up, and dropout rates were down, and some of the most innovative educators in America led the Chicago public school system forward. The mayor would be the first to tell you we still have a long way to go. But were it not for his determination and his accepting the responsibility the school system would not be as good as it is today.

In 1999, the city took control of the Chicago Housing Authority, razed some of the most notorious public high-rises in the country—places like the Robert Taylor Homes and Cabrini-Green—and replaced them with mixed-income housing—safe, clean houses.

Richard Daley's greatest success is the sense of common purpose he has

given Chicago. A recent Chicago Tribune summed it up well. It said:

What distinguished Richard M. Daley from many big-city mayors is his remarkable if impossible-to-complete work to barrow racial chasms that, during the 1980s, threatened to swallow Chicago. He has done that not with anguished speeches or paeans to social justice, but by projecting a strong sense of fairness in the way he does his job. As a result, he has persuaded many Chicagoans, of many hues, to pull together in the same direction: Up.

Edward Bedore, who served as budget director under both Mayor Daleys, told the Sun Times: ''One was a builder, the other completed the house.''

In 2005, Time magazine named Richard Daley one of ''the five best big-city mayors.'' NPR's Scott Simon said it well: ''He was his father's son, but he became his own man.''

Among Mayor Daley's most cherished childhood memories is going to the White Sox games with his dad and brothers at Comiskey Park. One of my favorite memories of Richard Daley also involves the White Sox. It was October 26, 2005—Game 3 of the 2005 World Series, White Sox against the Houston Astros.

Mayor Daley was in Washington for business and I had invited him and the members of the Illinois congressional delegation to my office in the Capitol to watch the game. Everyone came, including our new Senator, now the President of the United States.

What a game. The White Sox finally won it 7–5 with a home run in the 14th inning. They would go on to win the series. That game was the longest World Series game in history: 5 hours 41 minutes. As the night wore on, almost everybody trailed away—but not Rich Daley. I have a photo of the handful of us who stuck it out until the very end. Standing in the middle, the happiest man in the photo, is Mayor Daley.

That's the Richard M. Daley way: No matter how long it takes, you give it your all until the game is won.

On Monday, Chicago will enter a new era: The post-Daley era. We will welcome a passionate, talented, new mayor, Rahm Emanuel. Like so many other cities, Chicago is struggling involving the recession and a large deficit. Fortunately, Mayor Emanuel will also inherit a legacy of unity and progress that that will continue to benefit Chicagoans for generations to come.

As one reported noted, ''The Daley name is so synonymous with Chicago politics, it might as well be stitched into the city flag.''

The legacy Rich Daley has created in Chicago is going to live on, in the improved lives of the people who live in that great city. His legacy will live on in the wonderment of so many people who visit and whose first words about the city are always, ''I couldn't get over how clean it is.'' I tell you it doesn't happen by accident. It takes the leadership of a mayor and a great first lady, Maggie Daley, who made it happen.

To quote from the Tribune editorial which I mentioned earlier, ''When this community, this Nation, needed to know that a city could come back from economic decline and tribal conflict, he delivered. For that, Mayor Daley, we thank you.''

I also want to offer my personal thanks for his friendship and the great opportunity to work together over the years. Loretta, my wife, and I had an opportunity a couple of weeks ago to go out to dinner with the mayor and Maggie. It is something we have been planning for a long time and we had a great night. We were over on Clark Street at the Naha Restaurant. The windows were open and I watched as everybody walked on by and stopped to look inside at the mayor and the first lady. They know him because he is Chicago.

I also want to say kind words about the Daley children, Nora, Patrick, Elizabeth, and Kevin, for sharing their husband and father with us.

I will close by saying that we attend the same church in Chicago. It is called Old Saint Pat's. Last St. Patrick's Day was the mayor's big day. Maggie, who has been struggling with some health issues, made it that day and the church was packed. Everybody was wearing shamrocks and green ties. The Irish dancers were there for a great celebration of Saint Patrick's Day. Luckily for the Daleys, their grandkids were also there, little kids scrambling all over the church pews, waiting in anxious anticipation for the end of the mass because at the end of the mass the mayor's favorite, the Shannon Rovers bagpipe band, marched right up the front aisle of the church and the kids were brimming with excitement as they came up the aisle.

I captured a picture on my cell phone, which I sent to the mayor and his wife, of their grandkids in anticipation of the bagpipe band arriving. I value it and I am sure that family values it too. We value Mayor Daley and his great family. They have made Chicago a better place and the United States a better nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 964 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALEXANDER. I yield the floor.

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

DEFICIT REDUCTION

Mrs. MURRAY. Madam President, I come to the floor today to support the Close Big Oil Tax Loopholes Act and to talk about the devastating effect that high prices at the pump are having on families in my home State of Washington.

Middle-class families and small business owners are still struggling. Our economy is just starting to turn around, but so many families are still fighting to stay in their homes, so many small business owners are still struggling to keep their doors open, and so many workers are still desperately trying to get back on the job. All of this is happening while we are here debating in Congress about the best ways to cut spending responsibly and rein in the deficit.

This is a serious issue. We need to get it done. But I feel very strongly that before we make budget cuts that slash support for our middle-class families, we should look at ways to responsibly reduce the deficit that do not hurt the families who are struggling the most. To me, one of the most commonsense actions we can take is to end the wasteful subsidies that we, the taxpayers, are forced to hand over to the big oil companies every year. It is a no-brainer.

Anyone who is serious about reducing the deficit should support this effort. It is as simple as that. The big oil companies are already making billions of dollars in profits from families in America who are paying now sky-high prices at the pump. In fact, the five biggest oil companies have made nearly $1 trillion in profits—$1 trillion in profits—in the last decade and $36 billion in the first 3 months of this year alone.

But the big oil companies are not just making money hand over fist from families paying sky-high prices at the pump. They also have the gall to come back to those same taxpayers and demand billions more in subsidies that add directly to their profits. It does not make any sense, and it has to end.

I think my colleagues in the Senate who oppose this legislation need to explain to the American people why they think big oil companies need even bigger profits and why they think American taxpayers should continue to pad their coffers with unwarranted subsidies at the very time we are fighting to rein in the deficit.

But in addition to ending those wasteful subsidies to the big oil companies, we also have to act to end the speculation that is a big part of what is pushing prices at the pump higher and higher. At a time when our household budgets are already stretched so thin, speculators continue to drive up those prices and volatility in the oil markets. That is one of the reasons I was so angry and disappointed that the House Republican budget proposal slashed the funding for the Commodity Futures Trading Commission. That is the very agency that is charged with protecting consumers from excessive speculation in the markets. How can they do their job and protect consumers if they are not there?

I think that says a lot about our very different priorities in Congress. The House majority has pushed to slash spending by crippling agencies that middle-class families depend on for basic protections, while Democrats are here trying to reduce the deficit responsibly by ending subsidies to the big oil companies that do not need them.

I urge our colleagues to put taxpayers in the middle class ahead of Big Oil, to end those wasteful giveaways to oil companies, and to use that money to pay down the deficit in a responsible way.

I thank Senators MENENDEZ, MCCASKILL, TESTER, and BROWN for their great work on this issue.

Once again, I support the Close Big Oil Tax Loopholes Act. I am going to keep fighting to end the oil and gas speculation that is hurting so many families in my home State of Washington and across the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I wish to thank the Senator from Washington State for her leadership on this issue and for her eloquent remarks just now, as well as other Senators who have championed this cause, as I have, over years when we have fought rising gasoline prices in the State of Connecticut relentlessly and tirelessly, and now I rise here in support of this legislation, the Close Big Oil Tax Loopholes Act, which would fundamentally restore fairness to our markets and tax system.

Over the last decades, the big five oil companies have taken home about $1 trillion in profits while enjoying tens of billions of dollars in taxpayer subsidies, giveaways, sweetheart deals, and preferences which undermine the credibility of our tax system and our economy in the eyes of ordinary Americans. Ordinary Americans, in fact, are still struggling to make ends meet, to stay in their homes, to keep their families together, and to find jobs.

In Connecticut, the price of gasoline now has risen to more than $4.25 a gallon from about $3 just a year ago. There are a number of ways to combat the spiraling cost of gasoline, including going after some of the illegal manipulation and speculation that may be occurring. I have proposed some measures—for example, a Department of Justice investigation that for the first time would effectively and comprehensively pursue the traders and hedge funds that are at an alltime high in their energy positions.

But the ending of giveaways and subsidies is about the fairness of our economic system and our Tax Code. Our families and businesses in Connecticut are paying these higher costs for gasoline but at the same time are providing subsidies that are in no way needed for exploration or refining or any part of the business of these big five oil companies. They have made over $30 billion in profits in the first quarter of this year alone, representing a 50-percent increase in profit from last year. Big Oil doesn't need help from American taxpayers to make unprecedented profits. For better or worse, they know how to do it without corporate welfare, and we ought to end the corporate welfare that makes our job of cutting the deficit and reining in the debt and reducing the size of government all the more difficult.

This call ought to be an easy one. We have difficult choices ahead in cutting spending and perhaps increasing revenue, but this one should be easy for us. I hope it will attract bipartisan support because there is truly nothing partisan about this kind of corporate welfare.

Despite claims to the contrary, ending these subsidies will not increase prices at the pump. It will impose basic fairness because Americans will no longer pay out of pocket for these tax breaks and giveaways to some of the most profitable companies in the world. It will not add to prices at the pump.

In my home State of Connecticut and across the country, people are rightly concerned about reducing our debt and deficit, and we will make those difficult choices just as Americans are making difficult choices in tightening their belts and their budgets as they struggle to find jobs and make ends meet. But as resources remain scarce for some of our most vital programs, we can ill-afford this kind of corporate welfare.

I urge my colleagues to seize this moment, to cut these subsidies, and to protect the hard-earned dollars of American taxpayers. Taxpayers in Connecticut and throughout the country basically want fairness—shared sacrifice, truly shared sacrifice—and I urge my colleagues to demonstrate to the American people that we are serious about tackling unfair giveaways and to take this step toward restoring fairness.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CHILDREN'S RESEARCH HOSPITALS

Mr. BROWN of Ohio. Madam President, I just met in a room near the Senate floor with doctors and others from three of America's great children's hospitals: Rainbow Children's Hospital in Cleveland, Nationwide Children's Hospital in Columbus, and Cincinnati Children's Hospital. I think Ohio leads the Nation in the number of children's hospitals and, frankly, I think the quality of children's hospitals.

There are so much we need to do—I know the Presiding Officer from North Carolina sits on the Health, Education, Labor, and Pensions Committee and has had an interest in this—where we don't quite focus enough attention on children's health. In the past, when we did research in this country—and we are only now beginning to change this—we used to think about children as just small adults, and if you needed X milligrams in a prescription for a 150-pound adult, for a 30-pound child you gave them one-fifth as much. We now realize that is not the way we should do research or practice medicine. So we have seen a lot of progress, and much of that comes from the activism, if you will, of doctors and nurses and administrators at Nationwide Children's in Columbus, Cincinnati Children's, and Rainbow Children's in Cleveland, affiliated with the University Hospital.

We have been able, through a longtime program—about a dozen years old now—to do something called children's gradual medical education in training pediatricians. We have also seen it find its way into making pharmaceuticals—something called 340B—and getting pharmaceuticals, particularly for orphan drugs and rare diseases, to children's hospitals, which helps many small children in this country.

We are also working on legislation—and Kit Bond, the Republican Senator from Missouri who retired in January, and I worked on this—to really focus on pediatric research and designate a handful of children's hospitals—maybe 15 or 20—around the country, some of the best research hospitals, to get them more focused on children's research because even though we have done better, we are not doing well enough, and this is an opportunity to do that.

So I wanted to share on the floor with my colleagues the importance of this legislation, the importance of that focus on children's hospitals, the importance of training pediatricians, and the importance of children's hospitals overall to our Nation's health, especially as regards the future of our Nation and our children.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

FIXING THE DEFICIT

Mr. SANDERS. Madam President, everybody knows this country faces a major deficit crisis and we have a national debt of over $14 trillion. What has not been widely discussed, however, is how we got into this situation in the first place. A huge deficit and huge national debt did not happen by accident. It did not happen overnight. It happened, in fact, as a result of a number of policy decisions made in recent years and votes that were cast right here on the floor of the Senate and in the House.

Let's never forget, as we talk about the deficit situation, that in the year

2000, when President Clinton left office, this country had an annual Federal budget surplus—let me underline that, a surplus—of over $200 billion with projected budget surpluses as far as the eye could see. That was when Clinton left office.

What has happened in the ensuing years? How did we go from huge projected surpluses into horrendous debt? The answer, frankly, is not complicated. The CBO has documented it. There was an interesting article on the front page of the Washington Post on April 30, a few weeks ago, talking about it as well. Here is what happened. It is not complicated.

When we spend over $1 trillion on wars in Afghanistan and Iraq and we forget to pay for those wars, we run up a deficit. When we provide over $700 billion in tax breaks to the wealthiest people in this country and we forget to pay for those tax breaks, we run up a deficit. When we pass a Medicare Part D prescription drug program written by the drug companies and the insurance companies that does not allow Medicare to negotiate prescription drug prices and ends up costing us far more than it should—$400 billion over a 10-year period—and we don't pay for that, we run up the deficit. If we more than double military spending since 1997, excluding the wars in Afghanistan and Iraq, and we don't pay for that, we drive up the deficit.

Yesterday, my good friend from Alabama, Senator JEFF SESSIONS—and he is a good friend—came to the floor and suggested that Senator BERNIE SANDERS was one of those big government types. I would say to my friend, Senator SESSIONS, and all of those others who are now wanting to make savage cuts in programs for working families, the elderly, the sick, and the poor: Guess what. I am the deficit hawk. You guys are the big spenders.

This Senator, when he was in the House, did not vote for the war in Iraq which will end up costing us some $3 trillion by the time we take care of our last veteran. I did not vote for that. Senator SESSIONS did vote for that.

I did not vote for the huge tax breaks for the richest people in this country—no, no. I am the deficit hawk. My Republican friends, in every instance, voted for those huge tax breaks.

I did not vote for the Medicare prescription drug program, $400 billion over 10 years. I am the deficit hawk. The big spenders on the other side said we could spend that money and not pay for it.

My point is, I am not sympathetic to being lectured about deficits by the same people who caused this crisis and who, on legislation after legislation, voted to significantly increase the deficit and forgot about paying for it—just put it on the credit cards for our children and grandchildren. So, please, don't lecture me on deficit spending.

My Republican friends have come up with an interesting idea as to how we can deal with this crisis, with the deficit crisis. In the House of Representatives, they voted, I believe, unanimously, for the so-called Ryan budget.

What they said is, at a time when the middle class is collapsing, poverty is increasing, unemployment is sky high as a result of this terrible recession, they think the best way to deal with the deficit and the national debt is to make savage cuts in health care; that is, to do away with Medicare as we know it today, convert it into a voucher program, massive cuts in Medicaid. So at a time when 50 million Americans have no health insurance, that number will go up. I am not quite sure what people do if they get sick and lose their health insurance. I don't know what they will do. I don't know how many more people will die if we slash Medicaid and throw millions of people off of that program.

Their brilliant idea of how to move toward deficit reduction is to make major cuts in education, Pell grants. All over this country middle-class families, working-class families are struggling to be able to send their kids to college, and Pell grants are an important part of how they do it. Cut it, so large numbers of young people never get the chance then to go to college.

Nutrition, cutting back on food stamps, on the Women, Infants, Children Nutrition Program. People in America are hungry. Cut back on those programs. Housing, cut back on those programs. Head Start, giving low-income kids an opportunity to do well—cut back on those programs. Childcare—you name it, they are going to cut back on it.

The deficit is caused by unpaid-for wars, tax breaks for the rich, the Medicare Part D prescription drug program, the bailout of Wall Street, a declining economy, and less revenue coming in. Their solution is to balance the budget on the backs of the sick, the elderly, the children, the poor, to cut back on environmental protection, to cut back on transportation. It is an interesting idea. I think it is a pretty dumb idea myself.

But inherent in that whole approach is another factor. In the United States today, while the middle class is disappearing and poverty is increasing, there is another economic reality; that is, the wealthiest people in this country have never had it so good. Over a recent 25-year period, from 1980 to 2005, 80 percent of all new income went to the top 1 percent. The top 1 percent now earn 23 percent of all income in America, more than the bottom 50 percent.

Today, if you can believe it, the top 400 individuals in America now own more wealth than the bottom 150 million Americans, the bottom half of America. Four hundred people own more wealth than the bottom 150 million Americans.

Interestingly enough, at a time when the rich are becoming richer, when the effective tax rates for the wealthiest people, at 16.6 percent, are the lowest on record, at a time when the wealthiest people have received hundreds of billions of dollars in tax breaks, at a time when corporate profits are at an all-time high and major corporations making billions of dollars pay nothing in taxes, my Republican colleagues, in their approach toward deficit reduction, do not ask the wealthiest people or the largest corporations to contribute one penny more for deficit reduction.

Their idea of moving toward a balanced budget is to go after the middle-class, working families, low-income people, but make sure the millionaires and billionaires and largest corporations in this country who are doing phenomenally well, that they do not have to participate in shared sacrifice. They are protected. This is the Robin Hood philosophy in reverse. This is taking from the poor and giving to the rich.

Many viewers may not believe me, and I ask them to check it out; that in the midst of all of this—huge deficit, huge national debt, the Republican proposal to slash programs that working families, middle-class people desperately need—in the middle of all this, our Republican friends have another brilliant idea. Let's give $1 trillion in tax breaks to the very wealthiest people in this country. We are going to throw millions off of Medicaid, we are going to cut back on Pell grants, we are going to make savage cuts in nutrition programs, and whether we get all of those savings, $1 trillion in savings, do you know what we are going to do with it? We are going to give it to the richest people in this country. We are going to lower the tax rate, the personal income tax rate for the rich from 35 to 25 percent.

At a time when major corporations such as General Electric and ExxonMobil make billions of dollars in profit, pay nothing in Federal income taxes, do you know what we are going to do to them? We are going to give them even more tax breaks.

The President has recently come up with an approach toward deficit reduction which is certainly a lot better than the Republican approach, but to my mind is by no means as strong as it should be. I was disturbed, not happy, to hear that his approach calls for $2 in spending cuts and only $1 in additional revenue. So at a time of significant, severe recession, millions of people are hurting, the President is calling for $2 in cuts in spending but only $1 in additional revenue. I think that is a bad idea. I think that is an inadequate idea because if the President starts at that position, $2 in spending cuts, $1 in revenue, by the time we deal with the Republicans in the House, that number is going to go up and will probably end up 3 or 4 to 1 in terms of spending cuts.

Senator KENT CONRAD, chairman of the Budget Committee in the Senate, has done a better job. He has not gone anywhere near as far as I think he should go but has at least come up

with a budget that I think most Americans think is sensible, by saying at the very least let's have $1 of spending cuts and $1 of additional revenue. Let's at least have shared sacrifice. Let's not balance the budget on the backs of the weak and vulnerable.

My office put together a list of ideas that are out there as to how we can raise revenue in a fair and progressive manner. I want to touch on them for a second.

No. 1, I want everybody to hear this: If we imposed a 5.4 percent surtax on millionaires who have been doing phenomenally well, over a 10-year period we can raise $383 billion. What do you think? We can throw millions of people off of Medicaid, we can end nutrition programs for low-income kids, or we can ask the wealthiest people to pay a little bit more. The cause of this recession we are in right now has to do with the greed, the recklessness, and illegal behavior on Wall Street. The crooks on Wall Street who made huge sums of money ended up driving this country into a terrible recession. If we passed a speculation fee, a fee on Wall Street speculators, we could raise as much as $100 billion a year, and, by the way, have the added benefit of cutting back on speculation.

We could raise more than $580 billion over 10 years by erasing tax breaks for companies that ship jobs overseas. Right now we have a tax policy that says shut down a plant in America, go to China, and guess what. They are going to get a tax break. I think that doesn't make a whole lot of sense.

The estate tax—which my Republican friends refer to as the so-called death tax—only applies to the top three-tenths of 1 percent, the very wealthiest people in this country. Instead of lowering the estate tax, as we recently did, we could raise $330 billion over 10 years by establishing a responsible estate tax that asks the top three-tenths of 1 percent of Americans who inherit over $3.5 million in wealth to pay a fair estate tax.

We do raise $736 billion over 10 years by taxing capital gains and dividends as ordinary income. Warren Buffett, one of the wealthiest people in the world, has said he pays a lower Federal tax rate than his secretary, than do nurses and police officers and teachers, because most of his income and most of the income of very wealthy people is generated by capital gains. Our provision could correct that problem—taxing capital gains and dividends as ordinary income.

We could raise $40 billion over the next 10 years by ending tax breaks and subsidies for Big Oil and gas. I do understand there is legislation going to be coming to the floor which I strongly support. It doesn't go as far as I would go, but it basically says the top five oil companies that have made billions of dollars in profits and are now charging us $4 a gallon—prices are soaring despite the fact that supply today is greater than it was a year ago and demand is less—that maybe we do away with some of the tax breaks they have enjoyed.

And $40 billion over 10 years is what I would propose we can get. We can raise $100 billion a year by prohibiting abusive and illegal offshore tax shelters. The Senate Budget Committee has a photograph of a building in the Cayman Islands. It is an infamous building. It is a four-story building that houses 18,000 corporations. That is right. One building, 18,000 corporations. Obviously the whole thing is a scam. This is being used as a postal address for corporations and wealthy individuals who want to avoid paying taxes to the U.S. Government.

The Budget Committee estimates that we are losing about $100 billion a year by having corporations and wealthy people stash their money in the Cayman Islands. That is a lot of money, $100 billion a year. We could raise up to $500 billion over 10 years by establishing a currency manipulation fee, and, by the way, create up to 1 million new jobs in the process.

So what is my point? My point is this deficit was caused by actions voted upon by many of my Republican friends: the war, tax breaks for the rich, Medicare Part D, that in the middle of a recession when the middle class and working families are already hurting, when poverty is increasing. It is not only immoral, it is bad economics to balance the budget on working families and the most vulnerable people in this country.

When people are hurting, when they have lost their jobs, when their incomes are going down, you do not say to those people: We are throwing you off of Medicaid. We are going to ''voucherize'' Medicare, we are going to cut back on Federal aid to education so your kid cannot go to college. That is not what you say in a humane and fair society.

On the other hand, at the same time when the wealthiest people are becoming phenomenally wealthier, and when large corporations are making huge profits, and in many cases not paying any taxes at all, it is appropriate to say to those people: Sorry, you are also American. You have got to participate in shared sacrifice. You have also got to help us reduce the deficit.

That is where we are right now. We are in the midst of a major debate, but it is not only on financial issues. It is very much a philosophical debate. It is a debate about which side are you on. Do you continue to give tax breaks to the very rich and make savage cuts for working families, for children, the elderly, the poor, the most vulnerable?

I am going to continue doing everything I can to make sure the budget that is finally passed here in the Senate is a fair budget, is a responsible budget, is a just budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first I want to give kudos and accolades to my friend and colleague and fellow Madisonian—Madison High School in Brooklyn, NY, that is—BERNIE SANDERS. I have rarely met, not just here in the Senate but in public life, people who display the passion and the effectiveness combined that BERNIE does. Sometimes it is a lonely world for him in a certain sense, because he feels these issues so strongly. He is so outstanding at articulating them in every way. And he wonders why the world does not change a little more. Well, BERNIE, in terms of this world, which changes slowly, unfortunately, we would agree with that, you have done a great deal of good for people who need help. I am glad you are here, and I am glad you are my friend.

CLOSE BIG OIL TAX LOOPHOLES ACT

Mr. SCHUMER. I rise today in support of the legislation authored by my good friend from New Jersey, Senator MENENDEZ. As you know, the Democrats here on our side of the aisle are focusing on this legislation this week and next. But Senator MENENDEZ has been championing this legislation for quite a while. He was prescient to focus on this idea. I am glad we will have a vote on it. I hope the vote will pass. I have heard a few of our Republican colleagues now have said they would consider voting for it. Nothing would be better in terms of showing some bipartisanship and giving us some hope that we can come to a fair agreement on the budget than to pass this legislation.

In the last election, voters who gave those of us who have the privilege of serving in this Chamber two distinct mandates. They told us to do two things at once. First, perhaps foremost, make the economy grow. Create good-paying jobs. Make sure that American dream burns brightly, the dream that says to the average middle-class family: The odds are pretty good that you will be doing better 10 years from now than you are doing today, and the odds are very good that your kids will do better than you.

For that dream, which has burned so brightly in this country for hundreds of years, the candle began to flicker a little bit in this decade, because median income went down even before the recession, which meant that even if you had a job—and we know that millions are out of work despite the fact that they look—I think of all of the people whom I have met who are struggling because they do not have jobs. But even people who do have work have a difficult time when they sit down at that dinner table Friday night after dinner, figuring out how they are going to pay the bills. The cost and needs keep going up. And even when you have a job, the income does not seem to keep up.

So that is one obligation voters sent us, and it is a very justified one. Second, they said in no uncertain terms,

rein in the out-of-control Federal deficit. Rein it in. And they are right. Because in a certain sense, I have said this before, but I think it is worth repeating: The debt—the symbolic nature of the debt is as follows: We, the U.S. Government, are a blindfolded man, and we are walking toward the cliff. Once we fall off that cliff, there is no getting back up.

Now the debate is whether we are 20 feet from that cliff or 200 yards from that cliff. But we know sooner or later if we keep walking straight, we are going to fall off. So that means try to rein in this out-of-control Federal deficit. It would be hard enough to accomplish one of these goals. To try to do both at once is a Herculean task. It is why we are having such divisions here, and it is why everyone is grappling.

I think everybody is trying to do the right thing regardless of their ideology. But there are strong feelings. So when we can come to issues that seem to have an easy common ground, because things are so difficult, we ought to jump at them. That is what the Menendez amendment is. It is a choice that is not a tough one, not a mile, because it is obvious that at this time, when there are so many needs, to continue to give the oil companies the kinds of tax break we do makes no sense. Getting rid of these corporate subsidies to Big Oil is a no-brainer. Decades ago these were passed. Oil was $17 a barrel. Maybe it made sense in those days to give companies an incentive to explore, to produce.

One of the subsidies the Menendez legislation repeals, the Oil Depletion Allowance, dates back to 1913. That is the same year a man named William Burton patented a new oil extraction process called ''thermal cracking.'' Well, Big Oil no longer cracks for petroleum using Mr. Burton's method. It is an outdated process, decidedly. But the outdated tax subsidy still remains on the books, amazingly enough. With oil hovering at $100 a barrel, Big Oil reaping record profits, it defies logic for this government to spend billions of dollars, for these taxpayers to give dollars out of their pocket every year when they are struggling, to tax giveaways to Big Oil which is making record profits.

Believe me, the free market gives the oil companies enough of an incentive to produce. When oil is $100 a barrel, they do not need an extra subsidy from the government to produce. They are going to produce every bit of oil they can.

They make huge profits, so they do not need a financial nudge from Washington. At the same time, middle-class Americans get hit with a double whammy. They are paying $70 or more to fill up their gas tanks, and then some of their hard-earned tax dollars are being used to line Big Oil's pocket.

In my home State of New York, the price of gas is up 35 percent on average compared to this time last year. Economists estimate the typical family will pay almost $1,000 more on gas this year than last. Families across the country are still struggling to make ends meet. As the economy slowly recovers, they cannot afford to get gouged at the pump.

With billions of dollars worth of tax subsidies and gas prices at near record highs, it is no wonder that the top five oil companies just announced mind-boggling profits. These companies are not only among the most profitable businesses in the United States, they are among the most profitable in the whole world. In the first quarter of this year alone, the Big Five brought in $36 billion in profits. In the past decade, they took home nearly $1 trillion—not a billion, a trillion dollars in profits.

There is nothing wrong with these profits in and of themselves. In America we celebrate success, we want the private sector to thrive. But at a time when the government is looking to tighten its belt, and we are grappling with painful cuts because we have the dual goal of growing the middle class but also reducing the deficit, it boggles the mind that we continue to subsidize such a lavishly profitable industry.

There are priorities. I said this to the oil company executives today when they testified before the Finance Committee. I want to salute Chairman BAUCUS for holding such outstanding hearings. There are priorities. How many Americans would say, if we had to choose, that we should give oil companies an extra subsidy rather than help kids who deserve to go to college pay for college?

That is what many of my colleagues are recommending. That is what the House budget recommended. How many of my colleagues would say we ought to cut cancer research but still continue to give the oil companies the subsidies we do? Again, the Ryan budget does that.

I understand they say we have to cut spending. We do. But we also have to cut out wasteful giveaways such as tax breaks for Big Oil. I would do that before I cut aid to college students who are struggling to pay for college, which is more and more expensive, before I cut cancer research, which has saved millions of lives, including people we know and love. I would do that before I cut money for veterans or cut money to keep our homeland secure. But the budget Mr. RYAN has proposed, and many of the budgets I have seen come from colleagues on the other side of the aisle, choose these subsidies to Big Oil over money to help kids pay for college, over cancer research, over helping our veterans, over keeping our homeland secure.

Hardly any American would agree with that. Hardly any American, Democratic or Republican, liberal, conservative, North, East, South, or West.

Try to wrap your head around it. Big Oil is reporting record profits, gas prices are near an all-time high, and we the American taxpayers are subsidizing the oil industry to the tune of $4 billion a year.

You do not need the imagination of Lewis Carroll to come up with a more ridiculous scenario. That is why I strongly support and I am proud to cosponsor Senator MENENDEZ's Close Big Oil Tax Loopholes Act. This legislation will put an end to taxpayer handouts in the five largest integrated oil companies, and use the $21 billion in savings to reduce the deficit. This $21 billion is an excellent downpayment on our effort to get the Nation's fiscal house in order. The bill repeals a host of Byzantine tax provisions that only a lobbyist could love, such as the deduction for tertiary injectants and the deduction for intangible extraction costs.

Small and medium-sized oil firms are exempt. The legislation only deals with the Big Five: Shell, ExxonMobil, Chevron, ConocoPhillips, and BP. I have heard pundits from the hard right parrot Big Oil's talking point that repealing these giveaways would increase gas prices for consumers. Well, nothing could be further from the truth. Independent analyses have repeatedly found that ending these absurd subsidies would not impact the price of gas. In what was perhaps an inadvertent moment of candor at this morning's Senate Finance Committee hearing, ExxonMobil's CEO Rex Tillerson said: ''Gasoline prices are a function of crude oil prices, which are set in the marketplace by global supply and demand—not by companies such as ours.''

That does not seem like an objectionable comment. It is true. And when he made that comment, Mr. Tillerson of ExxonMobil has conceded that repealing taxpayer-funded subsidies for the Big Five will not increase prices. Prices are set, as he said, by global supply and demand.

That is not to say that repealing the subsidies will necessarily bring down prices. We are not making that claim. All along we have been clear that the purpose of this bill is to make a dent in the deficit by repealing tax breaks for the five companies that are the least in need of help from Uncle Sam.

Lowering the cost of gas and ridding our country of its dependence on foreign oil requires a long-term, comprehensive approach. In the months ahead, I expect the Democratic caucus will unveil a thorough and forward-thinking plan to do just that.

In the meantime, if Republicans in the House are serious about deficit reduction, the Menendez bill is their chance to show it now. There is no good reason not to support this sensible legislation. Speaker BOEHNER said earlier this week he wants to make trillions of dollars in cuts. Here is a good place to start. Indeed, the Speaker himself has previously said as much. Let's not forget he was in favor of repealing oil subsidies before he was against it. The bottom line is this: At a time of sky-high oil prices, it is unfathomable to continue to pad the profits of oil companies with taxpayer-funded subsidies. The time to repeal these giveaways is now.

Our plan to cut the deficit begins with ending wasteful subsidies to big oil. The Republican plan begins with ending Medicare as we know it. That is a bright-line difference between our side and theirs. We know what choice the American people will make.

Mr. President, I ask that the Presiding Officer report the nomination.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BLUMENTHAL). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF MICHAEL FRANCIS URBANSKI TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Michael Francis Urbanski, which the clerk will report.

The legislative clerk read the nomination of Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate with respect to the nomination, with the time equally divided in the usual form.

The Senator from Virginia.

Mr. WEBB. Mr. President, I was very gratified yesterday when the Senate unanimously voted to confirm Arenda Wright Allen as U.S. District Judge for the Eastern District of Virginia, and I am very glad to be here to speak in support of Virginia's nominee to the Western District of Virginia, Judge Michael Urbanski.

As I did yesterday, I wish to express my appreciation to the leadership of both parties in the Senate for scheduling these important confirmation votes. Filling existing vacancies on our courts is important to Virginia, it is important to America, particularly in these cases where the nominees are noncontroversial to either party and, thus, are able to be brought forward for reasonably quick confirmation.

One of the bedrock principles in this country is access to justice, and it can clearly be said that vacancies on our courts create backlogs, bottlenecks and delays, and justice delayed is obviously justice denied.

Again, I wish to express my appreciation to the leadership for moving these two very highly qualified nominees, Arenda Wright Allen, who was confirmed yesterday, and Judge Michael Urbanski, who will be voted on shortly.

In that regard, I am proud of the work we have been able to do during my time in the Senate in finding dedicated, well-qualified jurists from Virginia to recommend to the President when vacancies do occur on the Federal bench. When I first arrived in the Senate, Senator John Warner and I developed a robust, collaborative selection process to review candidates. Senator MARK WARNER and I have continued this thorough, deliberative process, and we were pleased to recommend Judge Michael Urbanski to President Obama in June of last year. President Obama first nominated Judge Urbanski for a seat on the U.S. District Court for the Western District of Virginia last December. He renominated Judge Urbanski earlier this year, and Judge Urbanski was reported out of the Judiciary Committee without opposition on March 10 of this year.

Senator WARNER and I jointly reviewed a highly competitive field from the Western District of Virginia. Judge Urbanski stood out to me because of the resounding recommendations from the bar associations which he covers now as a magistrate judge. Those recommendations all noted Judge Urbanski's incredible work ethic. He has worked tirelessly as a magistrate judge to ensure the efficient administration of justice in the Western District of Virginia. He has served in this capacity since 2004. He also has an outstanding reputation for fairness and a good judicial temperament. He has contributed to the efficiency of the Western District of Virginia by being an effective mediator, resolving a substantial number of disputes without lengthy litigation. He also recently established a veterans court in the Western District. This court strives to utilize the many services available to our veterans in order to try to find alternatives to incarceration from nonviolent offenders and to break the cycle of recidivism.

I am very proud to say Judge Urbanski is a product of Virginia's public universities. He graduated from the University of Virginia School of Law in 1981 and the Nation's oldest university, the College of William and Mary, in 1978.

Prior to becoming a Federal magistrate judge, Judge Urbanski earned a reputation as one of the top trial lawyers in western Virginia. He was the head of the law firm of Woods Rogers' litigation section and practiced in Roanoke from 1989 to 2004. I have met personally with Judge Urbanski. I am convinced he has the correct judicial temperament, intelligence, and dedication to make an excellent district court judge. I also had the pleasure of meeting with his family, many of his friends, law clerks, and colleagues. His dedication to his family and to his community is abundantly apparent.

Though I am proud Virginia has such an exemplary individual to put forward as a district judge nominee, the Judiciary Committee clearly shares this view, having voted out Judge Urbanski unanimously. I urge all my colleagues to support his confirmation.

Mr. WARNER. Mr. President, yesterday this Chamber came together to unanimously confirm Ms. Arenda Wright Allen to serve as a district judge in Virginia. I thank my colleagues from both sides of the aisle for their vote. I am confident that we will give the same support to another excellent nominee from Virginia under consideration today.

I rise to speak in support Judge Michael Urbanski to serve as the next U.S. district judge for the Western District of Virginia.

Judge Urbanski would be appointed to a court that is known for its rigor and quality. It is a court that requires a highly effective judge that is sensitive to the details of each case. I think Judge Urbanski is perfect for this job.

He graduated from the College of William and Mary and the University of Virginia Law School. He also served as a law clerk for the Honorable James Turk, a district judge in the Eastern District of Virginia.

Following his clerkship, he worked in the private sector where he built experience in antitrust litigation, counseling and investigations, contract and business tort litigation and intellectual property litigation.

Since 2004, he has served as a magistrate judge in Roanoke, VA, where he has built strong connections to the community and a reputation as a fair and impartial judge.

I would be remiss not to mention the overwhelming support his candidacy received from the legal community in which he will serve. In addition, the Virginia State Bar, the Virginia Women Attorneys Association and the Salem/Roanoke County Bar Association ranked Judge Urbanski as ''highly qualified'' or ''most highly qualified.''

I again would like to thank Chairman LEAHY and Ranking Member GRASSLEY for moving Judge Urbanski's nomination through the Judiciary Committee so that we could consider him today. As I testified at the hearing, I look forward to casting my vote in support of Judge Urbanski's nomination and encourage my colleagues on both sides of the aisle to do the same.

Mr. President, I ask unanimous consent that the time used in quorum calls during the debate on the Urbanski nomination be charged equally to both sides.

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

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

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

Mr. GRASSLEY. Mr. President, I wish to address the Senate on the nomination of Michael Urbanski to be a U.S. district judge for the Western District of Virginia.

Since we have returned from the April recess, we have done very little else other than consider judicial nominations. This will be the third judicial nominee to be confirmed in the last 3 days and the 23rd confirmed this year. In fact, after today, we will have confirmed six judges in just 8 days. I know the liberal interest groups have been pressuring the other side to consider more nominees even though we have been moving at a very brisk pace this entire Congress, but it is surprising to me, with all the issues facing the Nation at home and abroad, that we would spend 2 weeks on the floor considering little else.

Our economy continues to struggle. Millions of Americans remain out of work and are unable to find jobs. The unemployment rate remains at approximately 9 percent. Those who do have jobs are finding it more and more difficult to get to work as gas prices are over $4 a gallon and inching even higher. Our Nation is facing significant national security issues. Every single day, our national debt continues to climb to unsustainable levels. These are incredibly important issues. I would not go so far as to say the majority does not care about the issues facing our Nation. Perhaps they are simply out of ideas. But as Americans continue to struggle in this economy, it is difficult to understand why we would spend 2 weeks voting on hardly anything but judicial nominations.

As I said, the Senate has been moving swiftly this year on those nominations. We have confirmed 23 nominees in just 49 days. That is a rate of one judge almost every other day the Senate has been in session since convening in January.

However, the Senate must not place quantity confirmed over quality confirmed. These lifetime appointments are too important to the Federal judiciary and the American people for the Senate to simply rubberstamp these nominations.

I was surprised during one of our recent debates to hear one of my colleagues on the committee come to the Senate floor and imply otherwise. During the debate on the confirmation of Edward Chen, a reference was made to what was characterized as the Senate's longstanding tradition—a deference to home State Senators with regard to the Federal district court nominations. That Senator stated that in his time in the Senate, where a Federal district court nominee is backed by the two home State Senators, it is usually almost pro forma that the nominee is confirmed.

The fact is that home State Senators do have a great deal to say in who should serve the country on the bench. That is part of the advise-and-consent process. But there are 100 voices in this body, and we speak for the American people who come before these jurists. We must ensure they are fit to serve as impartial arbiters.

I do not consider the confirmation process for a Federal judicial nominee to be a pro forma process. I will continue to give scrutiny to all nominees regardless of home State support. I do not consider it delay or obstruction to fulfill that duty. If the other side chooses to do so, of course, that is up to them, but I will not simply rubberstamp those nominees. We will continue to process the nominees fairly and with the standard to which the people rightly hold us.

I support today's nominee. Michael Francis Urbanski is nominated to be a U.S. district judge for the Western District of Virginia. He presently serves as a U.S. magistrate judge in the same district.

Judge Urbanski received his BA with high honors from William & Mary in 1978 and his juris doctorate from the University of Virginia School of Law in 1981. Upon graduation, he served as a law clerk to the Honorable James C. Turk of the U.S. District Court for the Western District of Virginia. From 1982 to 2004, Judge Urbanski worked in private practice, first as an associate at the Washington, DC, office of Vinson & Elkins and then with the firm of Woods Rogers, where he became a principal in 1989. In 2003, the nominee was appointed to his present position. In 2010, Chief Judge James Jones appointed the nominee to chair an advisory committee on the new local rules adopted in the Western District.

The American Bar Association Committee on the Federal Judiciary has given Judge Urbanski their highest rating—unanimously ''well qualified.''

I am pleased to support this experienced nominee, and I urge my colleagues to do the same.

Mr. LEAHY. Mr. President, today, the Senate considers the nomination of Michael Francis Urbanski to fill a judicial vacancy on the District Court for the Western District of Virginia. I thank the majority leader for scheduling the vote today on this nomination, as well as the vote yesterday on another nomination to fill a vacancy in Virginia. With vacancies at 90 in Federal courts throughout the country, I hope that we can continue to work together in the remaining weeks of this work period to ensure that the Federal judiciary has the resources it needs to fulfill its constitutional role.

Our action to take up and vote on these nominations from Virginia, and to come to a time agreement to debate and vote on the long-delayed nomination of Ed Chen to the Northern District of California earlier this week, show that the delays that have slowed our progress on nominations are unnecessary.

Judge Urbanski has been a magistrate judge for 7 years on the court to which has now been nominated. Previously, he was in private practice in Roanoke, VA, and Washington, DC, and was a law clerk to the Western District of Virginia Judge James C. Turk. Judge Urbanski's nomination has the support of both of his home State Senators, Senator WEBB and Senator WARNER. His nomination was reported unanimously by the Judiciary Committee over a month ago. I expect that it will be unanimously confirmed today.

In addition to Judge Urbanski, there remain another 10 judicial nominations on the Executive Calendar that have been ready for final Senate action for weeks and, in some cases, many months. Today we reported another five of President Obama's judicial nominations favorably. They are now, also, ready to be considered by the Senate. All of these nominees have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. They should have an up-or-down vote after being considered by the Judiciary Committee, and without additional weeks and months of needless delay.

Our ability to make this kind of progress regarding nominations has been hampered by the creation of what I consider to be misplaced controversies about many nominees' records. Recently, Republican Senators have tried to twist nominees' litigation experience against them. Their partisan attacks are not consistent. Republicans oppose some nominees by saying that they do not have sufficient litigation experience. When a nominee has extensive experience and is a successful trial lawyer, they reverse themselves and complain that the nominee has too much experience and will be biased by it.

It is difficult to satisfy people whose standards change in order to explain their opposition. Republicans seem to react this way to President Obama, his actions and his nominees. Republicans were for a deficit commission until President Obama was for it; then they voted against it. They were for action in Libya until President Obama took action; then they were against it.

They opposed Judge McConnell of Rhode Island supposedly because he was an excellent trial lawyer. They opposed Judge Chen of California despite his 10 years as a fair and impartial Federal judge magistrate, because he was a staff attorney litigating to protect civil rights. Both of these nominees have assured us that they understand the difference between being an advocate for a client and serving as a judge. I have no doubt that they do. Judge Chen demonstrated his impartiality in 10 years of work as a Federal magistrate judge. Republicans chose to ignore his demonstrated qualifications and experience. They likewise ignore the sworn testimony of the nominees at our hearings and their answers to Republicans own questions. When they do that, it makes you wonder what is driving their decisions to oppose these qualified nominees.

These are Republican Senators who demanded that President Bush's nominees be confirmed despite their ideological commitment to conservative activism. In those years, Republicans argued that nominees' careers devoted

to serving corporate interests and conservative causes were irrelevant to the Senate's inquiry and that all nominees should be confirmed if they met basic qualifications. In President Bush's first term, the Senate regularly considered nominations, confirming 205 to lifetime appointments. We remain well behind that pace, having been allowed to consider only 83 of President Obama's nominations in nearly 28 months of his term.

Senate Republicans are now adopting a much different standard—and a shifting one at that. It almost seems like whatever might be claimed to justify strenuous opposition and voting no on an Obama nominee is justified by the end—opposing the President. That is wrong. That is wrong because this President has worked hard to consult with Republican home State Senators. Yet they still oppose them, including President Obama's first nomination that of Judge David Hamilton of Indiana. Despite Senator LUGAR's support, Republicans filibustered that nomination and delayed it for months. They have filibustered five of President Obama's judicial nominations to date.

It is wrong because their actions have created a judicial vacancies crisis that persists to this day. If the 22 judicial nominees Republicans point to as being confirmed this year, 15 should have been confirmed last year and were needlessly delayed. One even required cloture to end an unprecedented filibuster against a Federal trial court nominee.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 15 other judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The progress we have started to make these last 2 weeks is a sign that the Senate can do better to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country.

I congratulate Judge Urbanski and his family on his confirmation today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

Mr. MANCHIN. 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 question is, Will the Senate advise and consent to the nomination of Michael Francis Urbanski, of Virginia, to be United States District Judge for the Western District of Virginia?

Mr. MANCHIN. 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 clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. COATS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 70 Ex.]

YEAS—94

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

NOT VOTING—6

Burr	Cochran	Murkowski
Coats	Hutchison	Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I may speak for up to 20 minutes, followed immediately by Senator ISAKSON for such time as he may consume.

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

ETHICS COMMITTEE REPORT ON FORMER SENATOR JOHN ENSIGN

Mrs. BOXER. Mr. President, yesterday the Senate Ethics Committee voted unanimously to release the special counsel's report regarding the actions of former Senator John Ensign.

The committee also voted unanimously to refer several findings to the Department of Justice and to the Federal Election Commission because we had reason to believe that Senator Ensign violated laws within their jurisdiction. I want to thank from the bottom of my heart the Senators who participated in this investigation, many of whom are on the floor today: my vice chairman, the extraordinary leader, Senator ISAKSON—and I say leader, I mean a leader on the committee. I consider him to be a cochair with me. And Senator ROBERTS, who has been on this committee for a long time, who has a sense of history, and a sense of levity, and pragmatism. I appreciated his cooperation.

I want to note the participation of SHERROD BROWN, who came on this committee and began this journey with us and his very important contribution; Senator RISCH, who brought with him a very strong legal slant on everything we did and was very valuable. I want to thank him.

I want to say a special word of thanks to Senator CARDIN who sat in on this case because Senator PRYOR felt he had too close a relationship with Senator Ensign and had to recuse himself. Senator CARDIN, we thank you so much for coming in and focusing on this case. I have to say, I am so grateful to how thoroughly and hard and collaboratively we all worked during this 22-month investigation. I say—and I mean—it was an honor to work with my colleagues.

The Ethics Committee is unique. Its staff is nonpartisan, and its actions are bipartisan. That is so important always, but particularly during these very polarized times, and also because this was such a long and difficult investigation for many reasons.

I want to be clear about why the committee is releasing its report to the public and why Senator ISAKSON and I are addressing the Senate today. If any of our colleagues wish to add to our comments, I hope they will do so. While Senator Ensign's resignation ended our investigation before the next phase, which was the adjudicatory phase or the trial phase, it did not end our profound responsibilities to the Senate, to our laws, to our rules, to our Constitution, and, of course, to the American people.

Article 1, section 5, clause 2 of the Constitution of the United States says that: ''each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.'' That is in the Constitution.

Senate rules give the Ethics Committee responsibility to investigate alleged violations of laws and rules and

''improper conduct which may reflect upon the Senate.'' That is a quote from our rules.

Finally, Ethics Committee rules make clear that whenever its members have ''reason to believe'' that a violation of law has occurred, we ''shall'' report it to the proper authorities.

Let me say that again. Ethics Committee rules make it clear that whenever the members of the committee have reason to believe that a violation of law has occurred, we shall report it to the proper authorities. So we have a solemn responsibility indeed. It is actually a mandate to refer possible criminal or civil violations to the Department of Justice and to the Federal Election Commission. That is what we have done today.

We also have another responsibility. That is to tell the American people when we believe laws and rules have been broken, and that standards of conduct have been breached. That is what we have done today.

Our special counsel, Carol Elder Bruce, has written a report that speaks in great detail about her findings, and that report has been released today. These findings are so disturbing that she believed that had Senator Ensign not resigned, and had we been able to proceed to that adjudicatory phase, the evidence of Senator Ensign's wrongdoing would have been substantial enough to warrant the consideration of expulsion, the harshest penalty available to the Ethics Committee and the Senate.

That is why when former Senator Ensign resigned, the vice chairman and I put out a statement, and we said that he had made ''the appropriate decision.''

I want to give you the findings of the special counsel.

One. There is substantial credible evidence that Senator Ensign conspired to violate Doug Hampton's postemployment contact ban.

Two. There is substantial credible evidence that Senator Ensign aided and abetted Mr. Hampton's violations of the postemployment contact ban.

Three. There is substantial credible evidence that Senator Ensign made false and misleading statements to the Federal Election Commission regarding the $96,000 payment made to the Hamptons.

Four. There is substantial credible evidence that the $96,000 payment to Mr. Hampton violated Federal campaign finance laws.

Five. There is substantial credible evidence that Senator Ensign violated a law and a Senate rule prohibiting unofficial office accounts.

Six. There is substantial credible evidence that Senator Ensign permitted spoliation of documents and engaged in potential obstruction of justice.

Seven. There is substantial credible evidence that Senator Ensign discriminated on the basis of gender.

Eight. There is substantial credible evidence that Senator Ensign engaged in improper conduct reflecting on the Senate, including violating his own office policies, written in a manual.

These eight serious findings in the special counsel's report are the culmination of an extensive 22-month investigation and the basis for the committee's unanimous decision to refer this matter to the Department of Justice and the Federal Election Commission.

As Chair of the Senate Ethics Committee, I am proud to report to the Senate that our committee and its staff and special counsel have been fair and thorough. We deposed or interviewed 72 witnesses. We issued 32 subpoenas for documents. We reviewed more than one-half million documents, including a large number that were initially withheld from the committee. None of this would have been possible without the very hard work done by the staff of our committee, our personal offices—and I am so grateful to them—the special counsel who was extraordinary and to whom we all owe a debt of gratitude.

I particularly wish to thank the staff director and the chief counsel of the Ethics Committee, John Sassaman, and his team. They were focused and they searched for the truth, and we believe they found the truth.

Again, I also wish to personally thank our special counsel, Carol Elder Bruce, and her team.

Our Founders gave Congress the responsibility to ensure that its Members behave ethically. The Ethics Committee tries to do this by working to prevent violations of rules and laws when possible. We try to work with colleagues before they do something they shouldn't do. We try to train colleagues so they understand what we mean when we say don't bring any kind of shame upon the Senate. Then, if something bad happens, we give a fair hearing, we might sanction them, and we do when necessary. This isn't an easy task, but every member of the Ethics Committee is committed to fulfilling our critical responsibility in a thorough, fair, and bipartisan fashion.

When Senator Ensign resigned, he said: ''I have not violated any law, any rule, or standard of conduct.'' I wish to go on record as chairman of the Ethics Committee to say how strongly I disagree with that statement.

Let's be clear. It was Senator Ensign's actions that led to the ethics complaint filed against him. It was Senator Ensign's actions that led to a 22-month investigation by the Ethics Committee. It was Senator Ensign's actions that led to the very serious findings and referrals in the report we are releasing to the public today.

The committee believes every Senator should read this report very carefully. Let me say that again. The committee believes every Senator should read this report very carefully because it is a cautionary tale. It shows that our actions—all of them—have consequences for ourselves, for our families, for our staffs, for Congress, and for our Nation. It shows we must ensure every action we take is within the law, the rules, and the appropriate standards of conduct. In my view, if I can say my own personal view, it shows something else; that is, when you are in a position of trust and power, don't abuse it. Don't misuse it because people can get hurt, very hurt.

We cannot violate the laws or rules we set for others, including our own staffs. We must always lead by example, not by words alone.

This Ensign case was a sad chapter for the Senate but a far sadder chapter for those whose lives were affected and destroyed by his actions. I wish to thank the Senate for placing its trust in the Ethics Committee.

I yield to the vice chairman of the committee, the one whom I consider my cochairman, Senator ISAKSON.

Mr. ISAKSON. Thank you, Madam Chairman.

Mr. President, on certain occasions in the life of a public official one is called upon to make difficult and unpleasant decisions. Such is the case for the six members of the U.S. Senate Ethics Committee today. But we recognize it is essential that the institution—this Senate—that passes the laws which all our citizens must live under must also enforce those laws and rules of standards and conduct which we impose upon ourselves. It is a solemn responsibility, but it is important to the integrity and the future of this institution.

The Senate Ethics Committee looks upon itself as an advisory board and a source of information and counsel to our Members. We ask Members to come to us when there are questions about the potential ethical violation of a decision or even something that might, in passing, seem to be trivial. Our job is to make sure everybody who has a question gets an answer and no one unwillingly gets caught in an unethical situation. But it is also our responsibility, when complaints are filed, to follow up on those complaints and, if we find merit in the complaint, to enter an initial investigatory period of time which, if that position bears enough likelihood that a violation has occurred, ultimately goes to an adjudicatory phase and then finally a decision on the floor of the Senate. It is rare, and I can tell my colleagues personally it is a situation I hope I am never involved in again. But, as I said, it is an essential process to the integrity of this body.

When the particular complaint in question in the Ensign case came to us, it was, similar to any other case, reviewed initially to determine whether it even merited an investigation. After the initial review determined it did merit an investigation, the Senate staff did an overwhelming and wonderful job of gathering information, evidence, and testimony to help us get to a position to begin to make a decision as to whether we could go further in

the case. But we didn't rely just on ourselves. We sought forensic experts and computers and technology so the over 500,000 documents that were reviewed and cross-referenced had a forensic test to them and we knew what we were dealing with and how it was dealt with. We even hired a special counsel, which is rare for the Senate Ethics Committee to do, but it was essential because of where the evidence and the testimony was leading the committee.

I wish to say, at this point in time, I have known a lot of lawyers in my day, ones I have hired and ones I have been on the other side of the deposition table from. I have never known anybody more professional or whose ability I admired more than Carol Elder Bruce, and I wish to commend her on the floor of the Senate. It was her report which we are also submitting with the referrals today to indicate that we have looked to see that there was reasonable evidence to conclude that a violation may have occurred. The ultimate decision on that will be up to the U.S. Department of Justice and it will be up to the Federal Election Commission. But the report clearly indicates that the Senate Ethics Committee did not act on what it thought or an opinion or a whim. It acted on facts determined through hundreds of interviews, 500,000 documents that were examined, and testimony that came to our committee.

It is the hope of the chairman and myself and each member of the committee that every Member recognizes the Senate Ethics Committee wants to be a source of information, advice, and counsel, to see to it this institution always rises to the occasion as the most ethical body in our government. But we will as a committee, if it becomes necessary and the evidence finds it to be true, pursue our responsibility as a committee and we will do what is required of us in this body.

I wish to thank Chairman BOXER for the method in which she has handled this from the beginning to the end, as well as Laura Schiller, who has been her aide throughout and helpful. I also wish to commend Joan Kirchner, Chris Carr, and Glee Smith on my staff for their tireless efforts. The members of the committee also should be commended for their hard work, and it has been hard work. BEN CARDIN has been a tremendous legal mind for us. SHERROD BROWN has been an insightful person to ferret out information and guide us in the right direction. My dear friend, Senator ROBERTS, is the dean of the members of the Ethics Committee. On the floor are Senator ROBERTS, Senator CARDIN, and Senator BROWN. Senator RISCH from Idaho is not here, but he deserves equal credit. As the chairman said, his legal mind and insightful nature helped us come to the conclusions we came to today.

I wish to repeat my thanks to Carol Elder Bruce for the tremendous work she did, as well as Brian Stolarz, Mike Missel, and John Songstregth, who all worked with her legal team. The staff of the Ethics Committee, our staff director, John Sassaman, has been invaluable in his tireless hours of work to see to it that every I was dotted, every T was crossed, and the committee did its job. To Rochelle Ford, Lynn Tran, Bill Corcoran, and Dan Schwager, thanks to them for all the effort they made.

I will end where I began. No one in public office volunteers for the type of responsibilities we have had in the case of Senator Ensign. But all of us took that responsibility when it came upon us, recognizing the integrity of the Senate and the integrity of our decision was important for the future of this body. As sad as the deliberations were and the ultimate result was, it was proof that this Senate and its Ethics Committee can stand and do the effort necessary to see to it this institution's integrity proceeds in the future uninhibited and unendangered.

With that, unless there is a Member who wishes to speak, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ESCALATING GASOLINE PRICES

Mr. HOEVEN. Madam President, I rise to speak this afternoon about the escalating cost of gasoline at the pump—something that affects every American consumer. Crude oil prices are now more than $100 a barrel and the price of gasoline at the pump for our consumers is about $4 on average across the Nation. It is even more here in the District. Despite some correction recently in the oil commodity markets, the U.S. Energy Information Administration expects that prices this summer will average $1 more than they did just a year ago.

Gasoline price spikes are a form of stealth inflation eating away at the income of American families, impacting our economic growth, and deepening the hardship to the almost 14 million people we have still looking for work. Some economic analysts indicate that for each $10 increase in the price of a barrel of oil, it has the impact of reducing our economic growth by about two-tenths of 1 percent. Each two-tenths of 1 percent equates to 120,000 fewer jobs that are created just in the first year of that type of increase. So you can see it has a very significant cumulative impact.

Imported oil also greatly affects detrimentally our balance of trade. Last year alone that contributed to a $265 billion trade imbalance for our Nation. The high price of oil, whether it is at the wellhead or the price of gasoline at the pump, impacts every sector of our economy. It affects jobs, it affects economic growth, and it certainly affects the purchasing power of the American family; therefore, their standard of living and our quality of life.

So what do we do? Well, the fact is, oil prices are subject to the same laws of supply and demand as other commodities. When we increase the supply, that helps bring prices down. When we reduce demand, that helps bring prices down. Of course, just the reverse is true as well. When we have less supply or more demand, that tends to push the price higher. So clearly—clearly—we need to do all we can to produce more energy in this country, and certainly we need to produce more domestic fuel, more domestic oil and gas.

I don't know how many people realize it, but over the last few years—over the last approximately 5 years—oil imports into this country have actually been going down, and that is why I have brought this chart along which was prepared by the Congressional Research Service. As we can see from the chart, domestic oil was shrinking from about 1985 to 2005, and by 2005 we increased our imports to a total of 12.4 million barrels a day, approximately 60 percent of the total oil we consumed in 2005.

However, since 2005 things have begun to change. We have made progress. We have made progress both because we are producing more oil and gas in this country and also because we are using less. So we can see from 2005 to 2010 we have actually reduced the amount of oil we import into this country from about 60 percent of what we use to less than 50 percent. Today, about 49 percent of the fuel we consume is actually produced in this country. That is a significant reduction in our imports of about 3 million barrels a day from 2005.

So what changed? Well, what changed is we are producing more oil. We are producing more oil offshore and onshore in the lower 48, and we are also producing more natural gas liquids. As I said just a minute ago, we are also consuming less, and we need to continue to do both. In addition to those things, though, we are also increasingly relying on friendly governments for our imports rather than governments that are hostile to our country.

For example, by last year we were importing twice as much oil from Canada as we were from Saudi Arabia, and that is certainly a good development. We need to continue to not only produce more domestic oil but, to the extent we import oil, we need to bring it in from countries that are friends rather than countries that are foes, or certainly that may not share our beliefs and our interests. We have opportunities to do that.

For example, right now, very close to my State, we are working on a project which is the Keystone XL Pipeline. The Keystone Pipeline is designed to carry

crude oil from the Canadian oil stands in Alberta, Canada, to refineries in the Gulf of Mexico. The problem is, we are still awaiting approval for that pipeline. U.S. approval of this project will cost our Nation not one penny but will increase the supply of oil and gasoline in our country and help hold down the price of gasoline at the pump. At the same time, it will help reduce our dependence on oil from volatile parts of the world and create thousands of good jobs in America. We all know how important that is at a time when our Nation still has 9 percent unemployment and millions of people are out of work.

We have similar opportunities to boost the supply of domestic oil and gas on American soil as well, and not just in the lower 48 but also in Alaska. The Trans-Alaska Pipeline could help increase supply enormously, but right now it is only carrying about one-quarter of its capacity. The pipeline has the capacity to carry 2 million barrels of oil a day. Right now it is carrying something over 600,000 barrels of oil a day. So, clearly, that is a tremendous capacity that is not being utilized.

Senator MURKOWSKI has eloquently pointed out that the State of Alaska holds an estimated 40 billion barrels of oil, the equivalent of more than 60 years' worth of imports from the Persian Gulf. Yet that oil is excluded from our Nation's reserve figures. The United States is already the third largest oil and gas producing Nation on Earth, with 28.4 billion barrels of proven reserves. But it also has an estimated 162, almost 163 billion barrels of technically recoverable oil, according to the Congressional Research Service. Only Russia and Saudi Arabia produce more than our country.

So the lesson in all of this is clear. We can and we must increase domestic production of oil and gas in our country. The record over the past 5 years clearly indicates we can do it. As a matter of fact, we are on our way to doing it, and we can do much more. For example, in my home State of North Dakota, we have been working over the last decade to increase oil production, and we have. Since 2005, North Dakota has increased its production of oil by more than 200,000 barrels a day. North Dakota is now the fourth largest oil-producing State in the Nation. We have passed States such as Oklahoma and, more recently, Louisiana. We have the opportunity to produce much more. We have just barely scratched the surface.

Last month, I hosted a meeting of the U.S. Geological Survey in Bismarck to make the case for a new, updated study of recoverable reserves in the Williston Basin. Of course, the Williston Basin covers parts of North Dakota, Montana, and extends into Canada as well. The last agency study was completed in 2008, and it indicated there are 3.5 to 4 billion barrels of recoverable oil in the Bakken Shale Formation, which is in the Williston Basin—3½ to 4 billion barrels of recoverable oil. Industry scientists and engineers, however, who are working out in the Williston Basin right now feel that figure is low and the reality in terms of recoverable oil reserves in the Williston Basin is much higher.

That is why we are asking the U.S. Geological Survey to come out and do a reassessment. If they are right, the results will attract tens of millions of dollars in new investment to the region, creating more domestic fuel and lower prices for American consumers, more jobs in our State, in Montana, and more jobs for our country. Also, it will help us develop infrastructure and sustain economic growth throughout the region.

In North Dakota we focused on creating more energy, more oil and gas, and more other types of energy as well by creating a legal, tax, and regulatory climate—a business climate—that encourages private investment and job creation. I have spoken several times on the floor of the Senate and more times than I can count at home and around the country about the need to forge a legal, tax, and regulatory climate in America that will attract investment in the energy industry—whether it is wind, biofuels, coal, or oil and gas.

At a time when America is struggling with a 9-percent unemployment rate, the need to create private sector jobs is absolutely paramount. It is job No. 1. Building our domestic energy industry is one of the keys to accomplishing that. The oil and gas industry alone supports 7.5 percent of the U.S. domestic product and more than 9 million American jobs. Government doesn't create those jobs, but government creates the environment that empowers and unleashes the creativity and energy of American enterprise.

The challenge confronting the U.S. energy industry today, however, is a climate of legal, tax, and regulatory uncertainty. This uncertainty is not only sidelining investment and impeding production but also hindering job creation and raising fuel prices at the pump for American consumers.

We all want to ensure we have clean air and water, but at the same time we all want to develop our Nation's abundant natural resources and do it with good, sound environmental stewardship. Clearly, we need to look at our current legal, tax, and regulatory environment to make sure we have the commonsense, reliable rules that not only enable but actually empower companies to invest the hundreds of millions and billions of dollars in new technologies that will help us unlock the energy resources in this country, and do it with the kind of environmental stewardship we all want.

It is vital for the rest of our economy. The reason for that is simple. If the energy industry cannot grow, neither can our other industries. They cannot create the jobs and opportunities our Nation so very much needs, and they cannot provide the affordable energy American families and businesses depend on every day. Impeding domestic energy production, moreover, is a national security issue as well as an economic issue. Increased dependence for oil on unstable parts of the world, such as the Middle East and Venezuela, puts not just our economy but our Nation and our Nation's security at risk. Yet rather than reduce constraints on production, rather than encourage more exploration and recovery, rather than make our country a better place to do business, our laws and regulations too often seem aimed at serving every other purpose but increasing domestic energy production and supply.

Ironically, at a time when we need to invest and create jobs, billions of dollars are not being deployed. That is because energy investors are waiting to see what kind of rules will govern things such as fracking for domestic oil, hydraulic fracture, CO_2 management, and transmission line siting. Companies out there are ready to make billion-dollar investments that will have a lifespan of more than 40 years, but they do not know the rules of the road. By certainty, I don't mean more restrictive rules and regulations; I mean commonsense rules of the road that would not change arbitrarily or according to political crosswinds.

A number of us in the Senate on both sides of the aisle are already working on commonsense initiatives to ensure that Congress, rather than government agencies, establish those rules. I have already spoken about some of those on the Senate floor. Today, I would like to talk about another one. Today, I want to discuss, for just a short period, another piece of legislation that I believe will help reduce the price of fuel at the pump—not by increasing production but simply by applying good judgment to the rules that govern distribution of gasoline in the United States.

Senator ROY BLUNT, myself, and a number of other Senators are promoting a bill called the Boutique Fuel Reduction Act of 2011. This legislation would simplify the Nation's fuel standards and make more fuel available to American consumers. It would give the administrator of the Environmental Protection Agency—the EPA—the flexibility to waive certain agency requirements pertaining to the use of specific or boutique fuels—specialty fuels—when extreme or unusual distribution problems are limiting supply.

Currently, the increased use of different types of fuel for different parts of the country is causing artificial shortages in some retail markets and, consequently, higher prices at the pump for our motorists. A service station in one city that runs out of fuel may not be able to use a certain blend of gasoline available just 50 miles away because it is not approved by the EPA for use in that location. Unfortunately, under current law, the EPA can waive the requirements only during a natural disaster, not to meet shortages or price spikes such as we have today. The law we are sponsoring would change that.

In addition to the bill, myself and a group of Senators—and House Members as well—have also sent letters to EPA Administrator Lisa Jackson, calling on the agency and the Department of Energy to complete the fuel harmonization study which Congress requested more than 5 years ago. That report was due in 2008. This report would examine the effects of the Nation's varying boutique fuels on retail prices and also assess the feasibility of developing national or regional standards to reduce the multiple varieties required today by the EPA.

Having fewer types of fuel would make more fuel available during shortages, thereby putting downward pressure on prices at the pump. It would give refineries more options to meet demand and help stabilize and reduce the retail price of gasoline.

We expect EPA and the Department of Energy to follow through on the congressional intent that was outlined in the 2005 law and conduct and complete that study as soon as possible, which correlates closely with the legislation we are sponsoring.

Bear in mind, the measures I just discussed do not cost anything. They take no funding to work. Yet they can help us reduce fuel prices for the American consumer, for our American families. They can make doing business in America more affordable, reduce our trade deficit, and help get Americans back to work again.

We need to increase domestic fuel production, and we need to provide regulatory relief in order to do it because high energy prices, whether it is fuel for our cars or electricity for our homes and businesses, impact virtually every sector of American life. That includes jobs, that includes economic growth, that includes the purchasing power of the American family, and ultimately includes our standard of living and our quality of life.

Our future is fueled by energy and that future depends on the decisions and the choices we make right now. We need to get them right.

I yield the floor.

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

THANKING THE MISSOURI NATIONAL GUARD

Mrs. MCCASKILL. Madam President, I rise to make some brief comments about people at home I am so proud of. Over the past 3 weeks, my home State has been the site of heartbreaking destruction that resulted from a series of severe weather incidents throughout the State. We have also had the privilege of witnessing great acts of bravery, compassion, and neighbors being neighbors in response to these incidents. I wish to take just a moment to recognize the incredible character of Missourians and particularly to recognize the contributions made by the citizen-soldiers and airmen of the Missouri National Guard.

Today, weeks after historic flooding began, we continue to see its life-altering effects, in my State and others all along the Mississippi River. My prayers, and those of my colleagues, go out to all those who have and will continue to have their lives altered by this tragedy.

I will continue to work with my colleagues in the Missouri delegation to make sure that the Federal Government provides the assistance necessary to help Missourians affected be tragedy to get back on their feet. Already, the President has granted the first Federal disaster assistance to individuals and households across the State. More announcements will come as damage assessments are completed. USDA is also poised to assist and will start holding public meetings in the affected areas to inform farmers and landowners of the help that they can receive.

One thing that has struck me about the response to the storms has been the dignity and class with which Missourians have carried themselves. In my State, families have been driven from their homes, pushed away from their jobs, lost everything. Whether it is a family in North St. Louis whose home was destroyed by a tornado, or a producer whose family farm was submerged when the levee protecting it was intentionally breached, Missourians have drawn on their faith, their families, and their neighbors to pull through. I had the opportunity to spend time with some of these families during my trip to view flooding in southeast Missouri. Their courage is inspiring, and is an example of the American spirit that we all hold dear.

We have had a rough year. The last 3 weeks have been particularly destructive, starting with the tornado and strong winds that ripped through the St. Louis area on Good Friday, April 22. This tornado, rated an EF–4, was estimated to be the strongest to hit the area in nearly four decades.

As the tornado and storms battered the St. Louis area, rain continued to fall on southeast and southern Missouri. When Governor Jay Nixon made the decision to deploy the Missouri National Guard to assist local emergency responders in their efforts, it marked the 20th time in the past 6 years that the Missouri National Guard has provided such assistance, including the last time that catastrophic flooding struck the State, in 2008.

Since their deployment to respond to this latest disaster, the Missouri National Guard, under the strong leadership of their adjutant general MG Stephen Danner, has provided invaluable support to the Governor, the Army Corps of Engineers, local responders and citizens across the scores of communities that have suffered damage. Two events from recent days provide a perfect summary of the service that these brave men and women continue to perform for the people of my State.

Last week, the citizen-soldiers and airmen of the Missouri National Guard joined the people of Caruthersville, in Pemiscot County, to rapidly erect a secondary flood wall to support the existing wall. This wall, made of 60,000 sandbags stretched across over 3,000 feet, helped to provide safety and peace of mind for a community that feared the worst.

A couple of counties away, Missouri National Guard members helped to save a 93-year-old trapped in her car as she tried to cross a flooded Black River. One of the guardsmen on the scene, seeing his first emergency duty, remarked ''we weren't there to be heroes, we were just doing our jobs.''

The citizen-soldiers and airmen of the Missouri National Guard, while ''just doing their jobs,'' have played an important role in supporting the flood response efforts of their neighbors.

A member of the 1138th Military Police Company said it best when he said ''nothing makes you feel as good as being able to help your neighbors in Missouri.'' The Missouri National Guard, and the people they valiantly serve, are and will continue to be the embodiment of those words and the spirit that we all strive to personify. I thank them for their bravery, for their selflessness and for being great neighbors.

We will all stand by to be of assistance as everyone recovers from the natural disasters that have brought such destruction to the State I love.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 973 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the time for morning business for debate only be extended until 6 p.m. with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Alabama is recognized.

FINANCIAL HEALTH

Mr. SESSIONS. Madam President, I want to share a few thoughts on a very important matter, the financial health of the United States. We had a nice meeting with the President earlier today. The Republican Senators virtually all were there, shared their thoughts, and the President responded. All in all it was a good exchange. Those are the kinds of meetings where I do not talk about what is said in detail and quote anyone.

I was asked by a number of reporters what happened and what did you say about it. I guess my conclusion is that not much happened. No commitments were made that I could see, that indicated the President had made any

change in the budget he had submitted or the speech he gave somewhat amending his budget a few weeks ago.

He did not make any changes in the plan I am seeing out there. He was open, discussed it, maybe something will happen. What is the status of the Senate's business? This is the Senate. The Senate has serious responsibilities. The Budget Act was designed to ensure that Congress passes a budget, because it was learned over the years—it goes back to the 1970s—that a budget is important for a country. Families have them, businesses have them. You need a budget.

Congress was having trouble passing a budget. So they passed the Budget Act that allowed a budget to become law without 60 votes in the Senate, but they could be passed with 50 votes. As we know, there are 54 Democrats in the Senate—and more, I guess, than that with Independents who caucus with the Democrats. So this is the situation we are in.

The President complied with the Budget Act, a week late, by submitting his budget, and his budget failed to meet the requirements of our time to a very significant degree. Every witness we have had in our budget committee—I am the ranking Republican on it—has indicated and told us, many in great detail and with passion, we are on an unsustainable course; you cannot continue to borrow 40 cents of every dollar and try to fund a government borrowing that kind of money.

We will hit a budget deficit this year of $1.5 trillion, the largest in the history of America. In 4 years, the President will have doubled the entire debt of the United States based on the trillion-dollar deficits he has had each year. So this is not an acceptable path for us to be on.

We had hearings in the Budget Committee about the critical issues we face. We considered and had testimony from the fiscal commission that President Obama appointed—Erskine Bowles and Alan Simpson, we had Rivlin-Pete Domenici. Senator Domenici, retired now, was Budget chairman at one point in time in the Senate. Alice Rivlin, OMB Director for President Clinton, is a wizard herself with numbers. They proposed some real changes in the debt trajectory we are on. I thought after that, and based on the comments of Senator CONRAD, our chairman, and the strong witnesses we heard who called on us to make significant changes in what we were doing that we would move forward with a budget that would be a good bit stronger than the one President Obama submitted.

Indeed, President Obama's budget was not serious. President Obama's budget took the current spending line for 10 years, that the Congressional Budget Office said we are on, and it made it worse. It made the deficit worse, $2 trillion worse than the current plan we were on—totally unacceptable.

He proposed in his budget increasing the Department of Education funding by 10.5 percent; increasing the Energy Department funding 9.5 percent; increasing State Department funding 10.5 percent; proposed increasing the Transportation Department 62 percent.

In a time when inflation is 2 percent, we are having those kinds of increases and we say we are submitting a budget that recognizes we are on an unsustainable course and we have got to change. Well, it was unacceptable. I was very disappointed about it. I think even the man he appointed to head the debt commission, Erskine Bowles, said they have come nowhere close to what is necessary to avoid our fiscal nightmare.

We were told by our Budget chairman, Senator CONRAD, whom it has been a pleasure to work with, that we would have a budget markup beginning this Monday. He told us that last week. Well, it did not happen on Monday. Then maybe it was going to be Tuesday. Maybe it was going to be Wednesday. Then all of a sudden the President invited the Democrats over Wednesday and the Republicans to the White House Thursday and everything is off.

I asked my staff, have we received a notice that we are going to have a Budget Committee hearing next week? The answer is no. So what do we say about that?

The Budget Act says the Senate and the House should commence budget action April 1. We have not done that. It says a budget should be passed by April 15. The Senate has not done that. The Republican House has. The Republican House has proposed a historic budget. They have passed it. They passed it on time. It will reduce spending by about $6 trillion. That would actually reduce taxes also and get the rates down to help encourage more economic growth, and put us on a path to fiscal sanity, not only this decade, but in the decades to come, because it dealt with some of the exploding entitlement programs such as Medicare.

What resulted from that? Well, Mr. RYAN, a brilliant young Congressman who has worked on budget issues for many years, is the most knowledgeable person probably in America about the details and the financial condition of America. They attacked him as though he did something wrong. The Democratic Senators and the President are spending their time attacking the one person who stood up and produced a budget that can be defended. He is prepared to defend it anywhere, anytime. He goes to townhall meetings. He has stood before the press. He has issued statements. He has explained what his budget is. It may not be perfect, but it is a change. It would put us on a path to financial stability. And what has the Senate done? Complained about his budget. Well, it is time this Senate produces a budget.

Let me say this: Today, 743 days have passed since the Senate has passed a budget. Now, let me ask, if we took a poll of the American people, how many of the American people would say the Senate shouldn't pass a budget? We have a whole act that requires one to be passed and brought up and voted on. What happened last year? The Budget Committee did produce a budget. It came to the floor, and the Democratic leader, Senator REID, just didn't have time to bring it up. Why? Well, you know, there is a vote-arama. We don't like vote-aramas. What is a vote-arama? Everybody gets to file an amendment, and Senators are supposed to vote. It has to be brought up and passed. It is passed by a simple majority. Why? Because we want to accelerate the debate and make sure a budget is passed because a nation that intends to be serious about its financial stability needs a budget, does it not? This began in the 1970s.

So we are now beginning to wonder, will the committee even pass a budget? Is Senator CONRAD not even going to have a committee markup and produce a budget? Is the Democratic Senate not even going to move one out of committee? At least it moved one out of committee last year. And if the committee does meet and does move a budget, is Senator REID prepared to stand up, like Congressman RYAN, lay his budget down before the American people, and defend it before the world? Oh, well, we need to have talks. We have talks going on. The Vice President is having a meeting. The President is inviting everybody over.

Why don't we move forward with our budget process, I ask? Why don't we? Well, why not? We read in one of our local newspapers that cover the Senate—I think it was The Hill—Senator CONRAD had a hard time with his Democratic colleagues. His budget, which I very much was afraid wouldn't contain spending enough, but certainly I felt it would be better than the budget President Obama had submitted, was discussed with his Democratic colleagues last week in their conference, and it didn't go well, we are told. So this week he came back again, apparently, and produced another budget.

According to the report, Senator SANDERS—probably the most aggressive and articulate advocate for greater government spending and activism in the Senate—seemed to be very happy that he changed the budget, and it had $2 trillion in tax increases, they said, and $2 trillion in spending reductions. That is supposed to be balanced. But that is not what the debt commission said. The debt commission—which I didn't agree with, really—said we should have at least $3 worth of spending reduction for every $1 in tax increases.

Then we have another report. I think it was in the CQ publication that does work around here and digs up information. They said it looks as if there are going to be fewer spending reductions. It looks as though it is going to be about $2 trillion in tax increases and only $1.5 trillion in reduced spending. So it is less than even 1-to-1.

Well, I think if I were the majority leader, I wouldn't really feel comfortable about bringing such a budget as that before the American people and standing right down here and defending such a weak response to the fiscal crisis we are now in. Of course, that budget is irresponsible if that is so. I don't think the American people will be happy with it. I certainly will oppose it with all the strength in my body if that is the nature of it.

Well, why don't you know, SESSIONS?

Well, I haven't been told. We asked. The Republican members of the committee wrote the chairman and asked that any budget numbers that are produced be produced 72 hours in advance of the hearing so we can study it, offer amendments, or substitute as we choose to do. We have been basically told we will get the budget resolution the chairman intends to file the morning it starts. When we commence the hearing to mark up the budget, we will be getting the copy of what they propose to bring forward. We really think that is not a healthy way to do business on a matter this important.

This period in history represents the most significant long-term threat to American financial stability that we have seen maybe ever. Sure, we had a tough time during World War II and the debt went up, but we could see, when the war was over, the strength of our workforce, and the economy grew. We came right out of that and got that situation under control quickly. But now we are in a situation in which our Nation is aging. The number of people working is down. The number of recipients of Medicare and Social Security is up. We have to figure out a way to honestly deal with that without in any way placing our seniors at risk and other people who benefit from government programs.

It is going to take some change. It is first going to take change in wasteful Washington spending. All our discretionary spending needs to be looked at, and we also are going to have to look at the long-term prospects for our financial future, as our creditors—those who are loaning us this money we are borrowing—are getting uneasy. They are not too comfortable with what we are doing.

I believe any President of any party who desires the mantle of a leader, desires to demonstrate a commitment to a firm footing for our financial future, should come forth with a plan as part of the budget process and lay it out so the American people can see it.

I am becoming very concerned, once again, even though 743 days have passed since a budget has cleared this Senate, that we may not get one this year. What an event. That, to me, is unthinkable. How irresponsible could we be to go another year under these circumstances? For example, the Congressional Budget Office has analyzed the President's proposal for the future, and that scoring of the President's budget concludes a couple of things. Last year, the interest we paid on the money this Nation has borrowed was $200 billion. In 10 years, under the President's plan, the Congressional Budget Office said the amount of interest that would be paid in 1 year is $940 billion. That is bigger than the Defense Department. That is bigger than Medicare. It will be the largest single item in the entire budget. It is unthinkable. We get no benefit from that whatsoever except the money we borrowed to live off of.

We are passing huge debts off to our grandchildren. The expert economists and financiers who testified before the Budget Committee said: Don't think you can just assume the problem falls on your grandchildren. They said we could have a crisis much sooner than that.

Mr. Bowles and Mr. Simpson issued a statement to us when they testified that said we are facing the most predictable debt crisis in American history. We asked: Could we have an idea of when such a crisis could hit us? And Mr. Bowles, chosen by President Obama to head the commission, said 2 years, maybe a little earlier, maybe a little later. Alan Simpson said: I think it could be 1 year.

Well, we hope we don't have some new debt crisis. We hope the people who have been loaning us money don't get so nervous, as they have done in Greece, that our interest rate surge puts this economy in a dangerous condition and damages our country. I hope that is not happening within 2 years or 1 year. Wouldn't that be a disaster for us? How do we prevent it? We take action now that changes the debt trajectory of our country and sends a message to the whole world: We get it. We know we can't continue on this path, and we are changing. And the way our Congress and government is set up, the way that change occurs is through the adoption of a budget.

I remain very disappointed that while the House has produced a historic budget on time—by April 15—we have not even begun to mark up a budget in the Senate. That is irresponsible. And we need to know and the American people need to know that the majority leader, if a budget is passed out of committee—and certainly it should be—will move it to the floor and bring it up for vote and amendment and debate, and then it goes to the House and conference, they hammer out the differences, and we adopt a budget that can help put this country on a sound financial path and avoid the kind of crisis so many experts have warned us could occur.

I thank the Chair. I see my fabulous colleague, Senator HATCH, the ranking Republican member of the Finance Committee and my former chairman of the Judiciary Committee. I was honored to serve with him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my dear colleague for his kind remarks. I appreciate them.

COLOMBIA TRADE PROMOTION AGREEMENT

Mr. HATCH. Madam President, yesterday the Finance Committee held a hearing on the U.S.-Colombia Free Trade Agreement, what we call the Colombia Trade Promotion Agreement. This agreement will provide significant new opportunities for U.S. manufacturers, agricultural producers, and service providers in the rapidly growing Colombian market.

Implementation of the Colombia agreement would also benefit U.S. national security. Colombia is emerging from decades of civil strife, and it is in our interests to see that Colombia continues to heal from its wounds of the past. This free trade agreement will help bring further stability to Colombia, a close friend and ally, while also opening and further building the market for U.S. exports to that country. In short, it is a good agreement for the United States.

So what is the holdup? Over 4 years have passed since the U.S.-Colombia Trade Promotion Agreement was signed. It is imperative that the administration submit an implementing bill for this agreement to Congress, and soon. The administration, however, still won't say when it will send an implementing bill to Capitol Hill.

During yesterday's hearing, I asked our Deputy U.S. Trade Representative two very simple questions regarding this issue. First, assuming that Colombia fulfills the steps outlined in the labor action plan developed by the Obama administration and the Colombian Government, will the administration submit the Colombia agreement to Congress for a vote? Second, is the administration preconditioning the President's formal submission of the Colombia trade agreement on matters not related to the action plan, such as congressional extension of trade adjustment assistance or permanent normal trade relations for Russia? To me, these questions are pretty clear and can be answered with a simple yes or no. But, unfortunately, we did not get a clear answer. After years of delay, we still do not know if the administration will ever submit the Colombia agreement to Congress for approval. This is very unfortunate.

The Obama administration's delay in submitting the Colombia agreement is hurting U.S. exporters. This failure is a drag on job creation and economic growth. While the President has dithered as to whether to implement the trade agreement with Colombia, our trade competitors have been more than willing to enter into agreements with Colombia. Consequently, while Colombia's tariffs on U.S. imports have remained in place, Colombia's tariffs on products from other countries are falling away.

For example, Colombia has implemented a preferential trade agreement with Argentina and Brazil. As a result, U.S. farm products are rapidly being displaced in the Colombia market by products from those countries. So it is not too surprising that between 2007 and 2010, U.S. agricultural exports to Colombia fell by more than half, and it looks like matters are going to get even worse. A Montana wheat grower who testified at yesterday's hearing noted that the U.S. share of Colombia's wheat market fell from 73 percent in 2008 to 43 percent in 2010. He also stated that following implementation of the Canada-Colombia Free Trade Agreement, which is expected to occur this year, U.S. exports of wheat to Colombia will drop to zero unless the United States implements its trade agreement with Colombia. So U.S. agricultural exports to Colombia are already falling. U.S. manufactured goods and U.S. services will be next.

It does not have to be this way. We do not have to continue giving away the growing Colombia market to our competitors. If we want to boost our exports to Colombia, all we have to do is implement the U.S.-Colombia Trade Promotion Agreement.

The Obama administration had earlier stated that it wanted to address Colombia's internal labor situation before moving ahead with the agreement. But the administration delayed taking any meaningful steps to address their concerns with the Colombian government for years. A few months ago, the administration finally got serious about engaging with Colombia. And, lo and behold, in a matter of weeks—in a matter of weeks—they were able to develop a labor action plan that addressed their concerns in a meaningful and concrete way. The administration discovered that, in their own words, they had a willing partner in Colombia. The fact of the matter is that Colombia has been taking steps for years to address issues related to violence against unionists and has always been willing to do more. Why it took the administration so long to figure it out is a mystery to me.

So the Obama administration has now negotiated an action plan that addresses its concerns regarding the labor situation in Colombia. You would think we would have clarity that, once the steps in the action plan are fulfilled, the administration would submit the agreement to Congress for its consideration. But we do not have this clarity. There has been no clear answer to this very simple question. Instead, there seem to be more preconditions on submitting the agreement that are not even related to the agreement itself, such as extension of trade adjustment assistance and permanent normal trade relations for Russia.

This is very odd. Most economists would agree that there are likely to be very few workers who will lose their jobs because of implementation of the Colombia trade agreement. After all, the U.S.-Colombia trade agreement will result in almost no growth in imports from Colombia. This is the case as almost all Colombian products have entered the United States duty free over the past two decades on account of U.S. trade preference programs. In contrast, Colombia's average applied tariff on U.S. imports is over 12 percent, and they can reach as high as 388 percent.

Moreover, the administration itself testified that implementation of the Colombia agreement: will expand exports of U.S. goods to Colombia by more than a billion dollars—that is with a ''B''—increase U.S. GDP by $2.5 billion; and support thousands of additional jobs for our workers, at a time when we need jobs, and when we need to pull this economy out of the mess it is in. So it is hard to see further extension of the TAA program as a necessary precondition for approval of an agreement that will help our economy and support jobs in the United States. It is a no-brainer.

I am also bewildered by any attempts to precondition submission of the Colombia agreement to congressional support for permanent normal trade relations for Russia. These two issues are totally unrelated. Given the current disregard for the rule of law and the many trade problems that persist in Russia today, it is hard to argue that the time is ripe for Congress to grant Russia permanent normal trade relations.

Moreover, it would be particularly ironic and sad to condition passage of the Colombia trade agreement with permanent normal trade relations for Russia. Over the past 4 years, Colombia has been a reliable U.S. trading partner, ready and willing to remove its tariffs on U.S. imports through implementation of our trade agreement. During these same years, Russia has seemingly gone out of its way on numerous occasions to prove to the United States that it is an unreliable trading partner.

It is fundamentally unfair to continue to treat a friend and ally like Colombia in this ridiculous way. Unfortunately, it is not the first time Democratic leaders have put one of our closest Latin American allies in this position. The U.S.-Colombia Trade Promotion Agreement was first signed on November 22, 2006—almost 5 years ago. Democratic leaders refused to consider the agreement until their additional demands were met on labor, the environment, and intellectual property. The Bush administration responded by working with then-Speaker PELOSI on a package of changes that were understood would lead to consideration of the agreement. But once they had these changes in hand, the Democratic leadership in the House balked, citing yet more issues that had to be resolved. When President Bush submitted the Colombia agreement to Congress for its consideration utilizing trade promotion authority procedures in April 2008, the Democratic leadership refused to allow the agreement to come up for a vote. Instead, they changed the rules, and the agreement has since languished for almost 5 years.

It is time for the excuses to end. Resolution of unrelated issues such as trade adjustment assistance and PNTR for Russia should not be used as further barriers to submission of this agreement. Colombia is taking the steps laid out by the Obama administration that the administration has said are necessary before the President will formally submit the agreement to Congress. Once those steps are taken in June, I fully expect the administration to finally fulfill its end of the bargain and formally submit the agreement for congressional approval without further conditions. If not, the administration is making a conscious decision to continue denying U.S. exporters improved access to the Colombian market, and to undermine our standing as a credible ally in Latin America.

It is a no-brainer to realize that Colombia is one of our best friends. When you compare it to some of its neighbors, such as Venezuela—and I can name other countries that are undermining our very country as we sit here and stand here. The fact of the matter is, Colombia is a friend. Friends should not be treated this way. It is ridiculous what is going on. There is very little need for trade adjustment assistance in this particular deal. It is just another way of sucking from the taxpayers more money for purposes that literally do not exist.

I hope the administration will wake up and realize this would be a tremendous achievement for them. There is no reason in the world why they should not want to do this. It would be a sure creator of jobs at a time when we need jobs. It will even up a situation that up to this point has been sad. And it will help our country. Let's quit playing games with this free trade agreement. Let's get it up. Let's vote on it, and let's restore our relationship with Colombia to the great relationship it deserves to be.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BIG OIL

Mr. LAUTENBERG. Mr. President, as I stand here today, I am trying to figure out what our activities look like to the average American. They know we still have serious economic problems, though we are on a good track, and I think it is fair to say we are feeling a little bit better. But we were cautioned

by President Obama the other day—those of us who had a chance to sit in a room with him—that while things are looking up, there is still a long way to go before our people are back to work and before they can afford the basics they need to take care of their families.

While this is going on we have seen the most incredible courage, the most well-developed military plan imaginable, and the courage of our people who went in to apprehend Osama bin Laden. Thank goodness, nobody was hurt. It was a job well done, and the execution of a plan to bring to justice a man who helped kill almost 3,000 people at the World Trade Center and hundreds more in other attacks on American facilities—the Embassy in Tanzania, the Embassy in Kenya, the ship USS *Cole*—taking American lives. That is what they were determined to do.

President Obama, after lots of previous administrations looking at things, trying to figure out what to do to stop these terrorist attacks on America, had the courage to make a decision that would have rested so heavily on anyone in that governing position. He decided to take the risk knowing that our people were so well trained, so well committed that the chance of their failure was very slim but very real.

Good things have happened in America. Not only did this operation against bin Laden succeed in at least slowing down, if not eliminating, some of the terrorist threats in America, it also lifted the spirits of Americans across the country. We all felt better about it because we fought back against this terror threat.

But now I look at where we are and listen to the debate and look at what the House of Representatives has done with their majority. At this point in time, when we are still reeling from shock, having had perhaps the greatest recession since the Great Depression of the twenties and thirties, instead of trying to figure out ways to solve the problems, our colleagues on the Republican side are trying to figure out ways to punish the public. They would say to them: OK, so you don't have enough jobs—we are going to try to reduce the possibility that we will have enough, to reduce the possibility that a person who can learn but is not well off can get an education. They want to take away those opportunities. They want to take away programs that have succeeded.

We look back at our history in the last 90 years and ask: How did we get here? How did we get where we are? Mr. President, 400,000 Americans were killed in World War II. Then we saw growth in our country because of planning during President Roosevelt's days in the New Deal and the planning that President Johnson offered. We had Social Security developed, and then came Medicare, and then came Medicaid—programs that help people.

On a personal basis, for me, those years I am talking about were particularly significant. I was born to a poor family. My father found it very difficult to earn a living, as did millions of other Americans. He worked in a silk factory in the city of Paterson, NJ. He was a man very conscious of his health. But the problem was that the environment was such that he contracted cancer when he was 42. He died when he was 43 years old. His brother, working in the same type of facility, died when he was 52. My grandfather, who worked in the mills, died when he was 56 years old. That was life as I saw it. Things were bleak.

My mother was a 37-year-old widow, and she had to carry on through my father's sickness. They bought a store to make ends meet. It did not do very well, but it kept her going for a while. When all was over and my father died, I was already enlisted in the Army. My mother had no resources left. She owed doctors, owed pharmacists, owed hospitals. Every penny she had was gone. I looked at this experience and thought: Something is not fair. But I was lucky. I was able to get my education under the GI bill, as did 8 million other people who wore the American uniform during those dark days.

What happened? I got an education. I went to Columbia University. I was lucky. My tuition was paid for. I even got some money for books and some things I might have needed along the way were provided. It made a world of difference.

I was able, with two friends, to start a business. The company is fairly well known. It is called ADP. The three of us started with nothing, the two brothers with whom I was associated. Their father also worked in the factories of Paterson. They were immigrants as were my grandparents. But along came this educational opportunity, and with that came an opportunity to start a business. Today that company, ADP, is one of the four most creditworthy companies in the United States. They are listed as a three-star company.

ADP has 45,000 employees. They work in 21 countries. Most of the operation is in America but some of it is outside. It employs over 45,000 employees and helps businesses by taking over a particular part of their recordkeeping needs. It helps make things operate better in these companies.

Every month there is a labor statistic that is put out. It is done by ADP, my old company. The numbers are more reliable than those of the Bureau of Labor Statistics because the data is fresher. Every week, some 35 million people get their paychecks and that is where the data comes from. I left the company when I came here 29 years ago.

From all these experiences, I saw an America that gave people like me a chance to do things and created what is called the greatest generation in the history of America. Now, Mr. President, I am beginning to see what I believe is a great generation developing—the number of people getting to work, fewer claims for unemployment insurance, more consumer spending, and retail sales are up. The signs are good.

So when I look at what is going on in the House of Representatives, I see the stubbornness of our colleagues who refuse to step in and say: Look, we have to keep the government strong, we have to make sure we supply the kind of energy to the government that can move America along. Their response is cut, cut, cut, when all the critical social programs I mentioned were a needed expansion of government services. I am not one of those who want to cut valuable programs. I am one of those who want to reduce the deficit.

Mr. President, when you look at a balance sheet, a financial statement, it carries two parts: One part is expenses—costs—and the other part is revenues. You can cut expenses all you want, but if the revenues don't improve, you go bankrupt. It is pretty simple. And that is where we are being asked to put our future on the line. Hold the debt ceiling as ransom? For what? For what? It will destroy the competence in America. It will destroy our ability to be the country we are, the country that still leads the world despite competition.

When I left home this morning, I passed an Exxon station that is fairly near my home. There was a sign on the pump that gave the price of their gas—$4.79 a gallon. For people who have any distance to travel, this is painful. This is painful. This is part of the income they can use for basic things that are needed.

But what do we see? We see major gasoline companies, and we ask ourselves: Whose side are our colleagues on? It appears they are on the side of the gasoline companies. I think we ought to be more conscientious about this and make sure the public understands we are there for them, for the majority of people in this country who are sick and tired of seeing the price-gouging we have seen from the gasoline companies.

There was a Finance Committee hearing today, and I watched and heard the heads of these companies—the five big oil companies—say what they are worried about. Well, they are worried about the prospect of losing $4 billion a year they get in subsidies. And there was even kind of a caustic comment that it might be un-American to take away the subsidies these people get. Mr. President, $4 billion a year in subsidies.

When you look at what is going on with these companies, you see astounding results. Make no mistake, greed is fueling their appetite, and the bigger it gets, the more they want.

During the years of World War II, there was an excess profits tax that said companies shouldn't be feeding off of the opportunity the war presented and taking advantage of the public. Well, we are at war, in case people have forgotten about it. Afghanistan is a

real war. We still have the remnants of the difficulties in Iraq, we have piracy on the seas, and we have all kinds of things we have to keep fighting for. So there ought to be some recompense for our country for the opportunity they have to make this kind of money.

These are their earnings during the first 3 months of 2011, which is still part of the recession time: Exxon, their end-of-quarter profits were over $10 billion. Shell, almost $9 billion. BP, $7.1 billion—that is after their foul mistake in the Gulf of Mexico that cost plenty of money. They still made that kind of money. And Chevron made $6.2 billion. Little ConocoPhillips only made $3 billion in that quarter.

When you think about it, the irony is how well BP has done—a company that spewed 200 million gallons of oil into the ocean last year. Why is our government shoving billions of dollars into the pockets of their executives, their lawyers? Why don't we use the money to invest in a stronger America and pay down our debt? I would like to see us doing that.

Big Oil's greed is helping to inflate our deficit. Every day, Americans are footing the bill. You would think our colleagues on the other side of the aisle would want to put a stop to this madness, to step up for the average person. Well, so far we are not doing what I would like to see being done for the public, for the average citizen. Big Oil is doing everything in its power to protect its subsidies, and the Republicans are doing everything in their power to help them. The Republicans say that eliminating these wasteful subsidies will raise gas prices. That is wrong. That is plain wrong.

Look at the compensation of the CEOs here. Now, they are not selling pretzels or making potato chips; they are dealing with a commodity that is essential to the functioning of our society, of mankind. The CEO at Exxon got $29 million; ConocoPhillips, $18 million; Chevron, $16 million. These are all in 2010, for the year just recently concluded. I want to make certain people understand that companies paying their fair share in taxes isn't going to hurt the industry. It just means Big Oil executives may have to make do with a smaller swimming pool or maybe smaller yacht, but no real pain or punishment there.

The fact is, the Big Oil CEOs aren't feeling this recession. But instead of making our government more fiscally responsible by ending the giveaways to Big Oil, the Republicans have another idea: They want to cut the deficit by ending Medicare as we know it. That won't save us any money in the long term. It will simply increase the expenditures, as many are forced to pay more out of their own pockets for their health. Seniors are struggling. The big oil companies aren't.

I wish the other side would listen a little more closely to the wishes of the American people. Almost three-quarters of Americans say we should stop giving billions in tax breaks to the big oil companies each year. The American people know these subsidies are unnecessary, ineffective, and immoral. And it is not as if the oil industry is taking its annual $4 billion windfall and investing it in our country's future. No. In addition to going into the paychecks of the Big Oil executives, this money is being used to line the pockets of the industry's lawyers and lobbyists who are seen frequently and obviously around here.

I have seen this time and time again during my career in the Senate. I was the first Senator on the scene at the *Exxon Valdez* when it rammed into the Alaskan shoreline in 1989. Instead of being forthcoming and doing what they should have done, Exxon fought over every penny with the communities in Alaska—the families and the fishermen whose lives it destroyed. Instead of stepping up to pay the court-awarded damages—$5 billion—Exxon said: To heck with that verdict. We will fight it. We will fight it all the way. And they did, for years. They knocked down the amount from $5 billion in punitive damages to $500 million. I guarantee you they paid a lot of money to the lawyers and lobbyists, but they would rather give it to them than to the American people. That is what that shows. In the end, it took more than 20 years for Exxon to pay for what it had done. Some victims died while waiting for the company to make things right.

So we should not be giving Big Oil $4 billion in tax breaks each year. Their profits, which last year exceeded $100 billion, are larger than lots of countries. We should be investing in ways to break our dangerous addiction to oil. We should be investing in innovative approaches to moving people and goods, including increasing funds for transit, creating a world-class high-speed rail network, and expanding the number of electric cars on our roads. We should also boost our country's promising clean energy industry, making sure we lead the world in the export of environmental products that are proudly stamped with the ''Made in the USA'' label.

Don't be fooled—drilling will not, in the final analysis, get us out of our energy problems. We use almost a quarter of the world's oil, but we sit on less than 3 percent of the world's reserve. So drilling is going to just quickly bring the end of our ability to produce oil. That will be the conclusion. According to the U.S. Energy Information Administration, even if we open every offshore drilling area in the continental United States, the average price of gasoline would drop by just 3 cents a gallon by the year 2030. Here, we see it: The benefit of increased drilling will save us 3 cents a gallon in two decades. That is not very promising for people who have to rely on the automobile for all kinds of things in their lives.

Continuing to subsidize oil companies only increases our dependence on dirty fuels. And even as our children pay a heavy price—with asthma victims and other respiratory problems—it keeps us on a dead-end road to sky-high energy bills, more oil spills like the one we saw in the gulf, and dangerous pollution levels. Investing in clean alternatives to oil, cars that go further on a gallon of gas, and smart transportation, such as mass transit, are the only realistic solutions to our energy challenges.

Beyond clean energy investments, we should take the $4 billion we give away to Big Oil each year and use that money to pay down our deficit. It is pretty clear that we cannot restore fiscal sanity to our government unless we start paying more attention to the revenue column in our ledger.

I was a CEO for many years. I know you cannot run a company or a country without a strong revenue flow. Ending the government's wasteful oil industry subsidies will not be enough to erase our deficit, but it is a good place to start.

I call on my colleagues, have a citizen's heart. Look at this as you would any other obligation you have in your life. Make sure our country is strong and that our middle-class and our modest earners can look ahead for a decent life for themselves, educating their children and protecting their parents with proper health care. Get Big Oil off the welfare rolls. Let's end the industry's tax breaks and end our country's addiction to oil and other dirty fuels.

Let's invest in clean energy and smart transportation—and cut the windfalls for the oil industry lobbyists and lawyers. I want to make sure—and I am sure all of us do, down deep—our grandchildren and children inherit a country that is fiscally sound and morally responsible.

I yield the floor.

2011 NATIONAL POLICE WEEK

Mr. LEAHY. Mr. President, this afternoon I had the honor of attending the Top Cops event hosted by President Obama at the White House. I will be honored Sunday to attend the National Peace Officers Memorial ceremony. I appreciate the support the President is showing for our law enforcement officers not just this week but every week. Local law enforcement is critical to the peace and security of our families and communities in Vermont and across the country.

In 1962, President John F. Kennedy signed a proclamation to designate May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week. Every year during Police Week, thousands of law enforcement officers from around the country converge on Washington, DC, to honor those who have paid the ultimate sacrifice keeping all of us safe. I want to mark this week by recognizing the heroic women and men in law enforcement who are dedicated to just that. More than 900,000 law enforcement officers guard our communities at great

risk to their safety every day. National Peace Officers Memorial Day provides the people of theUnited States, in their communities, in their state capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by the women and men who serve in police forces, as peace officers and in all branches of law enforcement.

This week we honor those who lost their lives in the line of duty, and their families. In 2010, 153 law enforcement officers died while serving in the line of duty. Their bravery and sacrifice should not be forgotten. Since the first recorded police death in 1792, there have been more than 19,000 law enforcement officers who have died in the line of duty.

Late last week, the Senate passed a resolution I introduced to recognize those officers who lost their lives last year. I thank Senator GRASSLEY for joining me in sponsoring that resolution. I am glad the Senate came together unanimously to show its strong support and appreciation of America's law enforcement officers.

Keeping our communities safe is vitally important work and will always be dangerous, but we must work to keep those who protect us as safe as possible. The officers who lost their lives in 2010 are a stark reminder that we must not let up in our support of those who work day in and day out in the service of all of us and our communities.

I was proud to champion bipartisan legislation first passed more than a decade ago which has authorized Federal funding to assist in the purchase of lifesaving bulletproof vests for law enforcement officers. I have worked hard to ensure that legislation is funded each year. From 1999 through 2009, the Bulletproof Vest Partnership Grant Program has helped provide more than 800,000 vests. Just last year, the program paid for 95 new vests across Vermont. These vests have saved the lives of police officers across America.

In these tough economic times, when towns and cities have had to tighten their belts and make tough decisions about their budgets, these grants are even more important to protect law enforcement officers. Congress must continue to support this initiative to increase the safety of those in the line of duty.

Congress must also continue to support Federal assistance to state and local law enforcement. Consistent support for key Federal support initiatives like the COPS program, the Byrne/JAG program, and rural law enforcement grants are an important reason why crime rates have continued to decline even as the economy struggled and State budgets tightened. We were able to secure funding in the American Recovery and Reinvestment Act and renewed commitments in the appropriations process, which allowed police departments throughout the country to hire and maintain officers, buy needed equipment, and provide training.

In the current budget environment, everyone has had to make sacrifices. Even the President, who has been a strong supporter of law enforcement, has called for modest cuts in Federal assistance to State and local law enforcement. What we cannot afford are the draconian cuts in law enforcement assistance that others are proposing. We owe it to our law enforcement professionals and to our communities to continue our much-needed support.

HIRING HEROES ACT OF 2011

Mr. BAUCUS. Mr. President, President George Washington once said ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the veterans of earlier wars were treated and appreciated by their nation.''

President Washington's words are a serious reminder of our obligation to all of the brave men and women serving our country overseas. We have a solemn obligation to our veterans when they return home. And the unemployment numbers among veterans make it clear that we have a long way to go.

The unemployment rate among veterans who have served in the military since September 2001 far exceeds that of their nonveteran peers. The unemployment rate for Iraq and Afghanistan veterans hit 13.1 percent in April. This is roughly 3 percentage points higher than the previous year. The unemployment rate among Montana veterans has more than doubled since 2005. This is a serious problem. We should be greeting our veterans with quality health care and our eternal gratitude, not an unemployment check.

Yesterday, I was proud to stand with my friends and colleagues, Senator PATTY MURRAY and Senator JON TESTER, as we introduced the Hiring Heroes Act of 2011. The bill will take a number of important steps to help our brave veterans find work when they come home from war.

If a soldier serves as a truck driver or a medic in the military, there shouldn't be excessive red tape to become a truck driver or serve in a hospital as a civilian. That is why this bill requires the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor to study how skills learned in the military can be more effectively translated to meet the qualifications required for civilian jobs back home. The legislation would also initiate a new program aimed at eliminating the barriers between military training and civilian licensure or credentialing.

The Hiring Heroes Act would require the Department of Labor to reach out to and assist recently discharged veterans receiving disability payments. The bill would also extend the VA's authority to provide rehabilitation and job training for severely wounded troops. Without this extension, only veterans separated from the military could take advantage of these critical employment services. Helping veterans requires close cooperation between the VA and veterans service organizations. That is why the legislation would authorize $4.5 million in grants for nonprofit organizations that help veterans find work.

The Hiring Heroes Act of 2011 compliments the legislation that Senators TESTER, GRASSLEY, Senator BURR and I introduced earlier this year: the Veteran Employment Transition Act of 2011. This legislation will reward employers that hire veterans who have recently completed their service in the military with up to a $2,400 tax credit under the work opportunity tax credit. I am proud that 17 of my colleagues in the Senate—Republicans and Democrats—have cosponsored this legislation. The House companion has 54 cosponsors.

The bill also cuts the redtape that generally exists under the work opportunity tax credit. Rather than having to go through the tax credit's current certification process, qualified servicemen and women who have been recently discharged will only need show their discharge documentation that was provided by the Department of Defense. This includes those men and women who were activated by their states as members of the National Guard.

Enacting this legislation would just be the first step. The tax credit will not work unless veterans and small businesses across the country know about it. That is why I am working with the Iraq and Afghanistan Veterans of America, Veterans of Foreign Wars, and other Veteran Service Organizations to help get the word out about this tax credit once we pass the legislation.

Briefly, I thank my Defenders of Freedom Fellows, Iraq and Afghanistan Veterans and Montana-Natives Charlie Cromwell and Troy Carter. As legislative fellows in my office, Charlie and Troy worked hard to draft and advance this bill. I created the Defenders of Freedom Fellowship so that Montana veterans could work on legislation that helps their fellow veterans. They would be proud of this legislation.

I encourage all interested Montana veterans to contact my office for more information. It will take this kind of teamwork to provide the support our veterans need when they come home from war. It is an honor to introduce this legislation and I look forward to its quick passage this legislative session.

SBIR/STTR

Mr. WHITEHOUSE. Mr. President. I wish to express my disappointment with this body's failure to move forward with the Small Business Innovation Research and Small Business Technology Transfer reauthorization.

The SBIR and STTR programs, as they are known, are key components in our Nation's commitment to being a global leader in research and development. If we allow these programs to expire, as they are scheduled to do at the end of this month, we will forfeit one of the best tools we have to support innovation.

Big companies do not hold a monopoly on big ideas. Small businesses, however, often lack the resources necessary to get a good idea off the ground. The SBIR and STTR programs have a long track record in helping small businesses leverage Federal support into innovative new technologies. Products developed with assistance from these programs can be found inside everything from the B–2 bomber to the electric toothbrush.

I am proud to say that some of these innovations were made in my home State of Rhode Island. Since the SBIR and STTR programs were created, Rhode Island companies have received 277 awards and almost $100 million in Federal support.

One of those companies is EpiVax, a biotech firm located in Providence. EpiVax focuses its work in the field of immunology and has received several SBIR awards over the years. Its most recent grant supports research on the development of a type I diabetes treatment. Other projects have included a hemophilia therapy and an improved Tuberculosis vaccine.

SEA Corp. is another Rhode Island company that has benefited from both SBIR and STTR grants. Located in Middletown, SEA Corp. is a veteran-owned engineering firm. In 2000, they received an SBA award to develop launch systems for the Navy. They have taken the same kind of inflator that is used in automobile airbags and reconfigured it to shoot objects as large as a 750-pound torpedo. SEA Corp. is now adapting that technology to launch unmanned aerial vehicles from ships and submarines.

I am proud of these innovative Rhode Island projects and the contributions they have made to our country. For Rhode Islanders, though, their most significant impact has been in the jobs they have helped create. EpiVax has grown to 22 employees at their facility in Rhode Island, and SEA Corp. employs 330. At a time when my State continues to suffer from 11 percent unemployment, we cannot overlook the importance of these jobs and the role played by the SBIR and STTR in supporting them.

In Rhode Island, we have put special emphasis on promoting the ''knowledge district'' concept. Leaders like Brendan McNally, the director of the Rhode Island Center for Innovation and Entrepreneurship, have worked to bring together early-stage ventures and to foster an environment of collaboration and innovation. A handful of RI–CIE businesses have received SBIR awards and many others have expressed interest in taking advantage of the grants to help their companies grow. If we fail to reauthorize these programs, great companies like EpiVax and SEA Corp. and so many others in Rhode Island and across the country may no longer have the resources to devote to developing the next generation of cutting-edge technologies and to create high-quality jobs in those fields.

It is clear that America must renew its commitment to being the world's leader in research and innovation. It is more than just a matter of national pride—it is an important part of creating jobs and securing our country's long-term economic well-being. The reauthorization bill would strengthen the Small Business Innovation Research and Small Business Technology Transfer programs and help preserve America's position as a leader in innovation.

I was discouraged that so many of my colleagues from the other side of the aisle voted to block the reauthorization of these vital programs. Simply put, this should not be a partisan issue. Given the importance of these programs to small businesses across the country, I hope that my Republican colleagues will come back to the table so that we can work together to pass a bipartisan reauthorization bill.

ISRAEL'S 63RD INDEPENDENCE DAY

Mr. MORAN. Mr. President, the first months of 2011 have been marked in the Middle East by profound change as citizens have demanded greater representation and increased accountability from their governments. As many of those protesting for change were beaten and killed in the streets, a sense of uncertainty about the future of the region and the commitment of some of our allies to American values was palpable. Yet, during this time of revolution, there has been no doubt about the certainty and strength of our Nation's alliance and friendship with Israel.

Since the United States recognized Israel 11 minutes after its founding on May 14, 1948, the two countries have worked side by side to advance democracy and peace.

In a region where dictators and family rule are the norm, Israel has stood out as a beacon for democracy—a country with an independent judicial system and strong rule of law where citizens are free to worship and speak as they wish.

For those wanting better governance and more rights in the Middle East, they just have to look next door to Israel for an example of how things could be.

In advance of Yom Ha'atzmaut—Israel's Independence Day—I wish to congratulate the citizens of Israel for building a strong and vibrant country despite the myriad challenges, wars and attacks they have faced. I look forward to working in the Senate to strengthen this strategically important relationship.

REMEMBERING PRIMO CARNABUCI

Mr. LIEBERMAN. Mr. President, sometime after nightfall on November 1, 1950, under the cover of a dark sky, there was a firefight north of the town of Unsan, in the Democratic People's Republic of Korea. Unsan lies in the eastern North Pyongan province, on the western half of the peninsula. It sits peripheral to the Kuryong River, which cuts a steep valley through the land as it channels out into the Korea Bay. Unsan also lies north of the 38th parallel and was enemy territory for the U.S. 8th Cavalry Regiment, 1st Cavalry Division, which had taken up position there just days before.

The regiment was part of a northward advance toward the Sino-Korean border, in aggressive pursuit of a weakened, retreating North Korean enemy. But as it advanced, it encountered a ferocious counteroffensive lead by Chinese forces, absorbing tragic casualties at the hands of damaging defeat. As the regiment retreated south back across the Kuryong, it was forced to leave behind many brothers in arms. Almost 600 Americans fell that day, many of whom were declared missing in action, MIA, never to be found.

Among the regiment was Primo Carnabuci of Essex, CT. Primo came from a family of patriots; his two brothers, Dominic and Louis, also served our country in uniform. Anecdotes about Primo from the battlefield paint the picture of a tenaciously courageous fighter. In one such story, outlined in a military document awarding him a Distinguished Service Cross for heroism, as reported by the Middletown Press, Primo was temporarily sidelined from battle after killing three enemy soldiers and taking grenade shrapnel to the face. As he was being attended to by a medic, Primo, according to the document, ''thrust away the aid man, picked up his rifle, and with utter disregard for his own safety, advanced into the fire of the enemy machine gun with blood streaming down his face.''

His brother Dominic was not surprised to hear that story. And it is safe to say that, as his regiment encountered those Chinese forces on that November night in 1950, Primo did not shy away from danger, but rather took the fight to the enemy, even as it overwhelmed his regiment. He ultimately perished in that battle and was declared MIA, leaving his family back home in Connecticut heartbroken and unsure about where he was, and whether he was alive or dead.

Suppressed in history's pages between the Second World War and the Vietnam war, the Korean war is often referred to as the ''Unknown War,'' or as the ''Forgotten War.'' While Primo Carnabuci's whereabouts were unknown to his family, he was certainly not forgotten. Every night since then, his brother Dominic has prayed that his brother would be found, and returned safely and soundly.

Miraculously, that prayer was answered, in part, just a few months ago,

when Dominic received a phone call from a U.S. Government official. Primo's body had been found in a mass gravesite surrounded by several of his compatriots and identified by DNA. Now, Primo has left Unsan, and he is coming back home to Connecticut.

As we gaze across the endless expanse of graves at Arlington Ceremony, or as we mourn the loss of a servicemember during a military burial somewhere across our land today, we must think about those who paid the ultimate sacrifice of not returning home alive but also not returning home at all. This country and its freedoms that we enjoy exist because men and women like Primo Carnabuci have defended it. Many have fallen for it so that we might live in freedom, and unfortunately, some of those who have fallen do not have the solace of having America as their final resting place.

On Thursday, Primo Carnabuci will be buried in Clinton, CT, with full military honors. As the crack of rifle fire and the cry of a bugle ripple through the air, and as the colors that Primo wore the uniform for are draped across his coffin, I hope that Dominic and the entire Carnabuci family will feel relief that Primo has come home and pride in his service. America is where he belongs, and America is where he will now forever rest in peace.

God bless Primo Carnabuci, God bless his family, and God bless the United States of America.

FUTURE MEMBERS OF THE ARMED FORCES

Mr. PORTMAN. Mr. President, I rise today to honor 349 high school seniors in 10 northeast Ohio counties for their commendable decision to enlist in the U.S. Armed Forces. Of these 349 seniors from 116 high schools in 104 towns and cities, 98 will enter the Army, 134 will enter the Marine Corps, 42 will enter the Navy, 25 will enter the Air Force, and 50 will enter our Ohio Army National Guard. In the presence of their parents or guardians, high school counselors, military leaders, city and business leaders, all 349 are being recognized on May 12, 2011, by ''Our Community Salutes of Cleveland.''

Later this month, these young men and women will join with many of their classmates in celebration of graduation. At a time when many of their peers are looking forward to pursuing vocational training or college degrees, or are uncertain about their future, these young men and women instead have chosen to dedicate themselves to military service in defense of our country.

Naturally, many may be anxious about the uncertainties that may await them as members of the Armed Forces. But, they should rest assured that the full support and resources of this Chamber, and the American people, are with them in whatever challenges may lie ahead.

It is thanks to the dedication of an untold number of patriots like these 349 that we are able to meet here today, in the U.S. Senate, and openly debate the best solutions to the many diverse problems that confront our country. It is thanks to their sacrifices that the United States of America remains a beacon of hope and freedom in a fractious world. We are grateful to them, their parents and their communities for instilling the character, values, discipline and mental and physical abilities of these outstanding young men and women.

Their decision to serve our country will not go unrecognized as we thank these 349 graduating seniors for the selflessness and courage that they have shown by volunteering to risk their lives in defense of others. We owe them, along with all those who serve our country, a deep debt of gratitude.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of names of the high school seniors.

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

United States Army—98:

Albright—Cleveland; Bankston—Ashtabula; Barnes—Cleveland; Benz—Lakewood; Bodenski—Sheffield Village; Bradshaw—Akron; Burke—Garfield Heights; Burney—Akron; Carroll—Columbia Station; Chrosniak—Sheffield; Ciano—Kent; Clady—Elyria; Corponoi—Cleveland; Cristarella—Richmond; Dixon—Maple Heights; Dunaway—Brooklyn; Ebanoidze—Parma; Ellis—Kent; English—Geneva; Errington—Clinton; Fioritto—Concord Township; Fisher, A—Amherst; Fleischmann—Kingsville; Gibbons—Columbia Station; Giles—Cleveland; Gluntz—Parma; Gonzalez—Lorain; Gorham—Ravenna; Grenig—Parma; Hadsell—Wayland; Haslam—Akron; Haworth—Kent; Helmick—Norton; Hooks—Euclid; Hooper—Chagrin Falls; Horner—Sheffield; Houdek, L—Bedford; Huertas—Parma; Hutson—Lakewood; Irby-Tinsley—Cleveland; Jackson, C—Euclid; Jackson, M—Cleveland; Kantola—Kingsville; Khan—Cleveland; Kirby—Ashtabula; Klein—Rock Creek; Kovach—Andover; Lanier—Cleveland; Laubenthal—Sullivan; Liubin—Mayfield Heights; Lutton—Madison; Mackell—Aurora; Maley—West Salem; Malone—Parma; Mamus—Broadview Heights; McCown—Akron; McDaniel—Lagrange; McFaul—Chesterland; Meinke—Medina; Millhouse—Kent; Miramontes—Chesterland; Mozek—Madison; Muska—South Amherst; Oakes—Pierpoint; Pesec—Painesville; Petro—Ashtabula; Popek—Independence; Porter, J—Kent; Porter, L—Akron; Prendergast—North Royalton; Price, J—Norton; Rainey—Cleveland; Ray, D—Rootstown; Reese—Wellington; Roberts, T—Akron; Robinson—Euclid; Roper—Akron; Sarota—Elyria: Schwinn—Vermilion; Shelton—Lorain; Shumate—Elyria; Stephan—Brecksville; Stephens—Euclid; Stocker—Windham; Storms—Akron; Stowers—Vermilion; Sullivan—Lorain; Thomas—Conneaut; Travis—North Ridgeville; Unrue—Mogadore; Vance—Ashtabula; West—Lagrange; White, D—Lakewood; White, J—Parma; Witczak—North Royalton; Woods—Cleveland; Yarbrough—Cleveland.

United States Marine Corps—134:

Aguiar—Medina; Anthony—Akron; Arraj—Cleveland; Atterbury—East Lake; Austin—Garfield Heights; Babusharvey—Maple Heights; Baker, B—Kirtland; Beirne—Medina; Benigni—Brunswick; Bergdorf—Tallmadge; Biro—Middleburgh Heights; Block—Sheffield Lake; Bohne—Cleveland; Boomer—Hudson; Bowen—North Olmsted; Bozin—North Olmsted; Brabson, G—Parma; Brill—Sheffield; Bruner—Willoughby; Bruno—Hudson; Buras—Hudson; Burlinghaus—Middleburgh Heights; Catavolos—Rocky River; Chase—Sagamore; Chesek—North Royalton; Clark, J—Shaker Heights; Colon—Broadview Heights; Cool—Wasdworth; Cottingham—Shaker Heights; Cruse—Brunswick; Davis, B—Mantua; Davis, E—Cleveland; Dekoning—Avon; Dodd—Cuhahoga Fall; Draughton—Cleveland; Ezell—Lagrange; Fadenholz—Elyria; Fink—North Royalton; Fisher, J—Cleveland; Fortner—Northfield; Fox—Akron; Gatliff—Wellington; Gerhart—Munroe Falls; Gill—Brunswick; Gonzales—Brooklyn; Graf, T—Ravenna; Graw—North Olmsted; Harmon—Elyria; Harter—Columbia Station; Hartley—Ravenna; Hasan—Cleveland; Heinzman—Brunswick; Hicken—Cleveland; Hobart—Akron; Houchins—Chesterland; Hufford—Cleveland; Jefferys—Akron; Jordan—Bay Village; Kaczmarek—Mentor; Keeran—Magadore; Kepple—Hiram; King—Cuyahoga Falls; Kinker—Diamond; Koleszar—Painesville; Ksenich—Amherst; Kubasky—Parma; Lang—Avon Lake; Likovic—Eastlake; Long—Mogadore; Lorwanphet—Cleveland; Lucas—Spencer; Martell—Cleveland; Martin—Lyndhurst; Martinez—Cleveland; Martz—Hudson; Mayton—Avon; McComb—Euclid; McKinney—Shaker Heights; Molnar—Chardon; Moran—Cuyahoga Falls; Nichols, E—Cleveland; Nichols, T—Madison; Olexadolyk—Amherst; Palmer—Barberton; Parker—Medina; Parkham—Cleveland; Parr—Ravenna; Peck—Litchfield; Peele—Hudson; Perry, D—Euclid; Perry, M—Akron; Peterjohn—Seven Hills; Phillips—Barberton; Poole—Cleveland; Price, J—Norton; Pritschau—Perry; Prokop—Mentor; Puelo—Streetsboro; Quella—Strongsville; Quercioli—North Ridgeville; Ray, J—Cuyahoga Falls; Reese—Clinton; Reinhart—Wadsworth; Richards, A—Grafton; Richards, M—Sheffield Lake; Riolo—Columbia Station; Roberts, K—Akron; Roberts, T—Akron; Robertson—Cleveland; Rogers—North Ridgeville; Rooney—Westlake; Rosenkranz—Medina; Salcedo—Cleveland; Shirey—Barberton; Slattery—Painesville; Snyder, J—Wellington; Spelic—Medina; Stanton—North Ridgeville; Steinle—Medina; Stephen—Cleveland; Sterk—Wakeman; Swartwood—Norton; Switzer—Brunswick; Venus—Seville; Walters Brunswick; Wayman—Berlin Heights; Weese—Akron; Werdebaugh—Wellington; Westfall—Norton; Willis—Wellington; Wilson, R—Ravenna; Woodyard—Richfield; Zeigler—Medina; Zwegat—Broadview Heights.

United States Navy—42:

Adkins—Ashtabula; Armbrust—Wadsworth; Barchanowicz—Ashtabula; Bennett—Wellington; Borelli—Fairport Harbor; Boscalion—Lodi; Brown—Wellington; Coffey—Geneva; Dane—Avon; Dickson—Madison; Doniver—Cleveland; Evans—Canton; Fipps—Warrensville; Graham—Geneva; Guthrie—Medina; Hamid—Avon Lake; Helderman—North Olmsted; Houdek, A—Geneva; Jackson, A—Ashtabula; Keith—Elyria; Lindak—North Ridgeville; Machesky—Amherst; Minnich—Elyria; Mitchell—Warrensville Heights; Montgomery—Litchfield; Mullins—Sullivan; Olbrysh—Mentor; Pillari—Strongsville; Reid—Parma Heights; Rice—Vermilion; Richards, J—Warrensville Heights; Roig—Olmsted Falls; Schuler—North Ridgeville; Sidwell—Medina; Smith—Warrensville Heights; Squire—New London; Tomaszychi—Elyria; Towell—Spencer; Verdi—Ashtabula; Waites—Concord; Wilson, A—Vermilion; Zappitella—Conneaut.

United States Air Force—25.

Baade—South Euclid; Baird—Broadview Heights; Brandt—Brookpark; Callahan—

Willoughby; Delp—Mentor; Felger—Middlefield; Gorta—Olmsted Falls; Halbrook—Willowick; Hernandez—Cleveland; Johnson, D—Cleveland Heights; Justiniano—Cleveland; Leach—Mentor; McFaul—Chardon; Moore—Nordonia; Munroe—Cleveland Heights; Novak—Brookpark; Nubert—Mentor; Ramsey—Avon; Semrau—Mentor; Seufer—Chagrin Falls; Silc—Painesville; Skorupski—Mentor; Snyder, A—Lorain; Wagner—Amherst; Williams, J—Cleveland.

Army National Guard—50:

Amin—Strongsville; Beavers—Cuyahoga Falls; Brabson, S—Macedonia; Casper—Mentor; Clark, K—Akron; Cripple—Akron; Cross—Cleveland Heights; Crowder—Clinton; Davey—Akron; Dragony—Brunswick; Ely—Brooklyn; Faulds—Copley; Foster—Lagrange; Ganzer—Medina; Garcia—Lorain; Gigliotti—Lagrange; Graf, B—North Royalton; Gray—Cleveland; Griffin—Cuyahoga Falls; Grimes—Clinton; Harrison—Cleveland; Hasrouni—Brunswick; Heil—Strongsville; Hendrix—Elyria; Hunt—Lorain; Ibarra—Cleveland; Johnson, A—Cleveland; Kelly—Copley; Knafel—Akron; Marksbury—Amherst; Mireles—Parma; Morrow—Akron; Ningard—North Royalton; Noble—Clinton; Patsue—Olmsted Falls; Riley, A—Amherst; Rotilie—Rootstown; Singleton—Cleveland; Slezak—North Royalton; Strouse—Cleveland; Suttle—Akron; Swanson—Cleveland; Toddy—Westlake; Turner—Vermilion; Urbanija—Fairview Park; Walker—Medina; Williams, R—Garfield Heights; Winkleman—Fairview Park; Wite—Akron; Young—Cleveland.

TRIBUTE TO RONALD E. WEINBERG

Mr. PORTMAN. Mr. President, today I honor Ronald E. Weinberg, chair of the Cleveland State University board of trustees and a principal with Weinberg & Bell Group, a Cleveland-based private equity firm, as he is honored by Cleveland State University with its President's Medal, the university's highest nonacademic honor.

The President's Medal is awarded to individuals, groups or entities whose dedication to the university is beyond question. The medal is conferred only when the honoree has made continuing and extraordinary contributions, or has provided exemplary and ongoing services that have advanced the best interests and mission of Cleveland State University.

The presentation of this award will take place during a gala celebration entitled ''Radiance—CSU Realizing the Promise,'' a highlight of Cleveland State University's commencement weekend. At that time, the President's Medal will be bestowed upon Ronald E. Weinberg for his extraordinary commitment, service and contribution to Cleveland State University and for his efforts to help students achieve their goals through higher education.

Mr. Weinberg was appointed to the Cleveland State Board of Trustees in 2001 and has served as chairman for the past 4 years. During his tenure, CSU has made great strides in becoming one of the country's top urban universities—the campus has been transformed with new buildings; highly credentialed faculty and researchers have enriched the learning experience; and enrollment has increased.

Mr. Weinberg has generously given his time and expertise to support CSU's mission and contribute to its success. Additionally, he has financially supported many CSU initiatives. He and his wife Terri served as cochairs of the Moses Cleaveland Scholarship Dinner, and he is a platinum sponsor of Radiance. Additional recognition of Mr. Weinberg's efforts will come as the Trustees' boardroom is named for him in recognition of a generous scholarship gift.

As part of Cleveland State University's Commencement Weekend celebration, Mr. Weinberg, CSU President Ronald M. Berkman and the CSU community will participate in the celebration of graduation as well as embark on a new tradition of celebrating and supporting scholarships, which are key to attracting promising students to Cleveland State University and giving them the tools to succeed.

It is during this time of commencement that we can all pause to honor our new graduates on their accomplishments and wish them well as they embark on new opportunities. We are also grateful to CSU for helping to provide our young people with the tools they need to be prepared for a competitive job market and to support their communities. It is important to thank those, such as Mr. Weinberg, who have dedicated time and resources to contribute to the success of our students, an investment that is critical to Cleveland's and our Nation's future.

TRIBUTE TO THOMAS G. KELLEY

Mr. BROWN of Massachusetts. Mr. President, I rise today to recognize Thomas G. Kelley of Boston, MA, a veteran who risked his life for his nation and went on to a distinguished career serving his fellow veterans.

A son of Boston, Tom Kelley responded to our Nation's call of duty and enlisted in the U.S. Navy, where as a lieutenant in Vietnam he commanded River Assault Division 152. In his service to our Nation, Tom Kelley earned our highest military decoration, the Medal of Honor. The story of how it happened is worth recounting.

On June 15, 1969, Lieutenant Kelley was leading several boats up the Ong Muong Canal to extract an Army company when one suffered a mechanical failure. Moments later, the enemy attacked. At this point, I would like to quote from Tom Kelley's Medal of Honor citation presented by President Richard M. Nixon:

. . . Lt. Comdr. Kelley realizing the extreme danger to his column and its inability to clear the ambush site until the crippled unit was repaired, boldly maneuvered the monitor in which he was embarked to the exposed side of the protective cordon in direct line with the enemy's fire, and ordered the monitor to commence firing. Suddenly, an enemy rocket scored a direct hit on the coxswain's flat, the shell penetrating the thick armor plate, and the explosion spraying shrapnel in all directions. Sustaining serious head wounds from the blast, which hurled him to the deck of the monitor, Lt. Cmdr. Kelley disregarded his severe injuries and attempted to continue directing the other boats. Although unable to move from the deck or to speak clearly into the radio, he succeeded in relaying his commands through one of his men until the enemy attack was silenced and the boats were able to move to an area of safety.

The citation concludes:

Lt. Comdr. Kelley's brilliant leadership, bold initiative, and resolute determination served to inspire his men and provide the impetus needed to carry out the mission after he was medically evacuated by helicopter. His extraordinary courage under fire, and his selfless devotion to duty sustain and enhance the finest traditions of the U.S. Naval Service.

Tom retired from the Navy in 1990 with the rank of captain and continued to serve in the Defense Department as a civilian. After returning to his hometown of Boston, Tom was named commissioner of the Massachusetts Department of Veterans' Services in 1999. In 2003, then Governor Romney named him the department's secretary, where he served until January of this year. Many of us in and out of the service were very sorry to see him go.

While at the helm of the Massachusetts Department of Veterans' Services, Tom Kelley remained a hard-charger, and through tireless effort, transformed the agency into a national model for effective and efficient care. Under Tom's leadership, a new generation of warriors went off to fight in Operation Enduring Freedom and Operation Iraqi Liberation. Many of these warriors came home with severe physical injuries and the invisible scars of brain trauma and post traumatic stress disorder. Tom ensured that the department devoted the same level of care for these younger men and women as it did veterans from earlier conflicts.

When I served in the State legislature, and as a member of the Veterans and Federal Affairs Committee, I worked closely with Tom on many issues and was always inspired by his energy and passion for helping his fellow veterans.

Tom served under Republican and Democrat Governors and ensured that the department remained focused on providing outstanding service to Massachusetts' veterans. I have no doubt that Tom Kelley will always be regarded as an extremely effective and dedicated secretary of veterans' affairs.

Tonight, Tom will receive a fitting farewell at a bipartisan gala, all the proceeds of which will go to the Massachusetts Soldiers Legacy Fund. And it comes as no surprise that the guest of honor insisted on purchasing his own ticket.

ADDITIONAL STATEMENTS

TRIBUTE TO DORI CARLSON

• Mr. CONRAD. Mr. President, I wish to take a few minutes today to recognize an outstanding North Dakotan. On

June 18, 2011, Dori Carlson will become the first female president of the American Optometric Association, AOA. Dori, who has two offices in North Dakota, was honored in 1994 as the North Dakota Young Optometrist of the Year and in 2003 as the Optometrist of the Year. She was also the first female president of the North Dakota Optometric Association.

Dori's No. 1 priority is to advocate the importance of having young children undergo vision testing. She tells parents all over the country about ''vision'' problems faced by young children, and that it is easier to address these problems if discovered early. She regularly highlights President Obama's statement regarding the need to review vision of young children:

No child should be falling behind at school because he or she can't . . . see the blackboard.

This is President Obama, February 4, 2009.

As a result of Dori's emphasis on the importance of children's vision, there continues to be an increase in vision testing. This means that fewer children are having vision problems. For all parents, we thank Dori for her dedication and congratulate her on becoming the new AOA president.●

UH–72 LAKOTA LIGHT UTILITY HELICOPTER

● Mr. JOHNSON of South Dakota. Mr. President, I wish to speak today to honor the inception of the UH–72 Lakota Light Utility Helicopter into the active fleet of the South Dakota National Guard D Company 1/112th Security and Support Battalion. On May 15, a ceremony will be held at the Crazy Horse Monument in the Black Hills of South Dakota—the traditional homeland of the proud Lakota Sioux for whom this aircraft has been named. After nearly a decade of development, the Light Utility Helicopter program offers the UH–72 Lakota as a state-of-the-art aircraft which will provide medical support to members of our military.

The UH–72 Lakota stands as a defining symbol of the continued partnership between the U.S. military and the Sioux people. Native Americans from all reaches of this Nation have proven, time and again, their willingness to serve in the U.S. military to protect our freedoms. In fact, members of Native American tribes like the Lakota have historically served, and continue to serve, at a higher per-capita rate than any other ethnic group in America. In its medical evacuation, homeland security, and drug enforcement aircraft capacities, I know the UH–72 Lakota will do this legacy proud, wherever it serves.

Per Department of Defense regulations, military helicopters are named after Native American tribes, and the UH–72 joins the ranks of other distinguished service helicopters like the H–60 Black Hawk, the H–64 Apache, the H–66 Comanche, and many others. Naming the UH–72 after a tribe with such a distinct and honorable history of bravery and service is a tribute to Native American heritage as potent as the service the aircraft itself will provide.

I commend the developers of this new aircraft for their hard work in the design and testing phases, as well as the pilots and crews whose input so critically enhanced the UH–72 as a finished product. I was pleased to have the opportunity to view the Lakota up close at a Rosebud Pow Wow a few years ago. I wish the pilots and crews of each of the D Company 1/112th Security and Support Battalion, as well as those serving in other regions, the best of luck with this new aircraft. ●

RECOGNIZING MAINE COMMERCIAL TIRE, INC.

● Ms SNOWE. Mr. President, next week marks the 48th annual celebration of National Small Business Week, a tradition started in 1963 under President Kennedy to highlight the critical role small businesses play in our society. This year, despite a difficult economy struggling to rebound, we can be proud of our Nation's nearly 30 million small firms that are working to move our Nation forward.

In light of this, today I commend and recognize Maine Commercial Tire, MCT, a commercial tire servicer and supplier in my home State of Maine. Recently, MCT's owners James McCurdy and James Lynch were named Maine's 2011 Small Business Persons of the year by the U.S. Small Business Administration. This is a highly deserved honor as both individuals' leadership has allowed MCT to prosper in a struggling and tumultuous economy.

Maine Commercial Tire began in 1990 in the town of Hermon, roughly 15 minutes from Bangor. Their goal was to supply new tires and retreaded tires while providing outstanding service to the many trucking businesses in Maine and portions of New Hampshire. Since that time MCT has grown substantially from 18 employees to 59 employees, and expanded by opening three additional locations across the State, in Augusta, Scarborough, and Lewiston. The company now retreads roughly 35,000 tires each year.

MCT is recognized both locally and globally for its commitment to excellence. The International Organization for Standardization, ISO, develops and sets high global standards that a variety of international companies strive to achieve in order to become certified in their field. In 2000, MCT became the first—and thus far, only—ISO 9002 certified tire dealer and independently owned retread shop in the United States. In addition to demonstrating MCT's commitment to excellence, this certification shows that American small businesses can truly compete in a global marketplace with hard work and perseverance.

As a result of their accomplishments at MCT, Mr. McCurdy and Mr. Lynch are receiving the prestigious Small Business Person of the Year award. This award takes into account a variety of criteria including: staying power as an established business, growth in number of employees, increase in sales and/or unit volume, current and past financial performance, innovativeness of product or service offered, response to adversity, and contributions to community-oriented projects. This is truly a deserved honor for Mr. Lynch and Mr. McCurdy. Their hard work and dedication has resulted in MCT being regarded as a nationwide leader in both the supply and servicing of truck tires and retreaded truck tires. Mssrs. McCurdy and Lynch were honored at a luncheon in Maine on May 5, and will also be recognized next week during National Small Business Week here in Washington.

It will take small businesses to lead us out of our economic morass. That is why I am thankful for companies such as Maine Commercial Tire, which have persevered and made great strides over the past 21 years. I thank Mr. McCurdy and Mr. Lynch for their leadership and everyone at MCT for their dedication to excellence, and offer my best wishes for success in their future endeavors.●

TRIBUTE TO DR. PHILLIP O. BARRY

● Mr. UDALL of New Mexico. Mr. President, I, with my colleague Senator BINGAMAN, wish to recognize Dr. Phillip O. Barry on the occasion of his retirement from a distinguished career serving higher education institutions in our home state of New Mexico and elsewhere.

A former Fulbright scholar, Dr. Barry has spent the past 36 years working in community colleges to improve learning opportunities for New Mexicans, Iowans, and New Jerseyans. Access to quality higher education makes all the difference for our children and our economy. In order to secure the future of the Nation, we must provide the best education possible. Innovative administrators like Dr. Barry play a vital role in achieving this important goal. As a community college president, Dr. Barry devoted 24 years to leading these institutions into the 21st century and helping them expand to meet the needs of more students and an evolving economy.

In his 15 years at Mesalands Community College in Tucumcari, NM, Dr. Barry transformed Mesalands from a technical school into a community college, including leading the college through a rigorous accreditation process. He established the college's foundation in order to ensure the financial security of the school for the future. Through Dr. Barry's leadership and foresight, Mesalands Community College created such innovations as its Dinosaur Museum, the North American Wind Research and Training Center, and an intercollegiate rodeo program.

Dr. Barry's vision for and guidance of Mesalands Community College has been instrumental to the continued development and success of the college. Senator BINGAMAN and I thank Dr. Barry for his commitment to higher education in New Mexico and to the community college students of today and tomorrow. Thanks to Dr. Barry and institutions like those he led, a growing number of Americans are able to continue their educations, achieve secondary degrees, and help ensure our country's future competitiveness in an increasingly global economy.

We wish Dr. Barry continued success, and for a most happy retirement.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1229. An act to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con Res. 46. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

At 2:50 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 50. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 953. A bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1229. An act to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

S. 990. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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–1634. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1161)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0325)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0262)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DASSAULT AVIATION Model MYSTERE-FALCON 50 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0261)) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc (RR) RB211–Trent 900 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0176)) received in the Office of the President of the Senate on May 5, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1304)) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France (Eurocopter) Model EC130 B4 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–0212)) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2008–0090)) received in the Office of the President of the Senate on May 4, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes Modified in Accordance with Supplemental Type Certificate (STC) ST00224WI–D, ST00146WI–D, or SA984GL–D'' ((RIN2120–AA64) (Docket No. FAA–2010–0042)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–0323)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CPAC, Inc. (Type Certificate Formerly Held by Commander Aircraft Corporation, Gulfstream Aerospace Corporation, and Rockwell International) Models 112, 112B, 112TC, 112TCA, 114, 114A, 114B, and 114TC Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0302)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH Models TAE 125–01, TAE 125–02–99, and TAE 125–02–114 Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–0820)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–1202)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from October 1, 2010 through March 31, 2011, received in the Office of the President of the Senate on May 12, 2011; ordered to lie on the table.

EC–1648. A communication from the Assistant Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers and Other Providers of Mobile Data Services'' ((WT Docket No. 05–265)(FCC 11–52)) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the Deputy Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band'' (FCC 11–6) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1650. A communication from the Deputy General Counsel, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Ex Parte Rules and Other Procedural Rules, Report and Order and Further Notice of Proposed Rulemaking'' (FCC 11–11) received in the Office of the President of the Senate on May 11, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes, and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0311)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company (Cessna) Model 172 Airplanes Modified by Supplemental Type Certificate (STC) SA01303WI'' ((RIN2120–AA64) (Docket No. FAA–2010–1243)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0379)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–541 and –642 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0310)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0383)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 777–200 and –300 Series Airplanes Equipped with Pratt and Whitney Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–0026)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–601, B4–603, B4–605R, C4–605R, Variant F, and F4–605R Airplanes, and A310–204 and –304 Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0035)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–200B, –300, –400, –400D, and –400F Series Airplanes Powered by Pratt and Whitney 4000 or General Electric CF6–80C2 Series Engines'' ((RIN2120–AA64) (Docket No. FAA–2010–1111)) received in the Office of the President of the Senate on May 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a legislative proposal to improve cybersecurity; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a legislative proposal to improve cybersecurity; to the Committee on the Judiciary.

EC–1661. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a a legislative proposal to improve cybersecurity; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 793. A bill to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the ''Specialist Jake Robert Velloza Post Office''.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

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

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 174. A resolution expressing the sense of the Senate that effective sharing of passenger information from inbound international flight manifests is a crucial component of our national security and that the Department of Homeland Security must maintain the information sharing standards required under the 2007 Passenger Name Record Agreement between the United States and the European Union.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 349. A bill to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. A bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. 739. A bill to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*David S. Cohen, of Maryland, to be Under Secretary for Terrorism and Financial Crimes.

*Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

*Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

*Sean Robert Mulvaney, of Illinois, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

By Mr. SCHUMER for the Committee on Rules and Administration.

*William J. Boarman, of Maryland, to be Public Printer, to which position he was appointed during the recess of the Senate from December 22, 2010, to January 5, 2011.

By Mr. LEAHY for the Committee on the Judiciary.

Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Sara Lynn Darrow, of Illinois, to be United States District Judge for the Central District of Illinois.

Richard Brooke Jackson, of Colorado, to be United States District Judge for the District of Colorado.

Kathleen M. Williams, of Florida, to be United States District Judge for the Southern District of Florida.

Nelva Gonzales Ramos, of Texas, to be United States District Judge for the Southern District of Texas.

Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

*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. CASEY (for himself, Mr. ISAKSON, Mr. BROWN of Ohio, Mr. BLUNT, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, and Mr. ROBERTS):

S. 958. A bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HAGAN (for herself and Mr. LIEBERMAN):

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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. ALEXANDER, and Mr. WYDEN):

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; to the Committee on Finance.

By Mr. KERRY (for himself, Mrs. MURRAY, and Mr. BEGICH):

S. 961. A bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 962. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 963. A bill to reduce energy costs, improve energy efficiency, and expand the use of renewable energy by Federal agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALEXANDER (for himself, Mr. GRAHAM, Mr. DEMINT, Mr. PAUL, Mr. CORNYN, Mr. LUGAR, Mr. SHELBY, Mr. ISAKSON, Mr. RISCH, Mr. BOOZMAN, Mr. LEE, Mr. KYL, Mr. VITTER, Mr. COCHRAN, Mr. COBURN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. HOEVEN, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, Mr. BARRASSO, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. HATCH, Mr. ENZI, Mr. CHAMBLISS, Mr. INHOFE, Mr. HELLER, Mr. MCCAIN, Mr. WICKER, Mr. RUBIO, and Mr. CORKER):

S. 964. A bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 965. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the costs of certain infertility treatments, and for other purposes; to the Committee on Finance.

By Mrs. GILLIBRAND:

S. 966. A bill to amend the Public Health Service Act to provide for osteoporosis and related bone disease education, research, and surveillance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Ms. SNOWE, Mr. REED, Mr. DURBIN, Mr. BLUMENTHAL, Mr. INOUYE, Mrs. SHAHEEN, Mr. SANDERS, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. AKAKA):

S. 967. A bill to establish clear regulatory standards for mortgage servicers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mr. COONS, Mr. BLUMENTHAL, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 968. A bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself, Ms. SNOWE, Mr. BROWN of Ohio, Ms. STABENOW, and Mr. BEGICH):

S. 969. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. CARPER, and Mr. CASEY):

S. 970. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

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

S. 971. A bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services; to the Committee on Finance.

By Mr. CARPER:

S. 972. A bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. NELSON of Florida, Ms. LANDRIEU, and Ms. STABENOW):

S. 973. A bill to create the National Endowment for the Oceans to promote the protection and conservation of the United States ocean, coastal, and Great Lakes ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 974. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. WICKER, and Mr. AKAKA):

S. 975. A bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 976. A bill to extend the designation of Monroe County, Pennsylvania, as a HUBZone, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 977. A bill to fight criminal gangs; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, and Mr. COONS):

S. 978. A bill to amend the criminal penalty provision for criminal infringement of a copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. CARDIN, and Mr. REED):

S. 979. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Ms. MURKOWSKI, Ms. CANTWELL, and Mr. BEGICH):

S. 980. A bill to promote secure ferry transportation and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 981. A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes; to the Committee on Armed Services.

By Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, Mr. RUBIO, and Mr. WEBB):

S. 982. A bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 983. A bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil; to the Committee on Finance.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. CASEY, Mr. MERKLEY, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, and Mrs. GILLIBRAND):

S. 984. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 985. A bill to amend the definition of a law enforcement officer under subchapter III

of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ:

S. 986. A bill to amend the Internal Revenue Code of 1986 to regulate the subsidies paid to rum producers in Puerto Rico and the Virgin Islands, and for other purposes; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mr. BLUMENTHAL, Mr. LEAHY, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BROWN of Ohio, Mr. HARKIN, Mr. KERRY, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. CASEY, and Mrs. BOXER):

S. 987. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 988. A bill to ensure that local educational agencies and units of local governments are compensated for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian; to the Committee on Energy and Natural Resources.

By Mr. MORAN (for himself and Mr. INHOFE):

S. 989. A bill to amend the Clean Air Act to require the exclusion of data of an exceedance or violation of a national ambient air quality standard caused by a prescribed fire in the Flint Hills Region, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 990. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; read the first time.

By Ms. MIKULSKI:

S. 991. A bill to ensure efficient performance of agency functions; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER:

S. 992. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 993. A bill to amend the Internal Revenue Code of 1986 to prevent the extension of the tax collection period merely because the taxpayer is a member of the Armed Forces who is hospitalized as a result of combat zone injuries; to the Committee on Finance.

By Mr. KIRK (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. DURBIN):

S. 994. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay-to-play reform, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KIRK:

S. 995. A bill to amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. BINGAMAN, Mr. LEAHY, Mr. SCHUMER, Mr. KERRY, and Mr. BROWN of Massachusetts):

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; to the Committee on Finance.

By Mr. TESTER:

S. 997. A bill to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. HARKIN, and Mr. DURBIN):

S. 998. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. HATCH, Mr. RISCH, and Mr. CORNYN):

S.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the legislatures of two-thirds of the several States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRAHAM (for himself, Mr. CONRAD, Mr. BURR, Mr. INOUYE, Mr. BEGICH, Mr. KERRY, and Ms. MURKOWSKI):

S. Res. 181. A resolution designating May 15, 2011, as ''National MPS Awareness Day''; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. SHELBY, Mr. ALEXANDER, Mr. CORKER, Mr. COCHRAN, Mr. WICKER, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, and Mrs. HAGAN):

S. Res. 182. A resolution expressing the condolences of the United States to the victims of the devastating tornadoes that touched down in the South in April 2011, commending the resiliency of the people of the affected States, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina, and committing to stand by the people affected in the relief and recovery efforts; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mrs. MURRAY, Mr. KERRY, Ms. MIKULSKI, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. WHITEHOUSE):

S. Res. 183. A resolution designating May 14, 2011, as ''National Police Survivors Day''; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 184. A resolution recognizing the life and service of the Honorable Hubert H. Humphrey, distinguished former Senator from the State of Minnesota and former Vice President of the United States, upon the 100th anniversary of his birth; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. INHOFE, Mr. WYDEN, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COATS, Mr. BARRASSO, Mr. CRAPO, and Mr. KYL):

S. Con. Res. 17. A concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 277

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 277, a bill 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, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) 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. 351

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 351, a bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes.

S. 352

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 352, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 384

At the request of Mrs. FEINSTEIN, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 425

At the request of Mr. UDALL of Colorado, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 425, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 489

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 510

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 510, a bill to prevent drunk driving injuries and fatalities, and for other purposes.

S. 543

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 584

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 603

At the request of Mr. NELSON of Florida, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 603, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 657

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 658

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 658, a bill to provide for the preservation of the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 696

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 737

At the request of Mr. MORAN, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 755

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 781

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 781, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 824

At the request of Mr. BROWN of Ohio, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 824, a bill to provide for enhanced mortgage-backed and asset-backed security investor protections, to prevent foreclosure fraud, and for other purposes.

S. 838

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 890

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 890, a bill to establish the supplemental fraud fighting account, and for other purposes.

S. 906

At the request of Mr. WICKER, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 931

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 931, a bill to amend the Internal Revenue Code of 1986 to reform the rules relating to fractional charitable donations of tangible personal property.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 940

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 940, a bill to reduce the Federal budget deficit by closing big oil tax loopholes, and for other purposes.

S. 947

At the request of Mr. JOHANNS, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 947, a bill to provide end user exemptions from certain provisions of the Commodity Exchange Act and the Securities Exchange Act of 1934, and for other purposes.

S. 950

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 950, a bill to amend title 23, United States Code, to repeal a prohibition on allowing States to use toll revenues as State matching funds for Appalachian Development Highway projects.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed

Forces and veterans, and for other purposes.

S. 952

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 952, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 953

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. COATS), the Senator from Tennessee (Mr. CORKER), the Senator from Mississippi (Mr. WICKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Missouri (Mr. BLUNT), the Senator from Kentucky (Mr. PAUL), the Senator from Wyoming (Mr. ENZI), the Senator from Kansas (Mr. ROBERTS), the Senator from Nevada (Mr. HELLER), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 953, a bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes.

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 953, supra.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 953, supra.

S. RES. 180

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 180, a resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime.

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Res. 180, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON MAY 11, 2011

By Mr. MCCONNELL:

S. 953. A bill to authorize the conduct of certain lease sales in the Outer Continental Shelf, to amend the Outer Continental Shelf Lands Act to modify the requirements for exploration, and for other purposes; read the first time.

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

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

S. 953

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 ''Offshore Production and Safety Act of 2011''.

SEC. 2. OIL SPILL RESPONSE AND CONTAINMENT.

(a) RESPONSE PLANS.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by inserting after section 9 the following:

''SEC. 10. EXPLORATION PLANS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, in the case of each exploration plan submitted after the date of enactment of this act, the Secretary shall require the incorporation into the exploration plan of a third-party reviewed response plan that describes the means and timeline for containment and termination of an ongoing discharge of oil (other than a de minimis discharge, as determined by the Secretary) at the depth at which the exploration, development, or production authorized under the exploration plan is to take place.

''(b) TECHNOLOGICAL FEASIBILITY.—Before determining whether to approve a new exploration plan under subsection (a), the Secretary shall certify the technological feasibility of methods proposed to be used under a response plan described in that paragraph, as demonstrated by the potential lessee through simulation, demonstration, or other means.''.

(b) PUBLIC/PRIVATE TASK FORCE ON OIL SPILL RESPONSE AND MITIGATION.—

(1) IN GENERAL.—The Secretary of Energy, acting through the Office of Science of the Department of Energy, shall use available funds in the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund established under section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378), and such other funds as are necessary, to conduct a study, in collaboration with the Office of Fossil Energy of the Department, on means of improving prevention methodologies and technological responses to oil spills and mitigating the effects of oil spills on natural habitat.

(2) TASK FORCE.—As part of the study required under this subsection, the Secretary shall convene a task force composed of representatives of the private sector, institutions of higher education, and the National Academy of Sciences—

(A) to assess the prevention methodologies and technological response to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment;

(B) to assess the adequacy of existing technologies for prevention and responses to deep water oil spills; and

(C) to recommend means of improving prevention methodologies and technological responses to future oil spills (including drilling relief wells) and mitigating the effects of the oil spills on natural habitat.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress, the President, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and the Secretary of Defense a report that describes the results of the study conducted under this subsection, including a recommended standard for technological best practices for prevention of and responses to oil spills, practice drills for emergency responses, and any other recommendations.

(c) STUDY ON FEDERAL RESPONSE TO OIL SPILLS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of existing capabilities and legal authorities of the Federal Government to prevent and respond to oil spills.

(2) DEEPWATER HORIZON INCIDENT.—As part of the study required under this subsection, the Comptroller General of the United States shall assess the extent to which the capabilities and authorities described in paragraph (1) have been fully used in the response to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes the results of the study conducted under this subsection, including any recommendations.

SEC. 3. CONDUCT OF CERTAIN PROPOSED OIL AND GAS LEASE SALES.

(a) DEFINITIONS.—In this section:

(1) ENVIRONMENT IMPACT STATEMENT FOR THE 2007–2012 5-YEAR OCS PLAN.—The term ''Environmental Impact Statement for the 2007-2012 5-Year OCS Plan'' means the Final Environmental Impact Statement for the Outer Continental Shelf Oil and Gas Leasing Program: 2007-2012 prepared by the Secretary and dated April 2007.

(2) MULTI-SALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''Multi-Sale Environmental Impact Statement'' means the Environmental Impact Statement for Proposed OCS Oil and Gas Lease Sales 193, 204, 205, 206, 207, 208, 209, 210, 212, 215, and 218, 213, 216, and 222 prepared by the Secretary and dated September 2008.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) REQUIREMENT TO CONDUCT CERTAIN PROPOSED OIL AND GAS LEASE SALES.—

(1) IN GENERAL.—In accordance with section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337), the Secretary shall conduct—

(A) as soon as practicable, but not later than 120 days, after the date of enactment of this Act, offshore oil and gas lease sale 216;

(B) as soon as practicable, but not later than 240 days, after the date of enactment of this Act, offshore oil and gas lease sale 218;

(C) as soon as practicable, but not later than 1 year, after the date of enactment of this Act, offshore oil and gas lease sale 220;

(D) as soon as practicable after the date of enactment of this Act, but not later than June 1, 2012, offshore oil and gas lease sale 222;

(E) not later than September 1, 2012, offshore oil and gas lease sale 209; and

(F) not later than December 31, 2012, offshore oil and gas lease sale 212.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—The Secretary shall not make any tract available for leasing under paragraph (1)(C) if the President, acting through the Secretary of Defense, determines that drilling activity on the tract would create an unreasonable conflict with military operations.

(3) ENVIRONMENTAL REVIEW.—For the purposes of lease sale 193 and each of the lease sales authorized under subparagraphs (A), (B), (D), (E), and (F) of paragraph (1), the Environmental Impact Statement for the 2007–2012 5-Year OCS Plan and the Multi-Sale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 4. APPROVAL OR DENIAL OF DRILLING PERMITS.

(a) AMENDMENT.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by striking subsection (d) and inserting the following:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit—

''(A) before the lessee drills a well in accordance with the plan; and

''(B) before the lessee significantly modifies the well design originally approved by the Secretary.

''(2) SAFETY REVIEW REQUIRED.—The Secretary shall not issue a permit under paragraph (1) until the date on which the Secretary determines that the proposed drilling operations meet all—

''(A) critical safety system requirements (including requirements relating to blowout prevention); and

''(B) oil spill response and containment requirements.

''(3) APPROVAL OR DENIAL OF PERMIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), not later than 30 days after the date on which the Secretary receives an application for a permit under paragraph (1), the Secretary shall approve or deny the application.

''(B) EXTENSIONS.—

''(i) IN GENERAL.—The Secretary may extend the deadline under subparagraph (A) by an additional 15 days on not more than 2 occasions, if the Secretary provides to the applicant prior written notice of the delay in accordance with clause (ii).

''(ii) NOTICE REQUIREMENTS.—The written notice required under clause (i) shall—

''(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

''(II) include the names and titles of the persons processing the application, the specific reasons for the delay, and the date on which a final decision on the application is expected.

''(C) DENIAL.—If the Secretary denies an application under subparagraph (A), the Secretary shall provide the applicant—

''(i) written notice that includes—

''(I) a clear and comprehensive description of the reasons for denying the application; and

''(II) detailed information concerning any deficiencies in the application; and

''(ii) an opportunity—

''(I) to address the reasons identified under clause (i)(I); and

''(II) to remedy the deficiencies identified under clause (i)(II).

''(D) FAILURE TO APPROVE OR DENY APPLICATION.—If the Secretary has not approved or denied the application by the date that is 60 days after the date on which the application was received by the Secretary, the application shall be considered to be approved.''.

(b) DEADLINE FOR CERTAIN PERMIT APPLICATIONS UNDER EXISTING LEASES.—

(1) DEFINITION OF COVERED APPLICATION.—In this subsection, the term ''covered application'' means an application for a permit to drill under an oil and gas lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) in effect on the date of enactment of this Act, that—

(A) represents a resubmission of an approved permit to drill (including an application for a permit to sidetrack) that was approved by the Secretary before May 27, 2010; and

(B) is received by the Secretary after October 12, 2010, and before the end of the 30-day period beginning on the date of enactment of this Act.

(2) IN GENERAL.—Notwithstanding the amendment made by subsection (a), a lease under which a covered application is submitted to the Secretary of the Interior shall be considered to be in directed suspension during the period beginning May 27, 2010, and ending on the date on which the Secretary issues a final decision on the application, if the Secretary does not issue a final decision on the application—

(A) before the end of the 30-day period beginning on the date of enactment of this Act, in the case of a covered application submitted before the date of enactment of this Act; or

(B) before the end of the 30-day period beginning on the date on which the application is received by the Secretary, in the case of a covered application submitted on or after the date of enactment of this Act.

SEC. 5. EXTENSION OF CERTAIN OUTER CONTINENTAL SHELF LEASES.

(a) DEFINITION OF COVERED LEASE.—In this section, the term ''covered lease'' means each oil and gas lease for the Gulf of Mexico outer Continental Shelf region issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) that—

(1)(A) was not producing as of April 30, 2010; or

(B) was suspended from operations, permit processing, or consideration, in accordance with the moratorium set forth in the Minerals Management Service Notice to Lessees and Operators No. 2010–N04, dated May 30, 2010, or the decision memorandum of the Secretary of the Interior entitled ''Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf'' and dated July 12, 2010; and

(2) by the terms of the lease, would expire on or before December 31, 2011.

(b) EXTENSION OF COVERED LEASES.—The Secretary of the Interior shall extend the term of a covered lease by 1 year.

(c) EFFECT ON SUSPENSIONS OF OPERATIONS OR PRODUCTION.—The extension of covered leases under this section is in addition to any suspension of operations or suspension of production granted by the Minerals Management Service or Bureau of Ocean Energy Management, Regulation and Enforcement after May 1, 2010.

SEC. 6. JUDICIAL REVIEW OF AGENCY ACTIONS RELATING TO OUTER CONTINENTAL SHELF ACTIVITIES IN THE GULF OF MEXICO.

(a) DEFINITIONS.—In this section:

(1) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action containing a claim under section 702 of title 5, United States Code, regarding ''agency action'' (as the term is used in that section) affecting a covered energy project.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term ''covered energy project'' mean the leasing of Federal land of the outer Continental Shelf (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy in the Gulf of Mexico, including any action under such a lease.

(B) EXCLUSIONS.—The term ''covered energy project'' does not include any disputes between the parties to a lease regarding the obligations under a lease described in subparagraph (A), including regarding any alleged breach of the lease.

(b) EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN THE GULF OF MEXICO.—Venue for any covered civil action shall be in the United States Court of Appeals for the Fifth Circuit, unless there is no proper venue in any court within the United States Court of Appeals for the Fifth Circuit.

(c) TIME LIMITATION ON FILING.—A covered civil action shall be barred unless the covered civil action is filed not later than the end of the 60-day period beginning on the date of the final Federal agency action to which the covered civil action relates.

(d) EXPEDITION IN HEARING AND DETERMINING THE ACTION.—The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

(e) STANDARD OF REVIEW.—In any judicial review of a covered civil action—

(1) administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct; and

(2) the presumption under paragraph (1) may be rebutted only by the preponderance of the evidence contained in the administrative record.

(f) LIMITATION ON PROSPECTIVE RELIEF.—In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that the relief—

(1) is narrowly drawn;

(2) extends no further than necessary to correct the violation of a legal requirement; and

(3) is the least intrusive means necessary to correct that violation.

(g) LIMITATION ON ATTORNEYS' FEES.—

(1) IN GENERAL.—Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code, shall not apply to a covered civil action.

(2) PROHIBITION.—No party to a covered civil action shall receive payment from the Federal Government for attorneys' fees, expenses, or other court costs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself, Mr. ISAKSON, Mr. BROWN of Ohio, Mr. BLUNT, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, and Mr. ROBERTS):

S. 958. A bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, today Senator ISAKSON and I are introducing the Children's Hospital GME Support Reauthorization Act of 2011. Since its creation in 1999, this program has provided freestanding children's hospitals with funding to support the training of medical residents. While most hospitals receive support through the Medicare program, freestanding children's hospitals are not eligible for that funding. That is why reauthorizing this program is vital.

Prior to the enactment of CHGME, the number of residents in children's hospitals' residency programs had declined over 13 percent. The enactment of CHGME has enabled children's hospitals to reverse this trend and to increase their training by 35 percent.

In Pennsylvania, we have three hospitals who participate in this important program. This is a critical investment in our country's medical future and guarantees that children will have continuing access to the care they need across provider settings. Children are not little adults. We must continue to ensure we have the specialized workforce to care for them.

Perhaps the benefit of this program is best told in the words of the residents themselves. Gabriela Marein-Efron is a resident at the Children's

Hospital of Philadelphia. She shared this story with us.

''One of the most powerful experiences I've had during my training has been in my primary care continuity clinic. Many of my patients are now almost 3 years old, and I've been taking care of them since they were newborns. My connection to these families, who are often especially vulnerable because of barriers such as poverty or language differences has influenced my ultimate career choice. In a few months I'll become an Attending Physician at this urban clinic and continue to take care of these underserved families and serve as their medical home full-time.''

Chief Resident Dustin Haferbecker had an equally meaningful experience. ''My training at CHOP allowed me the unique opportunity to discover a need in the community, and ultimately help meet that need. During residency, I was exposed to extreme lack of adequate health care that was available to the large number of refugees that continue to pour into the city, brought here by our government. Our CHGME funded curriculum made it possible for myself and a group of residents to investigate this problem, identify support from within the institution, and establish a clinic dedicated to meeting their unique health care needs. A family of three children that have spent their life a refugee camp in Nepal, are now being treated for their vitamin D deficiency and newly discovered latent tuberculosis.''

Pamela Puthoor is a resident at the Children's Hospital of Pittsburgh. ''I had had almost zero exposure to pediatric specialists before coming to Children's,'' she says. ''I knew that Children's Hospital offered a rigorous primary care program and the depth and breadth of specialty care, so I would be able to make an educated choice. I have been able to learn from leaders in their fields, and from that I have decided to go into pediatric gastroenterology.'' Dr. Puthoor says that Children's also encouraged her to pursue her interest in public health policy. ''Children's attracts passionate, altruistic people devoted to taking care of kids. The support and encouragement we receive is extraordinary,'' she says.

These residents and the stories they share are a testament of why we must continue this program.

I want to thank Senator ISAKSON for leading this legislation with me. I also want to thank Senators SHERROD BROWN, ROY BLUNT, JOHN KERRY, SCOTT BROWN, RICHARD BLUMENTHAL and PAT ROBERTS for signing on as original cosponsors. I look forward to working with my colleagues to get this legislation passed this year.

By Mr. KERRY (for himself, Mr. ALEXANDER, and Mr. WYDEN):

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; to the Committee on Finance.

Mr. KERRY. Mr. President, today along with Senator ALEXANDER I am introducing the Medicare IVIG Access Act to help patients with primary immunodeficiency diseases, PIDD, who currently face a number of health challenges. Today, Medicare beneficiaries with PIDD already have a Part B benefit for home-based intravenous immune globulin, IVIG, treatment. Unfortunately a gap in coverage exists so no payments are available for the items and services necessary to administer the treatment.

Treatment in the home is more cost effective and also protects the patient from the risk of exposure to additional illnesses in other health care settings. This is of particular concern to PIDD patients, since they already have weakened immune systems. A 2007 report from the Department of Health and Human Services, HHS, Office of Inspector General and the HHS Assistant Secretary for Planning and Evaluation found that problems with payment exist, namely the absence of coverage for required items and services associated with IVIG home infusion.

That is why I have worked with my colleague Senator ALEXANDER to introduce the Medicare IVIG Access Act to create a 3-year demonstration project to provide for and evaluate the benefits of providing a payment for items and services necessary to administer IVIG in the home. The bill includes a study to explore issues surrounding IVIG treatment, including the impact of the demonstration project on access to care, and an analysis of the appropriateness of new payment methodology for IVIG treatment in all settings.

This legislation is supported by a number of organizations including the Immune Deficiency Foundation and the Clinical Immunology Society. I ask all of my colleagues to support this important legislation.

By Mr. KERRY (for himself, Mrs. MURRAY, and Mr. BEGICH):

S. 961. A bill to create the income security conditions and family supports needed to ensure permanency for the Nation's unaccompanied youth, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Reconnecting Youth to Prevent Homelessness Act to improve training, educational opportunities, and permanency planning for older foster youth and reduce homelessness among our young people.

This year approximately 3.5 million people, including 1.5 million children in the United States will experience homelessness at some point. That is one out of every 50 kids. For children who were in the foster system the chances of becoming homeless are even greater. Every year approximately 30,000 children age out of the foster care system—many with no family and nowhere to go. These children were placed in the foster system at absolutely no fault of their own and too often they leave the system without a place to call home.

We have a responsibility to take care of our young people and make sure families have the resources they need to be able to keep a roof over their heads. I developed this legislation after hearing troubling stories from teenagers in Massachusetts. For example, I heard from one 15-year-old who has been in multiple foster care placements and is expected to eventually age out of the system. He told me ''. . . I feel the age 18 is too young, some of us don't always have somewhere to go . . . if this bill gets passed it will greatly help a lot of people in so many different ways . . . I thank you for giving us the opportunity to help us better ourselves and letting us know that we are heard in this world and someone cares deeply and truly about us.'' That is why I am introducing the Reconnecting Youth to Prevent Homelessness Act. This legislation will help ensure that regardless of where in the country a foster child lives, they will not face the prospect of becoming a homeless teenager by allowing them to remain in care until their 21st birthday and improving permanency planning.

It provides support for States to work together to decrease barriers that prohibit cooperation across State lines for placing foster children in loving homes outside their state of residence. It provides support for programs that improve family relationships and reduce homelessness among youth who are lesbian, gay, bisexual, or transgender. This legislation ensures that children in foster care receive Social Security benefits they qualify for due to the death of a parent or a disability.

The bill makes significant improvements to the Temporary Assistance to Needy Families, TANF, program such as enhancing efforts to connect families with education, training and housing resources. It also increases the time frame for young parents to qualify for TANF benefits if they are in an education or training program. Finally, it provides more flexibility for states to work with young families to become compliant with TANF requirements.

This legislation is supported by over 40 organizations, including the American Bar Association, the National Coalition for the Homeless, National Network for Youth, and Voice for Adoption. I thank my colleagues Senator MURRAY and Senator BEGICH for their support and co-sponsorship of this bill. It is my hope that we can move forward in a bipartisan manner. I ask all of my colleagues to support this important legislation.

By Mr. ALEXANDER (for himself, Mr. GRAHAM, Mr. DEMINT,

Mr. PAUL, Mr. CORNYN, Mr. LUGAR, Mr. SHELBY, Mr. ISAKSON, Mr. RISCH, Mr. BOOZMAN, Mr. LEE, Mr. KYL, Mr. VITTER, Mr. COCHRAN, Mr. COBURN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. HOEVEN, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, Mr. BARRASSO, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. HATCH, Mr. ENZI, Mr. CHAMBLISS, Mr. INHOFE, Mr. HELLER, Mr. MCCAIN, Mr. WICKER, Mr. RUBIO, and Mr. CORKER):

S. 964. A bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, I have come to the Senate floor today to introduce, on behalf of 34 Senators, the Job Protection Act.

The Job Protection Act is occasioned by a decision by the acting general counsel of the National Labor Relations Board that filed a complaint to stop the Boeing Company from building airplanes at a nonunion plant in South Carolina, suggesting that a unionized American company cannot expand its operations in 1 of 22 States with a right-to-work law.

The right-to-work law protects workers' rights to join or not join a union. For example, in Tennessee we are a right-to-work State. In the case of a Saturn employee, where United Auto Workers is the bargaining agent, a worker doesn't have to join the union or pay dues, but he has to accept the UAW as his bargaining agent.

At the Nissan plant a few miles away from the General Motors plant, workers have three times elected not to have a union as their bargaining agent. That is what a right-to-work State is. There are 22 of them. The State of New Hampshire is in the process of deciding whether to become the 23rd. Their legislature is of one view, and their Governor is of the other view.

The Job Protection Act, which I introduce today on behalf of 34 Senators, would preserve the Federal law's current protection of State right-to-work laws in the National Labor Relations Act and provide necessary clarity to prevent the NLRB from moving forward in their case against Boeing or attempting a similar strategy against other companies.

Specifically, the Job Protection Act would, first, explicitly clarify that the board cannot order an employer to relocate jobs from one location to another; two, it guarantees an employer the right to decide where to do business within the United States; and, three, it protects an employer's free speech regarding the costs associated with having a unionized workforce without fear of such communication being used as evidence in an anti-union discrimination suit.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of the 34 Senators who are original cosponsors of the Job Protection Act.

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

JOB PROTECTION ACT—COSPONSOR LIST

Lamar Alexander, Lindsey Graham, Jim DeMint, Rand Paul, John Cornyn, Richard Lugar, Richard Shelby, Johnny Isakson, James Risch, John Boozman, Mike Lee, Jon Kyl, David Vitter, Thad Cochran, Tom Coburn, Chuck Grassley, Kay Bailey Hutchison.

John Hoeven, Mike Johanns, Ron Johnson, Mitch McConnell, John Barrasso, Richard Burr, Pat Roberts, Jeff Sessions, Orrin Hatch, Mike Enzi, Saxby Chambliss, Jim Inhofe, Dean Heller, John McCain, Roger Wicker, Marco Rubio, Bob Corker.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD at the end of my remarks two articles by the Wall Street Journal, the first written by me on April 29 and the second written by the president of the Boeing Company, Jim McNerney, who is also chairman of President Obama's Export Council.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, now to make a few remarks about the actions that have caused this.

I just left a hearing in the Health, Education, Labor, and Pensions Committee on the middle class. One of the witnesses was the general counsel of the Boeing Company. As might be expected, given the notoriety of this case and the breathtaking scope of it, he got a lot of questions.

Let me first say why there is such a breathtaking scope here. Up until the filing of the complaint, one would assume that a manufacturing company, such as Boeing or a smaller company that wanted to open a new plant to create new jobs could make its own decision about where to do that. Then in doing so, it could take into account such factors as the cost of labor. It could take into account such factors as the labor relations within a State, as well as the geographical location of the State and many other factors.

The reason the decision by the acting general counsel has attracted so much attention is it basically says—or at least it suggests—to any company manufacturing a product in a State which is not a right-to-work State, such as Washington, that you better think twice before you open a new production line in one of the right-to-work States.

Let me talk for a moment about why that has an impact on the middle class in America. Thirty years ago I was Governor of Tennessee. We were the third poorest State. My goal was to raise family incomes and to create an environment in which they could be raised. I was a young Governor, but I knew enough to know the government did not raise the incomes but it might create a good environment for that to happen.

I went to my first White House dinner with the President of the United States. The President was then Jimmy Carter. The President said to us Governors at a very nice dinner—just the Governors and their spouses and the President and Mrs. Carter: Governors, go to Japan. Persuade them to make in the United States what they sell in the United States. I remember I called Dean Rusk, who had been Secretary of State, and asked him to visit with me. I talked to him about how to do this.

Off I went to Japan, which is not something I planned to do when I was walking across Tennessee trying to be the Governor. I met with the Nissan officials in Tokyo in the fall of 1979. At that time, Japanese companies seemed so powerful that there were books coming out saying they might take over the United States economy, but they were not making here what they sold here. They were making Nissan cars and trucks in Japan. They were making a decision about where to locate in our country. I took with me a photograph of the United States at night taken from a satellite. They asked: Where is Tennessee? I said: It is right in the middle of the lights. That reduced the shipping and transportation costs. Then the next decision was: Where in the center did they want to go? Every State north of us did not have a right-to-work law. Tennessee and the States around us did. Nissan chose Tennessee, and they and the General Motors plant that later came and the Volkswagen plant and thousands of suppliers have helped our middle class raise incomes over the last 30 years. A third of our jobs are auto manufacturing jobs because we provided an environment in which automakers can compete in the world marketplace.

Nissan said today that soon they will be making in the United States 85 percent of what they sell in the United States, which makes them a very American company. That is what we want. But this decision says we throw a big wet blanket over all the auto suppliers and manufacturers who might be thinking about moving into Tennessee or opening new plants in Tennessee or suppliers who might be wishing to follow Boeing to South Carolina because it says you cannot make that decision.

We have never had that kind of law in the United States. We have had a right-to-work law on the books since 1947. States have a right to adopt it or not to adopt it. The legislation I am offering today on behalf of 34 Senators does not change that, but it does preserve the right of States to adopt a right-to-work law, the right of employees to join or not to join a union, and the right of employers to make decisions about where to locate their plants and their ability to speak in public about what they are doing.

This is a most consequential decision. It is one that deserves the attention of every Senator because as the Boeing chairman, who is the head of President Obama's Export Council,

wrote in the Wall Street Journal this week, a union State would not be able to attract a manufacturer because a manufacturer might be afraid that any expansion could never be done in a right-to-work State. By simple mathematics, if Boeing, which is our largest exporter—155,000 employees in the United States, another 15,000 around the world—has a disincentive or if it cannot expand a new production line in a right-to-work State and if it might think twice about expanding in any other State, then where is it going to go? It is going to go to some other country.

This decision by the acting general counsel of the National Labor Relations Board is the single most important action I have seen in years that would rush American jobs overseas in pursuit of an environment in which they can build and manufacture competitively. It is just the reverse of what President Carter said to the Governors 30 years ago when he said: Governors, go to Japan. Persuade them to make here what they sell here.

We did that. They came here. They are making 85 percent of what they sell here. We want Volkswagen to do that. We want General Motors to do that. We want Ford to do that. We want Boeing to do that. And if we say to them, But we are going to tell you, the Federal Government is going to tell you where you have to locate your plants, you are going to override section 14(b) of the Taft-Hartley Act which was passed in 1947 and which has created an environment which has permitted American manufacturing to succeed.

All one has to do is read David Halberstam's book ''The Reckoning'' in the late 1980s to see that if our entire auto industry were still locked in Detroit, it would not be as competitive as it is today—cars made in America. I know that firsthand because I saw it happen when Nissan came to Tennessee. They did not hire a bunch of people from Japan to run the plant. They went to Detroit. They got Ford executives who knew how to run a plant but were not allowed to by the environment there, and they put them at a start-from-scratch place and created the most efficient automobile plant in North America.

We welcome also the General Motors plant and the United Auto Workers to their Spring Hill location in Tennessee. That is what a right-to-work State is where you can choose to join a union or not to join a union. Both can operate. Employees make the decision.

But when the Federal Government starts telling any company—a Boeing or a Boeing supplier, an auto company or an auto supplier or any manufacturing company—you cannot locate in a right-to-work State, they probably will not locate in a non-right-to-work State. Where are they likely to go? Mexico, Europe, Japan. Boeing sells airplanes all around the world. It can make airplanes all around the world. If we persist in policies such as this, instead of having a situation where our largest exporter has 170,000 employees, more than 150,000 of which are in the United States, we will turn that right upside down and they will be making 85 percent of their airplanes in the countries where they sell them, and the United States will have a lot fewer jobs.

This is a consequential matter that I hope attracts Democratic as well as Republican support. It preserves the right-to-work law. It preserves the choices of employees. It preserves the decision of corporations to make their own decisions about where to locate. It would stop a Federal Government regulation which is the single most effective action I know about to chase American jobs overseas and lower family incomes.

EXHIBIT 1

[From the Wall Street Journal, Apr. 29, 2011]

THE WHITE HOUSE VS. BOEING: A TENNESSEE TALE

(By Lamar Alexander)

The National Labor Relations Board has moved to stop Boeing from building airplanes at a nonunion plant in South Carolina, suggesting that a unionized American company cannot expand its operations into one of the 22 states with right-to-work laws, which protect a worker's right to join or not join a union. (New Hampshire's legislature has just approved its becoming the 23rd.)

This reminds me of a White House state dinner in February 1979, when I was governor of Tennessee. President Jimmy Carter said, ''Governors, go to Japan. Persuade them to make here what they sell here.''

''Make here what they sell here'' was then the union battle cry, part of an effort to slow the tide of Japanese cars and trucks entering the U.S. market.

Off I flew to Tokyo to meet with Nissan executives who were deciding where to put their first U.S. manufacturing plant. I carried with me a photograph taken at night from a satellite showing the country at night with all its lights on.

''Where is Tennessee?'' the executives asked. ''Right in the middle of the lights,'' I answered, pointing out that locating a plant in the population center reduces the cost of transporting cars to customers. That center had migrated south from the Midwest, where most U.S. auto plants were, to Kentucky and Tennessee.

Then the Japanese examined a second consideration: Tennessee has a right-to-work law and Kentucky does not. This meant that in Kentucky workers would have to join the United Auto Workers union. Workers in Tennessee had a choice.

In 1980 Nissan chose Tennessee, a state with almost no auto jobs. Today auto assembly plants and suppliers provide one-third of our state's manufacturing jobs. Tennessee is the home for production of the Leaf, Nissan's all-electric vehicle, and the batteries that power it. Recently Nissan announced that 85% of the cars and trucks it sells in the U.S. will be made in the U.S.—making it one of the largest ''American'' auto companies and nearly fulfilling Mr. Carter's request of 30 years ago.

But now unions want to make it illegal for a company that has experienced repeated strikes to move production to a state with a right-to-work law. What would this mean for the future of American auto jobs? Jobs would flee overseas as manufacturers look for a competitive environment in which to make and sell cars around the world.

It's happened before. David Halberstam's 1986 book, ''The Reckoning''—about the decline of the domestic American auto industry—tells the story. Halberstam quotes American Motors President George Romney, who criticized the ''shared monopoly'' consisting of the Big Three Detroit auto manufacturers and the UAW. ''There is nothing more vulnerable than entrenched success,'' Romney warned. Detroit ignored upstarts like Nissan who in the 1960s began selling funny little cars to American consumers. We all know what happened to employment in the Big Three companies.

Even when Detroit sought greener pastures in a right-to-work state, its ''partnership'' with the United Auto Workers could not compete. In 1985, General Motors located its $5 billion Saturn plant in Spring Hill, Tenn., 40 miles from Nissan, hoping side-by-side competition would help the Americans beat the Japanese. After 25 years, nonunion Nissan operated the most efficient auto plant in North America. The Saturn/UAW partnership never made a profit. GM closed Saturn last year.

Nissan's success is one reason why Volkswagen recently located in Chattanooga, and why Honda, Toyota, BMW, Kia, Mercedes-Benz, Hyundai and thousands of suppliers have chosen southeastern right-to-work states for their plants. Under right-to-work laws, employees may join unions, but mostly they have declined. Three times workers at the Nissan plant in Smyrna, Tenn., rejected organizing themselves like Saturn employees a few miles away.

Our goal should be to make it easier and cheaper to create private-sector jobs in this country. Giving workers the right to join or not to join a union helps to create a competitive environment in which more manufacturers like Nissan can make here 85% of what they sell here.

[From the Wall Street Journal, May 11, 2011]

BOEING IS PRO-GROWTH, NOT ANTI-UNION

(By Jim McNerney)

Deep into the recent recession, Boeing decided to invest more than $1 billion in a new factory in South Carolina. Surging global demand for our innovative, new 787 Dreamliner exceeded what we could build on one production line and we needed to open another.

This was good news for Boeing and for the economy. The new jetliner assembly plant would be the first one built in the U.S. in 40 years. It would create new American jobs at a time when most employers are hunkered down. It would expand the domestic footprint of the nation's leading exporter and make it more competitive against emerging plane makers from China, Russia and elsewhere. And it would bring hope to a state burdened by double-digit unemployment—with the construction phase alone estimated to create more than 9,000 total jobs.

Eighteen months later, a North Charleston swamp has been transformed into a state-of-the-art, green-energy powered, 1.2 million square-foot airplane assembly plant. One thousand new workers are hired and being trained to start building planes in July.

It is an American industrial success story by every measure. With 9% unemployment nationwide, we need more of them—and soon.

Yet the National Labor Relations Board (NLRB) believes it was a mistake and that our actions were unlawful. It claims we improperly transferred existing work, and that our decision reflected ''animus'' and constituted ''retaliation'' against union-represented employees in Washington state. Its remedy: Reverse course, Boeing, and build the assembly line where we tell you to build it.

The NLRB is wrong and has far overreached its authority. Its action is a fundamental assault on the capitalist principles that have sustained America's competitiveness since it became the world's largest economy nearly 140 years ago. We've made a rational, legal business decision about the allocation of our capital and the placement of new work within the U.S. We're confident the federal courts will reject the claim, but only after a significant and unnecessary expense to taxpayers.

More worrisome, though, are the potential implications of such brazen regulatory activism on the U.S. manufacturing base and long-term job creation. The NLRB's overreach could accelerate the overseas flight of good, middle-class American jobs.

Contrary to the NLRB's claim, our decision to expand in South Carolina resulted from an objective analysis of the same factors we use in every site selection. We considered locations in several states but narrowed the choice to either North Charleston (where sections of the 787 are built already) or Everett, Wash., which won the initial 787 assembly line in 2003.

Our union contracts expressly permit us to locate new work at our discretion. However, we viewed Everett as an attractive option and engaged voluntarily in talks with union officials to see if we could make the business case work. Among the considerations we sought were a long-term ''no-strike clause'' that would ensure production stability for our customers, and a wage and benefit growth trajectory that would help in our cost battle against Airbus and other state-sponsored competitors.

Despite months of effort, no agreement was reached. Union leaders couldn't meet expectations on our key issues, and we couldn't accept their demands that we remain neutral in all union-organizing campaigns and essentially guarantee to build every future Boeing airplane in the Puget Sound area. In October 2009, we made the Charleston selection.

Important to our case is the basic fact that no existing work is being transferred to South Carolina, and not a single union member in Washington has been adversely affected by this decision. In fact, we've since added more than 2,000 union jobs there, and the hiring continues. The 787 production line in Everett has a planned capacity of seven airplanes per month. The line in Charleston will build three additional airplanes to reach our 10-per-month capacity plan. Production of the new U.S. Air Force aerial refueling tanker will sustain and grow union jobs in Everett, too.

Before and after the selection, we spoke openly to employees and investors about our competitive realities and the business considerations of the decision. The NLRB now is selectively quoting and mischaracterizing those comments in an attempt to bolster its case. This is a distressing signal from one arm of the government when others are pushing for greater openness and transparency in corporate decision making.

It is no secret that over the years Boeing and union leaders have struggled to find the right way to work together. I don't blame that all on the union, or all on the company. Both sides are working to improve that dynamic, which is also a top concern for customers. Virgin Atlantic founder Richard Branson put it this way following the 2008 machinists' strike that shut down assembly for eight weeks: ''If union leaders and management can't get their act together to avoid strikes, we're not going to come back here again. We're already thinking, 'Would we ever risk putting another order with Boeing?' It's that serious.''

Despite the ups-and-downs, we hold no animus toward union members, and we have never sought to threaten or punish them for exercising their rights, as the NLRB claims. To the contrary, union members are part of our company's fabric and key to our success. About 40% of our 155,000 U.S. employees are represented by unions—a ratio unchanged since 2003.

Nor are we making a mass exodus to right-to-work states that forbid compulsory union membership. We have a sizable presence in 34 states; half are unionized and half are right-to-work. We make decisions on work placement based on business principles—not out of emotion or spite. For example, last year we added new manufacturing facilities in Illinois and Montana. One work force is union-represented, the other is not. Both decisions made business sense.

The world the NLRB wants to create with its complaint would effectively prevent all companies from placing new plants in right-to-work states if they have existing plants in unionized states. But as an unintended consequence, forward-thinking CEOs also would be reluctant to place new plants in unionized states—lest they be forever restricted from placing future plants elsewhere across the country.

U.S. tax and regulatory policies already make it more attractive for many companies to build new manufacturing capacity overseas. That's something the administration has said it wants to change and is taking steps is to address. It appears that message hasn't made it to the front offices of the NLRB.

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. 964

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 ''Job Protection Act''.

SEC. 2. APPLICATION TO CERTAIN SPEECH, BUSINESS DECISIONS.

(a) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by inserting before the semicolon at the end the following: '': *Provided further,* That an employer's expression of any views, argument, or opinion related to the costs associated with collective bargaining, work stoppages, or strikes, or the dissemination of such views, arguments, or opinions, whether in written, printed, graphic, digital, or visual form, shall not constitute or be evidence of antiunion animus or unlawful motive, if such expression contains no threat of reprisal or force or promise of benefit''.

(b) PREVENTION OF UNFAIR LABOR PRACTICES.—Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended—

(1) in subsection (a), by inserting after the period at the end the following: '': *Provided further,* That the Board shall have no power to order any employer to relocate, shut down, or transfer any existing or planned facility or work or employment opportunity, or prevent any employer from making such relocations, transfers, or expansions to new or existing facilities in the future, or prevent any employer from closing a facility, not developing a facility, or eliminating any employment opportunity unless and until the employer has been adjudicated finally to have unlawfully undertaken such actions—

''(1) without advance notice to the labor organization, if any, representing the bargaining unit of the affected employees, of the economic reason(s) for the relocation, shut down, or transfer of existing or future work; or

''(2) as a primary and direct response to efforts by a labor organization to organize a previously unrepresented workplace''; and

(2) by adding at the end the following:

''(n) Nothing in this Act shall prevent an employer from choosing where to locate, develop, or expand its business or facilities, or require any employer to move, transfer, or relocate any facility, production line, or employment opportunity, or require that an employer cease or refrain from doing so, or prevent any employer from closing a facility or eliminating any employment opportunity unless the employer has been adjudicated finally to have unlawfully undertaken such actions—

''(1) without advance notice to the labor organization, if any, representing the bargaining unit of the affected employees, of the economic reason(s) for the relocation, shut down, or transfer of existing or future work; or

''(2) as a primary and direct response to efforts by a labor organization to organize a previously unrepresented workplace.''.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. GRAHAM, Mr. KOHL, Mr. COONS, Mr. BLUMENTHAL, Ms. KLOBUCHAR, and Mr. FRANKEN):

S. 968. A bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, few things are more important to the future of the American economy and job creation than protecting our intellectual property. At a time where our country is beginning to regain its economic footing, businesses face an additional hurdle, the severity of which is increasing by the day—digital theft.

Copyright infringement and the sale of counterfeit goods are reported to cost American businesses billions of dollars, and result in hundreds of thousands of lost jobs. Further, the Institute for Policy Innovation estimates that copyright piracy online alone costs Federal, state and local governments $2.6 billion in tax revenue. In today's business and fiscal climate, the harm that intellectual property infringement causes to the U.S. economy is unacceptable.

While the growth of the digital marketplace has been extraordinary, and benefits businesses by enabling new opportunities to reach consumers, it also brings with it the threat of copyright infringement and counterfeiting. Internet purchases have become so commonplace that consumers are less wary of online shopping and therefore more easily victimized by online counterfeit products that may have health, safety or other quality concerns when they are counterfeit.

Today, I am introducing the bipartisan PROTECT IP Act, which is based on last year's Combating Online Infringements and Counterfeits Act. It will provide the Justice Department

and rights holders with important new tools to crack down on rogue websites dedicated to infringing activities. This legislation will protect the investment American companies make in developing brands and creating content and will protect the jobs associated with those investments. It will also protect American consumers, who should feel confident that the goods they purchase are of the type and quality they expect.

Both law enforcement and rights holders are currently limited in the remedies available to combat websites dedicated to offering infringing content and products. These rogue websites are often foreign-owned and operated, or reside at domain names that are not registered through a U.S.-based registry or registrar. American consumers are too often deceived into thinking the products they are purchasing at these websites are legitimate because they are easily accessed through their home's Internet service provider, found through well known search engines, and are complete with corporate advertising, credit card acceptance, and advertising links that make them appear legitimate.

The PROTECT IP Act authorizes the Justice Department to file a civil action against the registrant or owner of a domain name that accesses a foreign rogue website, or the foreign-registered domain name itself, and to seek a preliminary order from the court that the site is dedicated to infringing activities. The court is authorized to issue a cease and desist order against a rogue website. If the court issues that order, the Attorney General is authorized to serve that order, with permission of the court, on specified U.S. based third-parties, including Internet service providers, payment processors, online advertising network providers, and search engines. These third parties would then be required to take appropriate action to either prevent access to the Internet site, in the case of an Internet service provider or search engine, or cease doing business with the Internet site, in the case of a payment processor or advertising network.

The act authorizes a rights holder who is the victim of the infringement from a rogue website to bring a similar action against the rogue site, whether domestic or foreign. If the court issues a cease and desist order, the rights holder is authorized to serve that order, if authorized by the court, on payment processors and online advertising networks, to cut off the financial viability of the criminal activity.

The legislation will also encourage voluntary action by Internet partners that have credible evidence a rogue website is threatening the public health by trafficking in counterfeit, adulterated, or misbranded prescription medication.

Finally, the PROTECT IP Act will help law enforcement identify and prevent counterfeit products from being imported into the United States by ensuring law enforcement can share samples of packaging or labels of suspected counterfeits with the relevant rights holders to determine whether the shipment should be seized at the border. Similarly, it ensures that law enforcement can share anti-circumvention devices that have been seized with affected parties.

This legislation will provide law enforcement and rights holders with an increased ability to protect American intellectual property. This will benefit American consumers, American businesses, and American jobs. We should not expect that enactment of the legislation will completely solve the problem of online infringement, but it will make it more difficult for foreign entities to profit off American hard work and ingenuity. This bill targets the most egregious actors, and is an important first step to putting a stop to online piracy and sale of counterfeit goods.

Protecting intellectual property is not uniquely a Democratic or Republican priority it is a bipartisan priority. I look forward to working with all Senators to pass this important, bipartisan legislation.

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. 968

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 ''Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011'' or the ''PROTECT IP Act of 2011''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''domain name'' has the same meaning as in section 45 of the Lanham Act (15 U.S.C. 1127);

(2) the term ''domain name system server'' means a server or other mechanism used to provide the Internet protocol address associated with a domain name;

(3) the term ''financial transaction provider'' has the same meaning as in section 5362(4) of title 31, United States Code;

(4) the term ''information location tool'' has the same meaning as described in subsection (d) of section 512 of title 17, United States Code;

(5) the term ''Internet advertising service'' means a service that for compensation sells, purchases, brokers, serves, inserts, verifies, or clears the placement of an advertisement, including a paid or sponsored search result, link, or placement that is rendered in viewable form for any period of time on an Internet site;

(6) the term ''Internet site'' means the collection of digital assets, including links, indexes, or pointers to digital assets, accessible through the Internet that are addressed relative to a common domain name;

(7) the term ''Internet site dedicated to infringing activities'' means an Internet site that—

(A) has no significant use other than engaging in, enabling, or facilitating the—

(i) reproduction, distribution, or public performance of copyrighted works, in complete or substantially complete form, in a manner that constitutes copyright infringement under section 501 of title 17, United States Code;

(ii) violation of section 1201 of title 17, United States Code; or

(iii) sale, distribution, or promotion of goods, services, or materials bearing a counterfeit mark, as that term is defined in section 34(d) of the Lanham Act; or

(B) is designed, operated, or marketed by its operator or persons operating in concert with the operator, and facts or circumstances suggest is used, primarily as a means for engaging in, enabling, or facilitating the activities described under clauses (i), (ii), or (iii) of subparagraph (A);

(8) the term ''Lanham Act'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' or the ''Lanham Act'');

(9) the term ''nondomestic domain name'' means a domain name for which the domain name registry that issued the domain name and operates the relevant top level domain, and the domain name registrar for the domain name, are not located in the United States;

(10) the term ''owner'' or ''operator'' when used in connection with an Internet site shall include, respectively, any owner of a majority interest in, or any person with authority to operate, such Internet site; and

(11) the term ''qualifying plaintiff'' means—

(A) the Attorney General of the United States; or

(B) an owner of an intellectual property right, or one authorized to enforce such right, harmed by the activities of an Internet site dedicated to infringing activities occurring on that Internet site.

SEC. 3. ENHANCING ENFORCEMENT AGAINST ROGUE WEBSITES OPERATED AND REGISTERED OVERSEAS.

(a) COMMENCEMENT OF AN ACTION.—

(1) IN PERSONAM.—The Attorney General may commence an in personam action against—

(A) a registrant of a nondomestic domain name used by an Internet site dedicated to infringing activities; or

(B) an owner or operator of an Internet site dedicated to infringing activities accessed through a nondomestic domain name.

(2) IN REM.—If through due diligence the Attorney General is unable to find a person described in subparagraphs (A) or (B) of paragraph (1), or no such person found has an address within a judicial district of the United States, the Attorney General may commence an in rem action against a nondomestic domain name used by an Internet site dedicated to infringing activities.

(b) ORDERS OF THE COURT.—

(1) IN GENERAL.—On application of the Attorney General following the commencement of an action under this section, the court may issue a temporary restraining order, a preliminary injunction, or an injunction, in accordance with rule 65 of the Federal Rules of Civil Procedure, against the nondomestic domain name used by an Internet site dedicated to infringing activities, or against a registrant of such domain name, or the owner or operator of such Internet site dedicated to infringing activities, to cease and desist from undertaking any further activity as an Internet site dedicated to infringing activities, if—

(A) the domain name is used within the United States to access such Internet site; and

(B) the Internet site—

(i) conducts business directed to residents of the United States; and

(ii) harms holders of United States intellectual property rights.

(2) DETERMINATION BY THE COURT.—For purposes of determining whether an Internet site conducts business directed to residents of the United States under paragraph (1)(B)(i), a court may consider, among other indicia, whether—

(A) the Internet site is providing goods or services described in section 2(7) to users located in the United States;

(B) there is evidence that the Internet site is not intended to provide—

(i) such goods and services to users located in the United States;

(ii) access to such goods and services to users located in the United States; and

(iii) delivery of such goods and services to users located in the United States;

(C) the Internet site has reasonable measures in place to prevent such goods and services from being accessed from or delivered to the United States;

(D) the Internet site offers services obtained in the United States; and

(E) any prices for goods and services are indicated in the currency of the United States.

(c) NOTICE AND SERVICE OF PROCESS.—

(1) IN GENERAL.—Upon commencing an action under this section, the Attorney General shall send a notice of the alleged violation and intent to proceed under this Act to the registrant of the domain name of the Internet site—

(A) at the postal and e-mail address appearing in the applicable publicly accessible database of registrations, if any and to the extent such addresses are reasonably available;

(B) via the postal and e-mail address of the registrar, registry, or other domain name registration authority that registered or assigned the domain name, to the extent such addresses are reasonably available; and

(C) in any other such form as the court finds necessary, including as may be required by Rule 4(f) of the Federal Rules of Civil Procedure.

(2) RULE OF CONSTRUCTION.—For purposes of this section, the actions described in this subsection shall constitute service of process.

(d) REQUIRED ACTIONS BASED ON COURT ORDERS.—

(1) SERVICE.—A Federal law enforcement officer, with the prior approval of the court, may serve a copy of a court order issued pursuant to this section on similarly situated entities within each class described in paragraph (2). Proof of service shall be filed with the court.

(2) REASONABLE MEASURES.—After being served with a copy of an order pursuant to this subsection:

(A) OPERATORS.—

(i) IN GENERAL.—An operator of a non-authoritative domain name system server shall take the least burdensome technically feasible and reasonable measures designed to prevent the domain name described in the order from resolving to that domain name's Internet protocol address, except that—

(I) such operator shall not be required—

(aa) other than as directed under this subparagraph, to modify its network, software, systems, or facilities;

(bb) to take any measures with respect to domain name lookups not performed by its own domain name server or domain name system servers located outside the United States; or

(cc) to continue to prevent access to a domain name to which access has been effectively disable by other means; and

(II) nothing in this subparagraph shall affect the limitation on the liability of such an operator under section 512 of title 17, United States Code.

(ii) TEXT OF NOTICE.—The Attorney General shall prescribe the text of the notice displayed to users or customers of an operator taking an action pursuant to this subparagraph. Such text shall specify that the action is being taken pursuant to a court order obtained by the Attorney General.

(B) FINANCIAL TRANSACTION PROVIDERS.—A financial transaction provider shall take reasonable measures, as expeditiously as reasonable, designed to prevent, prohibit, or suspend its service from completing payment transactions involving customers located within the United States and the Internet site associated with the domain name set forth in the order.

(C) INTERNET ADVERTISING SERVICES.—An Internet advertising service that contracts with the Internet site associated with the domain name set forth in the order to provide advertising to or for that site, or which knowingly serves advertising to or for such site, shall take technically feasible and reasonable measures, as expeditiously as reasonable, designed to—

(i) prevent its service from providing advertisements to the Internet site associated with such domain name; or

(ii) cease making available advertisements for that site, or paid or sponsored search results, links or other placements that provide access to the domain name.

(D) INFORMATION LOCATION TOOLS.—An information location tool shall take technically feasible and reasonable measures, as expeditiously as possible, to—

(i) remove or disable access to the Internet site associated with the domain name set forth in the order; or

(ii) not serve a hypertext link to such Internet site.

(3) COMMUNICATION WITH USERS.—Except as provided under paragraph (2)(A)(ii), an entity taking an action described in this subsection shall determine whether and how to communicate such action to the entity's users or customers.

(4) RULE OF CONSTRUCTION.—For purposes of an action commenced under this section, the obligations of an entity described in this subsection shall be limited to the actions set out in each paragraph or subparagraph applicable to such entity, and no order issued pursuant to this section shall impose any additional obligations on, or require additional actions by, such entity.

(5) ACTIONS PURSUANT TO COURT ORDER.—

(A) IMMUNITY FROM SUIT.—No cause of action shall lie in any Federal or State court or administrative agency against any entity receiving a court order issued under this subsection, or against any director, officer, employee, or agent thereof, for any act reasonably designed to comply with this subsection or reasonably arising from such order, other than in an action pursuant to subsection (e).

(B) IMMUNITY FROM LIABILITY.—Any entity receiving an order under this subsection, and any director, officer, employee, or agent thereof, shall not be liable to any party for any acts reasonably designed to comply with this subsection or reasonably arising from such order, other than in an action pursuant to subsection (e), and any actions taken by customers of such entity to circumvent any restriction on access to the Internet domain instituted pursuant to this subsection or any act, failure, or inability to restrict access to an Internet domain that is the subject of a court order issued pursuant to this subsection despite good faith efforts to do so by such entity shall not be used by any person in any claim or cause of action against such entity, other than in an action pursuant to subsection (e).

(e) ENFORCEMENT OF ORDERS.—

(1) IN GENERAL.—In order to compel compliance with this section, the Attorney General may bring an action for injunctive relief against any party receiving a court order issued pursuant to this section that knowingly and willfully fails to comply with such order.

(2) RULE OF CONSTRUCTION.—The authority granted the Attorney General under paragraph (1) shall be the sole legal remedy for enforcing the obligations under this section of any entity described in subsection (d).

(3) DEFENSE.—A defendant in an action under paragraph (1) may establish an affirmative defense by showing that the defendant does not have the technical means to comply with the subsection without incurring an unreasonable economic burden, or that the order is inconsistent with this Act. This showing shall serve as a defense only to the extent of such inability to comply or to the extent of such inconsistency.

(f) MODIFICATION OR VACATION OF ORDERS.—

(1) IN GENERAL.—At any time after the issuance of an order under subsection (b), a motion to modify, suspend, or vacate the order may be filed by—

(A) any person, or owner or operator of property, bound by the order;

(B) any registrant of the domain name, or the owner or operator of the Internet site subject to the order;

(C) any domain name registrar or registry that has registered or assigned the domain name of the Internet site subject to the order; or

(D) any entity that has received a copy of an order pursuant to subsection (d) requiring such entity to take action prescribed in that subsection.

(2) RELIEF.—Relief under this subsection shall be proper if the court finds that—

(A) the Internet site associated with the domain name subject to the order is no longer, or never was, an Internet site dedicated to infringing activities; or

(B) the interests of justice require that the order be modified, suspended, or vacated.

(3) CONSIDERATION.—In making a relief determination under paragraph (2), a court may consider whether the domain name has expired or has been re-registered by a different party.

(g) RELATED ACTIONS.—The Attorney General, if alleging that an Internet site previously adjudicated to be an Internet site dedicated to infringing activities is accessible or has been reconstituted at a different domain name, may commence a related action under this section against the additional domain name in the same judicial district as the previous action.

SEC. 4. ELIMINATING THE FINANCIAL INCENTIVE TO STEAL INTELLECTUAL PROPERTY ONLINE.

(a) COMMENCEMENT OF AN ACTION.—

(1) IN PERSONAM.—A qualifying plaintiff may commence an in personam action against—

(A) a registrant of a domain name used by an Internet site dedicated to infringing activities; or

(B) an owner or operator of an Internet site dedicated to infringing activities accessed through a domain name.

(2) IN REM.—If through due diligence a qualifying plaintiff is unable to find a person described in subparagraphs (A) or (B) of paragraph (1), or no such person found has an address within a judicial district of the United States, the Attorney General may commence an in rem action against a domain name used by an Internet site dedicated to infringing activities.

(b) ORDERS OF THE COURT.—

(1) IN GENERAL.—On application of a qualifying plaintiff following the commencement of an action under this section, the court

may issue a temporary restraining order, a preliminary injunction, or an injunction, in accordance with rule 65 of the Federal Rules of Civil Procedure, against the domain name used by an Internet site dedicated to infringing activities, or against a registrant of such domain name, or the owner or operator of such Internet site dedicated to infringing activities, to cease and desist from undertaking any further activity as an Internet site dedicated to infringing activities, if—

(A) the domain name is registered or assigned by a domain name registrar or domain name registry that located or doing business in the United States; or

(B)(i) the domain name is used within the United States to access such Internet site; and

(ii) the Internet site—

(I) conducts business directed to residents of the United States; and

(II) harms holders of United States intellectual property rights.

(2) DETERMINATION BY THE COURT.—For purposes of determining whether an Internet site conducts business directed to residents of the United States under paragraph (1)(B)(ii)(I), a court may consider, among other indicia, whether—

(A) the Internet site is providing goods or services described in section 2(7) to users located in the United States;

(B) there is evidence that the Internet site is not intended to provide—

(i) such goods and services to users located in the United States;

(ii) access to such goods and services to users located in the United States; and

(iii) delivery of such goods and services to users located in the United States;

(C) the Internet site has reasonable measures in place to prevent such goods and services from being accessed from or delivered to the United States;

(D) the Internet site offers services obtained in the United States; and

(E) any prices for goods and services are indicated in the currency of the United States.

(c) NOTICE AND SERVICE OF PROCESS.—

(1) IN GENERAL.—Upon commencing an action under this section, the qualifying plaintiff shall send a notice of the alleged violation and intent to proceed under this Act to the registrant of the domain name of the Internet site—

(A) at the postal and e-mail address appearing in the applicable publicly accessible database of registrations, if any and to the extent such addresses are reasonably available;

(B) via the postal and e-mail address of the registrar, registry, or other domain name registration authority that registered or assigned the domain name, to the extent such addresses are reasonably available; and

(C) in any other such form as the court finds necessary, including as may be required by Rule 4(f) of the Federal Rules of Civil Procedure.

(2) RULE OF CONSTRUCTION.—For purposes of this section, the actions described in this subsection shall constitute service of process.

(d) REQUIRED ACTIONS BASED ON COURT ORDERS.—

(1) SERVICE.—A qualifying plaintiff, with the prior approval of the court, may, serve a copy of a court order issued pursuant to this section on similarly situated entities within each class described in paragraph (2). Proof of service shall be filed with the court.

(2) REASONABLE MEASURES.—After being served with a copy of an order pursuant to this subsection:

(A) FINANCIAL TRANSACTION PROVIDERS.—A financial transaction provider shall take reasonable measures, as expeditiously as reasonable, designed to prevent, prohibit, or suspend its service from completing payment transactions involving customers located within the United States and the Internet site associated with the domain name set forth in the order.

(B) INTERNET ADVERTISING SERVICES.—An Internet advertising service that contracts with the Internet site associated with the domain name set forth in the order to provide advertising to or for that site, or which knowingly serves advertising to or for such site, shall take technically feasible and reasonable measures, as expeditiously as reasonable, designed to—

(i) prevent its service from providing advertisements to the Internet site associated with such domain name; or

(ii) cease making available advertisements for that site, or paid or sponsored search results, links, or placements that provide access to the domain name.

(3) COMMUNICATION WITH USERS.—An entity taking an action described in this subsection shall determine how to communicate such action to the entity's users or customers.

(4) RULE OF CONSTRUCTION.—For purposes of an action commenced under this section, the obligations of an entity described in this subsection shall be limited to the actions set out in each paragraph or subparagraph applicable to such entity, and no order issued pursuant to this section shall impose any additional obligations on, or require additional actions by, such entity.

(5) ACTIONS PURSUANT TO COURT ORDER.—

(A) IMMUNITY FROM SUIT.—No cause of action shall lie in any Federal or State court or administrative agency against any entity receiving a court order issued under this subsection, or against any director, officer, employee, or agent thereof, for any act reasonably designed to comply with this subsection or reasonably arising from such order, other than in an action pursuant to subsection (e).

(B) IMMUNITY FROM LIABILITY.—Any entity receiving an order under this subsection, and any director, officer, employee, or agent thereof, shall not be liable to any party for any acts reasonably designed to comply with this subsection or reasonably arising from such order, other than in an action pursuant to subsection (e), and any actions taken by customers of such entity to circumvent any restriction on access to the Internet domain instituted pursuant to this subsection or any act, failure, or inability to restrict access to an Internet domain that is the subject of a court order issued pursuant to this subsection despite good faith efforts to do so by such entity shall not be used by any person in any claim or cause of action against such entity, other than in an action pursuant to subsection (e).

(e) ENFORCEMENT OF ORDERS.—

(1) IN GENERAL.—In order to compel compliance with this section, the qualifying plaintiff may bring an action for injunctive relief against any party receiving a court order issued pursuant to this section that knowingly and willfully fails to comply with such order.

(2) RULE OF CONSTRUCTION.—The authority granted a qualifying plaintiff under paragraph (1) shall be the sole legal remedy for enforcing the obligations under this section of any entity described in subsection (d).

(3) DEFENSE.—A defendant in an action commenced under paragraph (1) may establish an affirmative defense by showing that the defendant does not have the technical means to comply with the subsection without incurring an unreasonable economic burden, or that the order is inconsistent with this Act. This showing shall serve as a defense only to the extent of such inability to comply or to the extent of such inconsistency.

(f) MODIFICATION OR VACATION OF ORDERS.—

(1) IN GENERAL.—At any time after the issuance of an order under subsection (b), a motion to modify, suspend, or vacate the order may be filed by—

(A) any person, or owner or operator of property, bound by the order;

(B) any registrant of the domain name, or the owner or operator of the Internet site subject to the order;

(C) any domain name registrar or registry that has registered or assigned the domain name of the Internet site subject to the order; or

(D) any entity that has received a copy of an order pursuant to subsection (d) requiring such entity to take action prescribed in that subsection.

(2) RELIEF.—Relief under this subsection shall be proper if the court finds that—

(A) the Internet site associated with the domain name subject to the order is no longer, or never was, dedicated to infringing activities as defined in this Act; or

(B) the interests of justice require that the order be modified, suspended, or vacated.

(3) CONSIDERATION.—In making a relief determination under paragraph (2), a court may consider whether the domain name has expired or has been re-registered by a different party.

(g) RELATED ACTIONS.—A qualifying plaintiff, if alleging that an Internet site previously adjudicated to be an Internet site dedicated to infringing activities is accessible or has been reconstituted at a different domain name, may commence a related action under this section against the additional domain name in the same judicial district as the previous action.

SEC. 5. VOLUNTARY ACTION AGAINST WEBSITES STEALING AMERICAN INTELLECTUAL PROPERTY.

(a) IN GENERAL.—No financial transaction provider or Internet advertising service shall be liable for damages to any person for voluntarily taking any action described in section 3(d) or 4(d) with regard to an Internet site if the entity acting in good faith and based on credible evidence has a reasonable belief that the Internet site is an Internet site dedicated to infringing activities.

(b) INTERNET SITES ENGAGED IN INFRINGING ACTIVITIES THAT ENDANGER THE PUBLIC HEALTH.—

(1) REFUSAL OF SERVICE.—A domain name registry, domain name registrar, financial transaction provider, information location tool, or Internet advertising service, acting in good faith and based on credible evidence, may stop providing or refuse to provide services to an infringing Internet site that endangers the public health.

(2) IMMUNITY FROM LIABILITY.—An entity described in paragraph (1), including its directors, officers, employees, or agents, that ceases or refused to provide services under paragraph (1) shall not be liable to any party under any Federal or State law for such action.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term ''adulterated'' has the same meaning as in section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351);

(B) an ''infringing Internet site that endangers the public health'' means—

(i) an Internet site dedicated to infringing activities for which the counterfeit products that it offers, sells, dispenses, or distributes are controlled or non-controlled prescription medication; or

(ii) an Internet site that has no significant use other than, or is designed, operated, or marketed by its operator or persons operating in concert with the operator, and facts or circumstances suggest is used, primarily as a means for—

(I) offering, selling, dispensing, or distributing any controlled or non-controlled prescription medication, and does so regularly without a valid prescription; or

(II) offering, selling, dispensing, or distributing any controlled or non-controlled prescription medication, and does so regularly for medication that is adulterated or misbranded;

(C) the term ''misbranded'' has the same meaning as in section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352); and

(D) the term ''valid prescription'' has the same meaning as in section 309(e)(2)(A) of the Controlled Substances Act (21 U.S.C. 829(e)(2)(A)).

SEC. 6. SAVINGS CLAUSES.

(a) RULE OF CONSTRUCTION RELATING TO CIVIL AND CRIMINAL REMEDIES.—Nothing in this Act shall be construed to limit or expand civil or criminal remedies available to any person (including the United States) for infringing activities on the Internet pursuant to any other Federal or State law.

(b) RULE OF CONSTRUCTION RELATING TO VICARIOUS OR CONTRIBUTORY LIABILITY.—Nothing in this Act shall be construed to enlarge or diminish vicarious or contributory liability for any cause of action available under title 17, United States Code, including any limitations on liability under section 512 of such title 17, or to create an obligation to take action pursuant to section 5 of this Act.

(c) RELATIONSHIP WITH SECTION 512 OF TITLE 17.—Nothing in this Act, and no order issued or served pursuant to sections 3 or 4 of this Act, shall serve as a basis for determining the application of section 512 of title 17, United States Code.

SEC. 7. GUIDELINES AND STUDIES.

(a) GUIDELINES.—The Attorney General shall—

(1) publish procedures developed in consultation with other relevant law enforcement agencies, including the United States Immigration and Customs Enforcement, to receive information from the public about Internet sites dedicated to infringing activities;

(2) provide guidance to intellectual property rights holders about what information such rights holders should provide law enforcement agencies to initiate an investigation pursuant to this Act;

(3) provide guidance to intellectual property rights holders about how to supplement an ongoing investigation initiated pursuant to this Act;

(4) establish standards for prioritization of actions brought under this Act;

(5) provide appropriate resources and procedures for case management and development to affect timely disposition of actions brought under this Act; and

(6) develop a deconfliction process in consultation with other law enforcement agencies, including the United States Immigration and Customs Enforcement, to coordinate enforcement activities brought under this Act.

(b) REPORTS.—

(1) REPORT ON EFFECTIVENESS OF CERTAIN MEASURES.—Not later than 1 year after the date of enactment of this Act, the Secretary of Commerce, in coordination with the Attorney General, the Secretary of Homeland Security, and the Intellectual Property Enforcement Coordinator, shall conduct a study and report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the following:

(A) An assessment of the effects, if any, of the implementation of section 3(d)(2)(A) on the accessibility of Internet sites dedicated to infringing activity.

(B) An assessment of the effects, if any, of the implementation of section 3(d)(2)(A) on the deployment, security, and reliability of the domain name system and associated Internet processes, including Domain Name System Security Extensions.

(C) Recommendations, if any, for modifying or amending this Act to increase effectiveness or ameliorate any unintended effects of section 3(d)(2)(A).

(2) REPORT ON OVERALL EFFECTIVENESS.—The Register of Copyrights shall, in consultation with the appropriate departments and agencies of the United States and other stakeholders—

(A) conduct a study on—

(i) the enforcement and effectiveness of this Act; and

(ii) the need to modify or amend this Act to apply to emerging technologies; and

(B) not later than 2 years after the date of enactment of this Act, submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on—

(i) the results of the study conducted under subparagraph (A); and

(ii) any recommendations that the Register may have as a result of the study.

Mr. HATCH. Mr. President, I rise to express support for S. 968, the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property, PROTECT, Act as introduced by my colleague, Senator LEAHY. Chairman LEAHY and I have worked together on the protection of intellectual property rights on a number of occasions over the years and I am pleased to partner with him once again on this important bill. I also want to recognize the efforts of Senator GRASSLEY, the distinguished Ranking Minority Member of the Senate Judiciary Committee. He is a valued friend and his support is greatly appreciated as we move forward.

With this legislation, we are sending a strong message to those selling or distributing counterfeit goods online, namely that the United States will strongly protect its intellectual property, IP, rights. Despite what seems to be a common assumption, just because something is available on the Internet does not mean it is free. Fake pharmaceuticals threaten people's lives. Stolen movies, music, and other products threaten the jobs and livelihoods of many people. Every year, these online thieves are making hundreds of millions of dollars by stealing American IP, and this undermines legitimate commerce. This is why protecting property rights is a critical imperative and is why we have come together to introduce the PROTECT IP Act.

Utah is considered a very popular State for film and television production activity. Indeed, many American classics have been filmed in my home State. Nothing compares to the red rock of Southern Utah or the sweeping grandeur of the Wasatch Mountains. Not to mention Utah's workforce, which is one of the most highly educated and hardworking in our country. It is estimated that the motion picture and television industries are responsible for thousands of jobs and tens of millions of dollars in wages in Utah. So, IP theft has a direct, negative impact on Utah's economy and its workforce, and this same impact can be seen nationwide.

There is no question that the legislative process can be tedious at times, and often it takes multiple Congresses to get things right. We witnessed this first hand in the patent reform debate. It took three Congresses for the Senate to pass patent reform legislation. I was pleased to be the lead Republican sponsor of the America Invents Act, S. 23, which passed the Senate in March by a vote of 95 to 5. I can confirm that the final Senate-passed bill was a product of countless hours of negotiation and legislative fine-tuning. While I hope the bill before us will not take nearly as long, I can confirm that significant and positive changes have already occurred since we introduced the bipartisan legislation last year. These changes include a narrower definition of the type of Internet sites to which the bill applies, specifically those ''dedicated to infringing activities;'' authorization for the Attorney General to serve an issued court order on a search engine, in addition to payment processors, advertising networks and Internet service providers; authorization for both the Attorney General and rights holders to bring actions against online infringers operating an Internet site or domain where the site is ''dedicated to infringing activities,'' but with remedies limited to eliminating the financial viability of the site, not blocking access; requirement of plaintiffs to attempt to bring an action against the owner or registrant of the domain name used to access an Internet site ''dedicated to infringing activities'' before bringing an action against the domain name itself; protection for domain name registries, registrars, search engines, payment processors, and advertising networks from damages resulting from their voluntary action against an Internet site ''dedicated to infringing activities,'' where that site also ''endangers the public health,'' by offering controlled or non-controlled prescription medication.

It is worth underscoring that the purpose of the PROTECT IP Act is to take down Internet sites dedicated to infringing activities, or in other words, the most egregious offenders in the world of online IP theft. Indeed, the bill authorizes the Department of Justice, DOJ, to file a civil action against the registrant or owner of a domain name that accesses a foreign infringing Internet site, or the foreign-registered domain name itself. However, DOJ officials must seek approval from a Federal court before taking any action. I trust that a Federal judge will weigh all of the facts carefully before issuing an order, in accordance with the Federal Rules of Civil Procedure, to shut down a Web site dedicated to infringing activities.

There is no quick fix to this problem. But doing nothing is not an option. We must explore ways, albeit in incremental steps, to take down offending

Web sites. For this reason, I believe the PROTECT IP Act is a critical step in our ongoing fight against online piracy and counterfeiting. I am pleased with the progress that we have made so far on this bill and look forward to working with my colleagues on further refinements as it moves through the legislative process.

We must take steps to combat those Web sites that are profiting from stolen American intellectual property.

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

S. 971. A bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the Digital Goods and Services Tax Fairness Act. I am pleased to be joined by my colleague from South Dakota, Senator THUNE, in introducing this needed legislation.

The creation and consumption of downloadable digital goods, like books, songs, ringtones and video games, and the provision of digital services, like health care monitoring and cloud computing, represent a rapidly growing segment of our national economy. These goods and services, which are supporting a growing number of American jobs, are sold over communications networks that transcend numerous state and local boundaries. Tax law, not surprisingly, has failed to keep pace with the rapidly changing technology and economy. The lack of a national framework addressing how State and local taxes can be imposed upon these products has led to a confusing process that will only grow more burdensome for consumers and the providers of digital commerce as new, innovative and emerging technologies become available.

Since digital goods and services can be downloaded in a mobile environment, there is a significant question as to which jurisdiction has the authority to tax such purchases. In fact, there is substantial risk that, without a national framework, multiple States and localities will claim they have authority to tax the same digital transaction. For example, if a consumer is on vacation in another State and downloads a song, the State the consumer is visiting, the State that houses the server providing the song, and the consumer's home State could all claim the authority to tax the purchase. This is not only an unfair tax burden on the consumer, but also for the seller that is responsible for identifying the jurisdiction on whose behalf it should be collecting taxes. Left unchecked, these multiple taxes could stifle the digital commerce and crush a growing industry that is creating the good jobs that our country needs.

We can't let that happen. We need a uniform solution that will modernize our State and local tax system to appropriately address the inherent complexities that digital commerce presents.

Neutrality should guide tax policy and administration in the area of digital commerce. Transactions involving similar types of goods and services should be taxed fairly, regardless of the method and means of distribution, whether through electronic transfer or through other channels of commerce. To ensure neutrality and avoid multiple taxation, rules should be adopted to reflect the unique nature of electronic commerce and how digital goods and digital services are provided.

I am introducing the Digital Goods and Services Tax Fairness Act to establish a framework for when and how local governments can tax digital goods and services. The framework put forward in the legislation respects States' authority to tax these products while also fostering innovation and growth in this segment of global commerce.

In most cases, this legislation will use the address of the consumer to determine which jurisdiction has the authority to tax a digital purchase, as long as the State has passed a law to do so and is lawfully able under the Internet Tax Freedom Act and the Supreme Court's Quill decision. Similar to mobile phones, digital purchases should be taxed by the State the consumer resides, not the State that they may have been traveling through while they downloaded the digital product.

This legislation would also preclude discriminatory taxes from being imposed on digital goods and services solely because they are transmitted over communication networks. Additionally, this legislation would ensure that if States tax digital goods and services, they should only be taxed at the same rate imposed upon other tangible goods taxed under the general sales tax.

The Digital Goods and Services Tax Fairness Act of 2011 is structured to provide discipline, but also certainty to States and local governments that wish to tax digital commerce and to the businesses and consumers that are engaged in this marketplace. Our economy is changing in a variety of exciting ways. Congress must be responsive to this reality and consider this legislation soon.

By Mr. WHITEHOUSE (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. NELSON of Florida, Ms. LANDRIEU, and Ms. STABENOW):

S. 973. A bill to create the National Endowment for the Oceans to promote the protection and conservation of the United States ocean, coastal, and Great Lakes ecosystems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WHITEHOUSE. Mr. President, I rise this afternoon to discuss an important piece of bipartisan legislation that I am introducing today with my friend and fellow New Englander, Senator SNOWE, to establish a national endowment for the study, conservation, and restoration of our Nation's oceans, coasts, and Great Lakes.

Let me begin with a particular thank-you to our original cosponsors: the chairman of the Commerce Committee, Senator ROCKEFELLER of West Virginia; the chairman of the Appropriations Committee, Senator INOUYE of Hawaii; my colleague from the great State of Michigan, Senator STABENOW; and two colleagues from the Gulf of Mexico region, Senator BILL NELSON of Florida and Senator LANDRIEU from Louisiana.

As any Rhode Islander can tell you, the ocean is central to our State's way of life. I tell colleagues that Rhode Island's coast is one of the most beautiful places on Earth. But we don't call Rhode Island the Ocean State just because it is beautiful. We are the Ocean State because from our earliest days we have relied on the ocean and our beloved Narragansett Bay for trade, for food, for recreation, and for jobs in the shipbuilding, shipping, fishing, and tourism industries.

And we are not alone—across America, our oceans and coasts directly provide over $130 billion to our country's gross domestic product, and support 2.3 million America jobs. But one impact goes far beyond that.

Our coastal zone areas generate nearly 50 percent of our Nation's gross domestic product and support more than 28 million jobs.

In part, it is Americans' love of and reliance on the oceans that drives the need now to protect and restore them. Coastal America is experiencing a huge population boom, leading to more and more construction that puts significant pressure on our natural coastline and our wetlands.

Worldwide demand for seafood grows at a pace that our fish stocks cannot keep pace with, and our demand for energy leads us ever deeper into the ocean in search of fuel.

There is an old adage, that nothing focuses the mind like a crisis. If this is true, it must be time to focus on taking care of our oceans, because I believe that our oceans are facing what can be characterized as nothing less than a crisis. Our oceans are facing an array of threats, from marine debris aggregating in gyres the size of Texas, to whales so full of bio-accumulative toxins that they constitute swimming hazardous waste.

These are just a few of the headlines from just the past year:

This spring, we have watched in horror as Japan, already suffering from a terrible earthquake and tsunami—and our hearts go out to them—battled to keep the Fukushima Nuclear Plant intact. Leaks from the plant have sent harmful levels of radiation into the ocean.

In July of 2010, the Midwest experienced its largest oil spill ever, after a leaking Michigan pipeline poured oil into the Kalamazoo River and thence into the Great Lakes.

Last June, the journal Science published a literature review by researchers from the University of Queensland

and UNC Chapel Hill, revealing mounting evidence that:

Rapidly rising greenhouse gas concentrations are driving ocean systems toward conditions not seen for millions of years, with an associated risk of fundamental and irreversible ecological transformation.

In my home State of Rhode Island, the Narragansett Bay has witnessed a 4-degree increase in average annual winter water temperature, causing what amounts to a full ecosystem shift.

And of course, in April 2010, we witnessed the horrific explosion of the Deepwater Horizon, the tragic loss of life, and the unfolding of the largest environmental disaster our country has ever seen. The Gulf of Mexico, and the people who depend on this ecosystem for their sustenance and livelihoods, are still struggling to recover.

We are now 13 months beyond the Deepwater Horizon explosion. Lives are still shattered; livelihoods reliant on the gulf ecosystem are still threatened. But we are within the window of action. It is not too late to provide for short-term restoration of the gulf coast to enact legislation that reduces the risk of future oilspills, and as my cosponsors and I seek to provide dedicated funding to study, protect, and restore the marine and coastal ecosystems within the United States' boundaries.

The National Endowment for the Oceans is our proposal to meet this last challenge. The Endowment would make grants available to coastal and Great Lakes States, local government agencies, regional planning bodies, academic institutions, and nonprofit organizations so these entities could embark on projects to learn more about and do a better job of protecting our precious natural resource. Projects that allow researchers to hire technicians, mechanics, computer scientists and students. Projects that put people to work relocating critical public infrastructure jeopardized by sea level rise. Projects that solve resource management problems and restore our natural ecosystems. Projects that protect jobs by restoring commercial fisheries habitat, and creating new fisheries gear for sustainable and profitable fishing.

The National Oceanic Atmospheric Administration received $167 million for coastal restoration projects under the Recovery Act. More than 800 proposals for shovel-ready construction and engineering projects came in, totaling $3 billion worth of work. But NOAA could only fund 50 of the 800.

The National Endowment for the Oceans would help us move forward with these projects and others that protect our oceans and drive our economy. As I stand here today, more than a year after the beginning of the oilspill in the gulf, and in the face of mounting evidence that our oceans and coasts are truly facing a crisis, I understand the feelings of concern and frustration. But, again, I believe it is not too late.

In fact, I believe the time is now to pass legislation that will help to restore the gulf ecosystem. The time is now to pass legislation that will reduce the risk of future oilspills. And it is time now to provide dedicated funding for the study, restoration, and protection of our Nation's ocean and coastal resources.

We need to put the stewardship of our natural resources, our ocean resources, at the forefront of our national agenda. The National Endowment for the Oceans, as I said, is bipartisan. I thank Senator OLYMPIA SNOWE for her leadership in this effort. This legislation is science based, with much of the money made available through a competitive grant program. This legislation is cost effective, coordinating existing efforts of Federal, local, and private programs, reducing duplication of research efforts, and crossing political borders to ensure that every dollar is spent with the greatest possible effect.

Finally, this legislation is appropriately paid for with revenue generated from the Oil Spill Liability Trust Fund, a portion of royalties from Outer Continental Shelf energy development, and fines and damages collected for violations of Federal law off our coastline. Put simply, a small portion of the revenue we extract from our oceans and great waters will be reinvested to now protect the long-term viability of those oceans and great waters.

The ocean provides us with great bounty, and we will continue to take advantage of that, as we should. We will fish, we will sail, and we will trade. We will dispose of waste. We will extract fuel and construct wind farms. Navies and cruise ships, sail boats and supertankers will plow the ocean surface. We cannot change how reliant we are on our ocean. What we can change is what we do in return.

We can for the first time give back. We can become stewards of our oceans, not just takers but caretakers. The oceans contain immense potential for new discoveries, immense potential for new jobs, and immense potential for new solutions to the emerging oceans crisis. But to meet the demands of this moment, we must respond to the challenges before us. We must heed the alarm bells that are ringing from the arctic seas to our tropic oceans, from the top of the food chain to the bottom, alarm bells indeed are ringing.

I urge my colleagues to join Senator SNOWE and myself in support of the National Endowment for the Oceans. Let ours be the generation that tips the increasingly troubling balance between mankind and our oceans a little bit back toward the benefit of our oceans for the long-term benefit of mankind.

By Ms. SNOWE (for herself and Ms. LANDRIEU):

S. 974. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Finance.

Ms. SNOWE. Mr. President, as ranking member of the Senate Small Business Committee, I am delighted to rise today, on the eve of National Small Business Week, with Senator LANDRIEU, who is Chair of the Committee, to introduce the Small Business Tax Equalization and Compliance Act.

Our bipartisan measure is a pro-small business bill and would allow the salon industry to have the same tax rules on tips paid to employees as is permitted in the restaurant industry. The legislation would increase compliance with payroll tax obligations and will make sure that the women who work in the salon industry earn all the Social Security retirement and disability benefits they should be entitled to. It would also help to prevent salons that do not follow the tax law from gaining a competitive disadvantage against those that do follow the law. Congressman SAM JOHNSON, R–TX, is leading the charge on a companion bill in the House.

Clearly this legislation will help all parts of the salon industry, big and small, men and women. But the reality is that because 84 percent of the workforce in the salon industry is female, this issue has special relevance for women. When women work as independent contractors at hair salons, they are less likely to disclose all of their tips for purposes of paying Social Security taxes. As a result, they reduce their future right to earn retirement and disability benefits in the Social Security system and reduce the size of any benefit they do ultimately earn. Making sure that working women are correctly paying into Social Security is critical to their future retirement security because many of these women will have had no other retirement benefits available to them.

We know that women are disproportionately dependent on Social Security for their retirement benefits, a March 2010 study by the Women for Women's Policy Research showed that women's Social Security benefits in 2008 were only about 75 percent of the benefits earned by men and it comprised about half of their total retirement income. By contrast, Social Security benefits comprised roughly one-third of men's retirement income. Earning the right to collect a decent Social Security benefit is vital to women.

As a small business issue, salons are a quintessential small business on Main Streets across America. According to the U.S. Census Bureau, 98 percent of salon industry firms have only one establishment; 92 percent of salon establishments have sales of less than $500,000; and 82 percent of salon establishments have fewer than 10 employees. Extending the tip tax credit to salon owners would allow them to reinvest in their businesses and employees,

create new jobs, granting new economic and employment opportunities in their local communities.

I specifically want to explain what this legislation would do. First, it would provide to the salon industry with the same type of tax credit currently available in the restaurant industry. The credit is for employers to offset the matching Social Security and Medicare taxes that the salon pays on the tips that employees receive from customers. Next, the bill would help to make more even-handed IRS enforcement of laws on payroll and income taxes. Without this legislation it is often the lopsided practice of the IRS to seek back taxes from the employer but rarely from the employee or independent contractor despite the requirement that taxes be paid in equal measure.

The legislation will protect both legitimate independent contractors and employees who pay their taxes but frees up IRS resources to focus on those bad actors who are not complying with the law. Although non-employer salons comprise 87 percent of establishments, their reported sales represent only 36 percent of total salon industry revenues, implying a significant underreporting of income in the non-employer segment. This legislation includes education and reporting requirements which will help address the ''tax gap'' and reveal a valuable new source of tax revenues for the federal government. This is a win-win-win for the salons, for employees, and for the government.

This bill is supported by the Professional Beauty Association, the largest association in the professional beauty industry, which is comprised of salon and spa owners, manufacturers and distributors of salon and spa products, and individual licensed cosmetologists.

Finally, I want to thank two salon owners who brought this issue to my attention, Alan Labos of Akari Salon in Portland, ME, Tiffany Conway of bei capelli salon in Scarborough, ME.

In conclusion, I urge my colleagues on both sides of the aisle to support our bill.

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

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

S. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Tax Equalization and Compliance Act of 2011''.

SEC. 2. EXPANSION OF CREDIT FOR PORTION OF SOCIAL SECURITY TAXES PAID WITH RESPECT TO EMPLOYEE TIPS.

(a) EXPANSION OF CREDIT TO OTHER LINES OF BUSINESS.—Paragraph (2) of section 45B(b) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) APPLICATION ONLY TO CERTAIN LINES OF BUSINESS.—In applying paragraph (1), there shall be taken into account only tips received from customers or clients in connection with—

''(A) the providing, delivering, or serving of food or beverages for consumption if the tipping of employees delivering or serving food or beverages by customers is customary, or

''(B) the providing of any cosmetology service for customers or clients at a facility licensed to provide such service if the tipping of employees providing such service is customary.''.

(b) DEFINITION OF COSMETOLOGY SERVICE.—Section 45B of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

''(c) COSMETOLOGY SERVICE.—For purposes of this section, the term 'cosmetology service' means—

''(1) hairdressing,

''(2) haircutting,

''(3) manicures and pedicures,

''(4) body waxing, facials, mud packs, wraps, and other similar skin treatments, and

''(5) any other beauty-related service provided at a facility at which a majority of the services provided (as determined on the basis of gross revenue) are described in paragraphs (1) through (4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tips received for services performed after December 31, 2010.

SEC. 3. INFORMATION REPORTING AND TAXPAYER EDUCATION FOR PROVIDERS OF COSMETOLOGY SERVICES.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6050W the following new section:

''SEC. 6050X. RETURNS RELATING TO COSMETOLOGY SERVICES AND INFORMATION TO BE PROVIDED TO COSMETOLOGISTS.

''(a) IN GENERAL.—Every person (referred to in this section as a 'reporting person') who—

''(1) employs 1 or more cosmetologists to provide any cosmetology service,

''(2) rents a chair to 1 or more cosmetologists to provide any cosmetology service on at least 5 calendar days during a calendar year, or

''(3) in connection with its trade or business or rental activity, otherwise receives compensation from, or pays compensation to, 1 or more cosmetologists for the right to provide cosmetology services to, or for cosmetology services provided to, third-party patrons,

shall comply with the return requirements of subsection (b) and the taxpayer education requirements of subsection (c).

''(b) RETURN REQUIREMENTS.—The return requirements of this subsection are met by a reporting person if the requirements of each of the following paragraphs applicable to such person are met.

''(1) EMPLOYEES.—In the case of a reporting person who employs 1 or more cosmetologists to provide cosmetology services, the requirements of this paragraph are met if such person meets the requirements of sections 6051 (relating to receipts for employees) and 6053(b) (relating to tip reporting) with respect to each such employee.

''(2) INDEPENDENT CONTRACTORS.—In the case of a reporting person who pays compensation to 1 or more cosmetologists (other than as employees) for cosmetology services provided to third-party patrons, the requirements of this paragraph are met if such person meets the applicable requirements of section 6041 (relating to returns filed by persons making payments of $600 or more in the course of a trade or business), section 6041A (relating to returns to be filed by service-recipients who pay more than $600 in a calendar year for services from a service provider), and each other provision of this subpart that may be applicable to such compensation.

''(3) CHAIR RENTERS.—

''(A) IN GENERAL.—In the case of a reporting person who receives rent or other fees or compensation from 1 or more cosmetologists for use of a chair or for rights to provide any cosmetology service at a salon or other similar facility for more than 5 days in a calendar year, the requirements of this paragraph are met if such person—

''(i) makes a return, according to the forms or regulations prescribed by the Secretary, setting forth the name, address, and TIN of each such cosmetologist and the amount received from each such cosmetologist, and

''(ii) furnishes to each cosmetologist whose name is required to be set forth on such return a written statement showing—

''(I) the name, address, and phone number of the information contact of the reporting person,

''(II) the amount received from such cosmetologist, and

''(III) a statement informing such cosmetologist that (as required by this section), the reporting person has advised the Internal Revenue Service that the cosmetologist provided cosmetology services during the calendar year to which the statement relates.

''(B) METHOD AND TIME FOR PROVIDING STATEMENT.—The written statement required by clause (ii) of subparagraph (A) shall be furnished (either in person or by first-class mail which includes adequate notice that the statement or information is enclosed) to the person on or before January 31 of the year following the calendar year for which the return under clause (i) of subparagraph (A) is to be made.

''(c) TAXPAYER EDUCATION REQUIREMENTS.—In the case of a reporting person who is required to provide a statement pursuant to subsection (b), the requirements of this subsection are met if such person provides to each such cosmetologist annually a publication, as designated by the Secretary, describing—

''(1) in the case of an employee, the tax and tip reporting obligations of employees, and

''(2) in the case of a cosmetologist who is not an employee of the reporting person, the tax obligations of independent contractors or proprietorships.

The publications shall be furnished either in person or by first-class mail which includes adequate notice that the publication is enclosed.

''(d) DEFINITIONS.—For purposes of this section—

''(1) COSMETOLOGIST.—

''(A) IN GENERAL.—The term 'cosmetologist' means an individual who provides any cosmetology service.

''(B) ANTI-AVOIDANCE RULE.—The Secretary may by regulation or ruling expand the term 'cosmetologist' to include any entity or arrangement if the Secretary determines that entities are being formed to circumvent the reporting requirements of this section.

''(2) COSMETOLOGY SERVICE.—The term 'cosmetology service' has the meaning given to such term by section 45B(c).

''(3) CHAIR.—The term 'chair' includes a chair, booth, or other furniture or equipment from which an individual provides a cosmetology service (determined without regard to whether the cosmetologist is entitled to use a specific chair, booth, or other similar furniture or equipment or has an exclusive right to use any such chair, booth, or other similar furniture or equipment).

''(e) EXCEPTIONS FOR CERTAIN EMPLOYEES.—Subsection (c) shall not apply to a reporting person with respect to an employee who is employed in a capacity for which tipping (or sharing tips) is not customary.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6724(d)(1)(B) of such Code (relating to the definition of information returns) is amended by striking ''or'' at the end of clause (xxiv), by striking ''and'' at the end of clause (xxv) and inserting ''or'', and by inserting after clause (xxv) the following new clause:

''(xvi) section 6050X(a) (relating to returns by cosmetology service providers), and''.

(2) Section 6724(d)(2) of such Code is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting '', or'', and by inserting after subparagraph (HH) the following new subparagraph:

''(II) subsections (b)(3)(A)(ii) and (c) of section 6050X (relating to cosmetology service providers) even if the recipient is not a payee.''.

(3) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by adding after the item relating to section 6050W the following new item:

''Sec. 6050X. Returns relating to cosmetology services and information to be provided to cosmetologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2010.

By Mr. DURBIN (for himself, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. CARDIN, and Mr. REED):

S. 979. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States; to the Committee on Energy and Natural Resources.

Mr. DURBIN. 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. 979

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 ''America's Red Rock Wilderness Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Land Management.

(2) STATE.—The term ''State'' means the State of Utah.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—

(1) the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges that rise as islands from the desert floor;

(2) the Wah Wah Mountains in the Great Basin region are arid and austere, with massive cliff faces and leathery slopes speckled with piñon and juniper;

(3) the Pilot Range and Stansbury Mountains in the Great Basin region are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth;

(4) from bristlecone pine, the world's oldest living organism, to newly-flowered mountain meadows, mountains of the Great Basin region are islands of nature that—

(A) support remarkable biological diversity; and

(B) provide opportunities to experience the colossal silence of the Great Basin; and

(5) the Great Basin region of western Utah should be protected and managed to ensure the preservation of the natural conditions of the region.

(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Antelope Range (approximately 17,000 acres).

(2) Barn Hills (approximately 20,000 acres).

(3) Black Hills (approximately 9,000 acres).

(4) Bullgrass Knoll (approximately 15,000 acres).

(5) Burbank Hills/Tunnel Spring (approximately 92,000 acres).

(6) Conger Mountains (approximately 21,000 acres).

(7) Crater Bench (approximately 35,000 acres).

(8) Crater and Silver Island Mountains (approximately 121,000 acres).

(9) Cricket Mountains Cluster (approximately 62,000 acres).

(10) Deep Creek Mountains (approximately 126,000 acres).

(11) Drum Mountains (approximately 39,000 acres).

(12) Dugway Mountains (approximately 24,000 acres).

(13) Essex Canyon (approximately 1,300 acres).

(14) Fish Springs Range (approximately 64,000 acres).

(15) Granite Peak (approximately 19,000 acres).

(16) Grassy Mountains (approximately 23,000 acres).

(17) Grouse Creek Mountains (approximately 15,000 acres).

(18) House Range (approximately 201,000 acres).

(19) Keg Mountains (approximately 38,000 acres).

(20) Kern Mountains (approximately 15,000 acres).

(21) King Top (approximately 110,000 acres).

(22) Ledger Canyon (approximately 9,000 acres).

(23) Little Goose Creek (approximately 1,200 acres).

(24) Middle/Granite Mountains (approximately 80,000 acres).

(25) Mount Escalante (approximately 18,000 acres).

(26) Mountain Home Range (approximately 90,000 acres).

(27) Newfoundland Mountains (approximately 22,000 acres).

(28) Ochre Mountain (approximately 13,000 acres).

(29) Oquirrh Mountains (approximately 9,000 acres).

(30) Painted Rock Mountain (approximately 26,000 acres).

(31) Paradise/Steamboat Mountains (approximately 144,000 acres).

(32) Pilot Range (approximately 45,000 acres).

(33) Red Tops (approximately 28,000 acres).

(34) Rockwell-Little Sahara (approximately 21,000 acres).

(35) San Francisco Mountains (approximately 39,000 acres).

(36) Sand Ridge (approximately 73,000 acres).

(37) Simpson Mountains (approximately 42,000 acres).

(38) Snake Valley (approximately 100,000 acres).

(39) Spring Creek Canyon (approximately 4,000 acres).

(40) Stansbury Island (approximately 10,000 acres).

(41) Stansbury Mountains (approximately 24,000 acres).

(42) Thomas Range (approximately 36,000 acres).

(43) Tule Valley (approximately 159,000 acres).

(44) Wah Wah Mountains (approximately 167,000 acres).

(45) Wasatch/Sevier Plateaus (approximately 29,000 acres).

(46) White Rock Range (approximately 5,200 acres).

SEC. 102. GRAND STAIRCASE-ESCALANTE WILDERNESS AREAS.

(a) GRAND STAIRCASE AREA.—

(1) FINDINGS.—Congress finds that—

(A) the area known as the Grand Staircase rises more than 6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon;

(B) the Grand Staircase—

(i) spans 6 major life zones, from the lower Sonoran Desert to the alpine forest; and

(ii) encompasses geologic formations that display 3,000,000,000 years of Earth's history;

(C) land managed by the Secretary lines the intricate canyon system of the Paria River and forms a vital natural corridor connection to the deserts and forests of those national parks;

(D) land described in paragraph (2) (other than East of Bryce, Upper Kanab Creek, Moquith Mountain, Bunting Point, and Vermillion Cliffs) is located within the Grand Staircase-Escalante National Monument; and

(E) the Grand Staircase in Utah should be protected and managed as a wilderness area.

(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) Bryce View (approximately 4,500 acres).

(B) Bunting Point (approximately 11,000 acres).

(C) Canaan Mountain (approximately 16,000 acres in Kane County).
(D) Canaan Peak Slopes (approximately 2,300 acres).
(E) East of Bryce (approximately 750 acres).
(F) Glass Eye Canyon (approximately 24,000 acres).
(G) Ladder Canyon (approximately 14,000 acres).
(H) Moquith Mountain (approximately 16,000 acres).
(I) Nephi Point (approximately 14,000 acres).
(J) Orderville Canyon (approximately 9,200 acres)
(K) Paria-Hackberry (approximately 188,000 acres).
(L) Paria Wilderness Expansion (approximately 3,300 acres).
(M) Parunuweap Canyon (approximately 43,000 acres).
(N) Pine Hollow (approximately 11,000 acres).
(O) Slopes of Bryce (approximately 2,600 acres).
(P) Timber Mountain (approximately 51,000 acres).
(Q) Upper Kanab Creek (approximately 49,000 acres).
(R) Vermillion Cliffs (approximately 26,000 acres).
(S) Willis Creek (approximately 21,000 acres).

(b) KAIPAROWITS PLATEAU.—
(1) FINDINGS.—Congress finds that—
(A) the Kaiparowits Plateau east of the Paria River is 1 of the most rugged and isolated wilderness regions in the United States;
(B) the Kaiparowits Plateau, a windswept land of harsh beauty, contains distant vistas and a remarkable variety of plant and animal species;
(C) ancient forests, an abundance of big game animals, and 22 species of raptors thrive undisturbed on the grassland mesa tops of the Kaiparowits Plateau;
(D) each of the areas described in paragraph (2) (other than Heaps Canyon, Little Valley, and Wide Hollow) is located within the Grand Staircase-Escalante National Monument; and
(E) the Kaiparowits Plateau should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Andalex Not (approximately 18,000 acres).
(B) The Blues (approximately 21,000 acres).
(C) Box Canyon (approximately 2,800 acres).
(D) Burning Hills (approximately 80,000 acres).
(E) Carcass Canyon (approximately 83,000 acres).
(F) The Cockscomb (approximately 11,000 acres).
(G) Fiftymile Bench (approximately 12,000 acres).
(H) Fiftymile Mountain (approximately 203,000 acres).
(I) Heaps Canyon (approximately 4,000 acres).
(J) Horse Spring Canyon (approximately 31,000 acres).
(K) Kodachrome Headlands (approximately 10,000 acres).
(L) Little Valley Canyon (approximately 4,000 acres).
(M) Mud Spring Canyon (approximately 65,000 acres).
(N) Nipple Bench (approximately 32,000 acres).
(O) Paradise Canyon-Wahweap (approximately 262,000 acres).
(P) Rock Cove (approximately 16,000 acres).
(Q) Warm Creek (approximately 23,000 acres).
(R) Wide Hollow (approximately 6,800 acres).

(c) ESCALANTE CANYONS.—
(1) FINDINGS.—Congress finds that—
(A) glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are examples of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon;
(B) Escalante Canyon links the spruce fir forests of the 11,000-foot Aquarius Plateau with winding slickrock canyons that flow into Glen Canyon;
(C) Escalante Canyon, 1 of Utah's most popular natural areas, contains critical habitat for deer, elk, and wild bighorn sheep that also enhances the scenic integrity of the area;
(D) each of the areas described in paragraph (2) is located within the Grand Staircase-Escalante National Monument; and
(E) Escalante Canyon should be protected and managed as a wilderness area.
(2) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(A) Brinkerhof Flats (approximately 3,000 acres).
(B) Colt Mesa (approximately 28,000 acres).
(C) Death Hollow (approximately 49,000 acres).
(D) Forty Mile Gulch (approximately 6,600 acres).
(E) Hurricane Wash (approximately 9,000 acres).
(F) Lampstand (approximately 7,900 acres).
(G) Muley Twist Flank (approximately 3,600 acres).
(H) North Escalante Canyons (approximately 176,000 acres).
(I) Pioneer Mesa (approximately 11,000 acres).
(J) Scorpion (approximately 53,000 acres).
(K) Sooner Bench (approximately 390 acres).
(L) Steep Creek (approximately 35,000 acres).
(M) Studhorse Peaks (approximately 24,000 acres).

SEC. 103. MOAB-LA SAL CANYONS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the canyons surrounding the La Sal Mountains and the town of Moab offer a variety of extraordinary landscapes;
(2) outstanding examples of natural formations and landscapes in the Moab-La Sal area include the huge sandstone fins of Behind the Rocks, the mysterious Fisher Towers, and the whitewater rapids of Westwater Canyon; and
(3) the Moab-La Sal area should be protected and managed as a wilderness area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Arches Adjacent (approximately 12,000 acres).
(2) Beaver Creek (approximately 41,000 acres).
(3) Behind the Rocks and Hunters Canyon (approximately 22,000 acres).
(4) Big Triangle (approximately 20,000 acres).
(5) Coyote Wash (approximately 28,000 acres).
(6) Dome Plateau-Professor Valley (approximately 35,000 acres).
(7) Fisher Towers (approximately 18,000 acres).
(8) Goldbar Canyon (approximately 9,000 acres).
(9) Granite Creek (approximately 5,000 acres).
(10) Mary Jane Canyon (approximately 25,000 acres).
(11) Mill Creek (approximately 14,000 acres).
(12) Porcupine Rim and Morning Glory (approximately 20,000 acres).
(13) Renegade Point (approximately 6,600 acres).
(14) Westwater Canyon (approximately 37,000 acres).
(15) Yellow Bird (approximately 4,200 acres).

SEC. 104. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the Henry Mountain Range, the last mountain range to be discovered and named by early explorers in the contiguous United States, still retains a wild and undiscovered quality;
(2) fluted badlands that surround the flanks of 11,000-foot Mounts Ellen and Pennell contain areas of critical habitat for mule deer and for the largest herd of free-roaming buffalo in the United States;
(3) despite their relative accessibility, the Henry Mountain Range remains 1 of the wildest, least-known ranges in the United States; and
(4) the Henry Mountain range should be protected and managed to ensure the preservation of the range as a wilderness area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Bull Mountain (approximately 16,000 acres).
(2) Bullfrog Creek (approximately 35,000 acres).
(3) Dogwater Creek (approximately 3,400 acres).
(4) Fremont Gorge (approximately 20,000 acres).
(5) Long Canyon (approximately 16,000 acres).
(6) Mount Ellen-Blue Hills (approximately 140,000 acres).
(7) Mount Hillers (approximately 21,000 acres).
(8) Mount Pennell (approximately 147,000 acres).
(9) Notom Bench (approximately 6,200 acres).
(10) Oak Creek (approximately 1,700 acres).
(11) Ragged Mountain (approximately 28,000 acres).

SEC. 105. GLEN CANYON WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the side canyons of Glen Canyon, including the Dirty Devil River and the Red, White and Blue Canyons, contain some of the most remote and outstanding landscapes in southern Utah;
(2) the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas;
(3) the Red and Blue Canyons contain colorful Chinle/Moenkopi badlands found nowhere else in the region; and
(4) the canyons of Glen Canyon in the State should be protected and managed as wilderness areas.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Cane Spring Desert (approximately 18,000 acres).
(2) Dark Canyon (approximately 134,000 acres).
(3) Dirty Devil (approximately 242,000 acres).
(4) Fiddler Butte (approximately 92,000 acres).
(5) Flat Tops (approximately 30,000 acres).
(6) Little Rockies (approximately 64,000 acres).
(7) The Needle (approximately 11,000 acres).
(8) Red Rock Plateau (approximately 213,000 acres).
(9) White Canyon (approximately 98,000 acres).

SEC. 106. SAN JUAN-ANASAZI WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) more than 1,000 years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the piñon-covered mesas of southeastern Utah;
(2) evidence of the ancient presence of the Anasazi pervades the Cedar Mesa area of the San Juan-Anasazi area where cliff dwellings, rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands;
(3) the Cedar Mesa area is in need of protection from the vandalism and theft of its unique cultural resources;
(4) the Cedar Mesa wilderness areas should be created to protect both the archaeological heritage and the extraordinary wilderness, scenic, and ecological values of the United States; and
(5) the San Juan-Anasazi area should be protected and managed as a wilderness area to ensure the preservation of the unique and valuable resources of that area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Allen Canyon (approximately 5,900 acres).
(2) Arch Canyon (approximately 30,000 acres).
(3) Comb Ridge (approximately 15,000 acres).
(4) East Montezuma (approximately 45,000 acres).
(5) Fish and Owl Creek Canyons (approximately 73,000 acres).
(6) Grand Gulch (approximately 159,000 acres).
(7) Hammond Canyon (approximately 4,400 acres).
(8) Nokai Dome (approximately 93,000 acres).
(9) Road Canyon (approximately 63,000 acres).
(10) San Juan River (Sugarloaf) (approximately 15,000 acres).
(11) The Tabernacle (approximately 7,000 acres).
(12) Valley of the Gods (approximately 21,000 acres).

SEC. 107. CANYONLANDS BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) Canyonlands National Park safeguards only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau;
(2) areas near Arches National Park and Canyonlands National Park contain canyons with rushing perennial streams, natural arches, bridges, and towers;
(3) the gorges of the Green and Colorado Rivers lie on adjacent land managed by the Secretary;
(4) popular overlooks in Canyonlands Nations Park and Dead Horse Point State Park have views directly into adjacent areas, including Lockhart Basin and Indian Creek; and
(5) designation of those areas as wilderness would ensure the protection of this erosional masterpiece of nature and of the rich pockets of wildlife found within its expanded boundaries.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Bridger Jack Mesa (approximately 33,000 acres).
(2) Butler Wash (approximately 27,000 acres).
(3) Dead Horse Cliffs (approximately 5,300 acres).
(4) Demon's Playground (approximately 3,700 acres).
(5) Duma Point (approximately 14,000 acres).
(6) Gooseneck (approximately 9,000 acres).
(7) Hatch Point Canyons/Lockhart Basin (approximately 149,000 acres).
(8) Horsethief Point (approximately 15,000 acres).
(9) Indian Creek (approximately 28,000 acres).
(10) Labyrinth Canyon (approximately 150,000 acres).
(11) San Rafael River (approximately 101,000 acres).
(12) Shay Mountain (approximately 14,000 acres).
(13) Sweetwater Reef (approximately 69,000 acres).
(14) Upper Horseshoe Canyon (approximately 60,000 acres).

SEC. 108. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the San Rafael Swell towers above the desert like a castle, ringed by 1,000-foot ramparts of Navajo Sandstone;
(2) the highlands of the San Rafael Swell have been fractured by uplift and rendered hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams;
(3) among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and colorful cliffs of Humbug Canyon;
(4) the mountains within these areas are among Utah's most valuable habitat for desert bighorn sheep; and
(5) the San Rafael Swell area should be protected and managed to ensure its preservation as a wilderness area.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:
(1) Cedar Mountain (approximately 15,000 acres).
(2) Devils Canyon (approximately 23,000 acres).
(3) Eagle Canyon (approximately 38,000 acres).
(4) Factory Butte (approximately 22,000 acres).
(5) Hondu Country (approximately 20,000 acres).
(6) Jones Bench (approximately 2,800 acres).
(7) Limestone Cliffs (approximately 25,000 acres).
(8) Lost Spring Wash (approximately 37,000 acres).
(9) Mexican Mountain (approximately 100,000 acres).
(10) Molen Reef (approximately 33,000 acres).
(11) Muddy Creek (approximately 240,000 acres).
(12) Mussentuchit Badlands (approximately 25,000 acres).
(13) Pleasant Creek Bench (approximately 1,100 acres).
(14) Price River-Humbug (approximately 120,000 acres).
(15) Red Desert (approximately 40,000 acres).
(16) Rock Canyon (approximately 18,000 acres).
(17) San Rafael Knob (approximately 15,000 acres).
(18) San Rafael Reef (approximately 114,000 acres).
(19) Sids Mountain (approximately 107,000 acres).
(20) Upper Muddy Creek (approximately 19,000 acres).
(21) Wild Horse Mesa (approximately 92,000 acres).

SEC. 109. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—Congress finds that—
(1) the Book Cliffs and Uinta Basin wilderness areas offer—
(A) unique big game hunting opportunities in verdant high-plateau forests;
(B) the opportunity for float trips of several days duration down the Green River in Desolation Canyon; and
(C) the opportunity for calm water canoe weekends on the White River;
(2) the long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin;
(3) bears, Bighorn sheep, cougars, elk, and mule deer flourish in the back country of the Book Cliffs; and
(4) the Book Cliffs and Uinta Basin areas should be protected and managed to ensure the protection of the areas as wilderness.
(b) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System.
(1) Bourdette Draw (approximately 15,000 acres).
(2) Bull Canyon (approximately 2,800 acres).
(3) Chipeta (approximately 95,000 acres).
(4) Dead Horse Pass (approximately 8,000 acres).
(5) Desbrough Canyon (approximately 13,000 acres).
(6) Desolation Canyon (approximately 555,000 acres).
(7) Diamond Breaks (approximately 9,000 acres).
(8) Diamond Canyon (approximately 166,000 acres).
(9) Diamond Mountain (also known as ''Wild Mountain'') (approximately 27,000 acres).
(10) Dinosaur Adjacent (approximately 10,000 acres).
(11) Goslin Mountain (approximately 4,900 acres).
(12) Hideout Canyon (approximately 12,000 acres).
(13) Lower Bitter Creek (approximately 14,000 acres).
(14) Lower Flaming Gorge (approximately 21,000 acres).
(15) Mexico Point (approximately 15,000 acres).
(16) Moonshine Draw (also known as ''Daniels Canyon'') (approximately 10,000 acres).
(17) Mountain Home (approximately 9,000 acres).
(18) O-Wi-Yu-Kuts (approximately 13,000 acres).
(19) Red Creek Badlands (approximately 3,600 acres).

(20) Seep Canyon (approximately 21,000 acres).

(21) Sunday School Canyon (approximately 18,000 acres).

(22) Survey Point (approximately 8,000 acres).

(23) Turtle Canyon (approximately 39,000 acres).

(24) White River (approximately 23,000 acres).

(25) Winter Ridge (approximately 38,000 acres).

(26) Wolf Point (approximately 15,000 acres).

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. GENERAL PROVISIONS.

(a) NAMES OF WILDERNESS AREAS.—Each wilderness area named in title I shall—

(1) consist of the quantity of land referenced with respect to that named area, as generally depicted on the map entitled ''Utah BLM Wilderness Proposed by S. [_____], 112th Congress''; and

(2) be known by the name given to it in title I.

(b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by this Act with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the Office of the Director of the Bureau of Land Management.

SEC. 202. ADMINISTRATION.

Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this Act shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 203. STATE SCHOOL TRUST LAND WITHIN WILDERNESS AREAS.

(a) IN GENERAL.—Subject to subsection (b), if State-owned land is included in an area designated by this Act as a wilderness area, the Secretary shall offer to exchange land owned by the United States in the State of approximately equal value in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) and section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)).

(b) MINERAL INTERESTS.—The Secretary shall not transfer any mineral interests under subsection (a) unless the State transfers to the Secretary any mineral interests in land designated by this Act as a wilderness area.

SEC. 204. WATER.

(a) RESERVATION.—

(1) WATER FOR WILDERNESS AREAS.—

(A) IN GENERAL.—With respect to each wilderness area designated by this Act, Congress reserves a quantity of water determined by the Secretary to be sufficient for the wilderness area.

(B) PRIORITY DATE.—The priority date of a right reserved under subparagraph (A) shall be the date of enactment of this Act.

(2) PROTECTION OF RIGHTS.—The Secretary and other officers and employees of the United States shall take any steps necessary to protect the rights reserved by paragraph (1)(A), including the filing of a claim for the quantification of the rights in any present or future appropriate stream adjudication in the courts of the State—

(A) in which the United States is or may be joined; and

(B) that is conducted in accordance with section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560, chapter 651).

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act relinquishes or reduces any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) SPECIFICATION OF RIGHTS.—The Federal water rights reserved by this Act are specific to the wilderness areas designated by this Act.

(2) NO PRECEDENT ESTABLISHED.—Nothing in this Act related to reserved Federal water rights—

(A) shall establish a precedent with regard to any future designation of water rights; or

(B) shall affect the interpretation of any other Act or any designation made under any other Act.

SEC. 205. ROADS.

(a) SETBACKS.—

(1) MEASUREMENT IN GENERAL.—A setback under this section shall be measured from the center line of the road.

(2) WILDERNESS ON 1 SIDE OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on only 1 side shall be set at—

(A) 300 feet from a paved Federal or State highway;

(B) 100 feet from any other paved road or high standard dirt or gravel road; and

(C) 30 feet from any other road.

(3) WILDERNESS ON BOTH SIDES OF ROADS.—Except as provided in subsection (b), a setback for a road with wilderness on both sides (including cherry-stems or roads separating 2 wilderness units) shall be set at—

(A) 200 feet from a paved Federal or State highway;

(B) 40 feet from any other paved road or high standard dirt or gravel road; and

(C) 10 feet from any other roads.

(b) SETBACK EXCEPTIONS.—

(1) WELL-DEFINED TOPOGRAPHICAL BARRIERS.—If, between the road and the boundary of a setback area described in paragraph (2) or (3) of subsection (a), there is a well-defined cliff edge, stream bank, or other topographical barrier, the Secretary shall use the barrier as the wilderness boundary.

(2) FENCES.—If, between the road and the boundary of a setback area specified in paragraph (2) or (3) of subsection (a), there is a fence running parallel to a road, the Secretary shall use the fence as the wilderness boundary if, in the opinion of the Secretary, doing so would result in a more manageable boundary.

(3) DEVIATIONS FROM SETBACK AREAS.—

(A) EXCLUSION OF DISTURBANCES FROM WILDERNESS BOUNDARIES.—In cases where there is an existing livestock development, dispersed camping area, borrow pit, or similar disturbance within 100 feet of a road that forms part of a wilderness boundary, the Secretary may delineate the boundary so as to exclude the disturbance from the wilderness area.

(B) LIMITATION ON EXCLUSION OF DISTURBANCES.—The Secretary shall make a boundary adjustment under subparagraph (A) only if the Secretary determines that doing so is consistent with wilderness management goals.

(C) DEVIATIONS RESTRICTED TO MINIMUM NECESSARY.—Any deviation under this paragraph from the setbacks required under in paragraph (2) or (3) of subsection (a) shall be the minimum necessary to exclude the disturbance.

(c) DELINEATION WITHIN SETBACK AREA.—The Secretary may delineate a wilderness boundary at a location within a setback under paragraph (2) or (3) of subsection (a) if, as determined by the Secretary, the delineation would enhance wilderness management goals.

SEC. 206. LIVESTOCK.

Within the wilderness areas designated under title I, the grazing of livestock authorized on the date of enactment of this Act shall be permitted to continue subject to such reasonable regulations and procedures as the Secretary considers necessary, as long as the regulations and procedures are consistent with—

(1) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) section 101(f) of the Arizona Desert Wilderness Act of 1990 (Public Law 101–628; 104 Stat. 4469).

SEC. 207. FISH AND WILDLIFE.

Nothing in this Act affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

SEC. 208. MANAGEMENT OF NEWLY ACQUIRED LAND.

Any land within the boundaries of a wilderness area designated under this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

SEC. 209. WITHDRAWAL.

Subject to valid rights existing on the date of enactment of this Act, the Federal land referred to in title I is withdrawn from all forms of—

(1) entry, appropriation, or disposal under public law;

(2) location, entry, and patent under mining law; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 981. A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator MCCAIN and I are today introducing, by request, the Obama administration's proposed National Defense Authorization Act for fiscal year 2012. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the Administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As Chairman and Ranking Member of the Armed Services Committee, we look forward to giving the Administration's requested legislation our most careful review and thoughtful consideration.

By Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. CHAMBLISS, Mr. BROWN of Massachusetts, Mr. RUBIO, and Mr. WEBB):

S. 982. A bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes; to the Committee on Armed Services.

Ms. AYOTTE. 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. 982

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 ''Detaining Terrorists to Secure America Act of 2011.''

SEC. 2. FINDINGS.

Congress makes the following finding:

(1) The United States and its international partners are in an armed conflict with violent Islamist extremist groups, including al Qaeda and associated terrorist organizations, that are committed to killing Americans and our allies.

(2) In the last 2 years, terrorists have repeatedly attempted to kill Americans both here at home and abroad, including the following attacks, plots, or alleged plots and attacks:

(A) A September 2009 plot by Najibullah Zazi—who received training from al Qaeda in Pakistan—to conduct a suicide bomb attack on the New York, New York, subway system.

(B) A November 2009 attack by Nidal Malik Hasan at Fort Hood, Texas, that killed 13 people and wounded 32.

(C) A Christmas Day 2009 attempt by Umar Farouk Abdulmutallab to detonate a bomb sewn into his underwear on an international flight to Detroit, Michigan.

(D) A May 2010 attempt by Faisal Shahzad to bomb Times Square in New York, New York, on a crowded Saturday evening, an attack that was unsuccessful only because the car bomb failed to detonate.

(E) An October 2010 attempt by terrorists in Yemen to send, via commercial cargo flights, 2 packages of explosives to Jewish centers in Chicago, Illinois.

(F) A February 2011 plot by Khaled Aldawsari, a Saudi-born student, to manufacture explosives and potentially attack New York, New York, the Dallas, Texas, home of former President George W. Bush, as well as hydroelectric dams, nuclear power plants, and a nightclub.

(3) Since the September 11, 2001, attacks on our Nation, the United States and allied forces have captured thousands of individuals fighting for or supporting al Qaeda and associated terrorist organizations that do not abide by the law of war, including detainees at United States Naval Station, Guantanamo Bay, Cuba, who served as planners of those attacks, trainers of terrorists, financiers of terrorists, bomb makers, bodyguards for Osama bin Laden, recruiters of terrorists, and facilitators of terrorism.

(4) Many of the detainees at United States Naval Station, Guantanamo Bay provided valuable intelligence that gave the United States insight into al Qaeda and its methods, prevented terrorist attacks, and saved lives.

(5) Intelligence obtained from detainees at United States Naval Station, Guantanamo Bay was critical to eventually identifying the location of Osama bin Laden.

(6) In a February 17, 2011, hearing of the Committee on Armed Services of the Senate, the Secretary of Defense confirmed that approximately 25 percent of detainees released from the detention facility at United States Naval Station, Guantanamo Bay are confirmed to have reengaged in hostilities or are suspected of having reengaged in hostilities against the United States or our allies.

(7) Al Qaeda in the Arabian Peninsula, an organization that includes former detainees at United States Naval Station, Guantanamo Bay among its leadership and ranks, has claimed responsibility for several of the recent plots and attacks against the United States.

(8) Detention according to the law of war is a matter of national security and military necessity and has long been recognized as legitimate under international law.

(9) Detaining unprivileged enemy belligerents prevents them from returning to the battlefield to attack United States and allied military personnel and engaging in future terrorist attacks against innocent civilians.

(10) The Joint Task Force-Guantanamo provides for the humane, legal, and transparent care and custody of detainees at United States Naval Station, Guantanamo Bay, notwithstanding regular assaults on the guard force by some detainees.

(11) The International Committee of the Red Cross visits detainees at United States Naval Station, Guantanamo Bay on a quarterly basis.

(12) The detention facility at United States Naval Station, Guantanamo Bay benefits from robust oversight by Congress.

SEC. 3. REAFFIRMATION OF AUTHORITY TO MAINTAIN UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AS A LOCATION FOR THE DETENTION OF UNPRIVILEGED ENEMY BELLIGERENTS HELD BY THE DEPARTMENT OF DEFENSE.

(a) REAFFIRMATION OF AUTHORITY AS LOCATION FOR DETENTION OF UNPRIVILEGED ENEMY BELLIGERENTS.—United States Naval Station, Guantanamo Bay, Cuba, is and shall be a location for the detention of individuals in the custody or under the control of the Department of Defense who have engaged in, or supported, hostilities against the United States or its coalition partners on behalf of al Qaeda, the Taliban, or an affiliated group to which the Authorization for Use of Military Force (Public Law 107–40) applies.

(b) MAINTENANCE AS AN OPERATIONAL FACILITY FOR DETENTION.—The Secretary of Defense shall take appropriate actions to maintain United States Naval Station, Guantanamo Bay, Cuba, as an open and operating facility for the detention of current and future individuals as described in subsection (a).

(c) PERMANENT EXTENSION AND EXPANSION OF CERTAIN LIMITATIONS RELATING TO DETAINEES AND DETENTION FACILITIES.—

(1) LIMITATION ON TRANSFER OF DETAINEES TO FOREIGN ENTITIES.—Section 1033 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4351) is amended—

(A) in subsection (a)(1), by striking ''during the one-year period'' and all that follows through ''by this Act'' and inserting ''the Secretary of Defense may not use any amounts authorized to be appropriated''; and

(B) in subsection (d)(1), by striking ''as of October 1, 2009,'' and inserting ''as of or after October 1, 2009,''.

(2) PROHIBITION ON CONSTRUCTION OF DETENTION FACILITIES IN UNITED STATES.—Section 1034 of such Act (124 Stat. 4353) is amended—

(A) in subsection (a), by striking ''None of the funds authorized to be appropriated by this Act'' and inserting ''No funds authorized to be appropriated or otherwise made available to the Department of Defense, or to or for any other department or agency of the United States Government,''; and

(B) in subsection (c), by striking ''as of October 1, 2009,'' and inserting ''as of or after October 1, 2009,''.

(d) SUPERSEDURE OF EXECUTIVE ORDER.—Sections 3, 4(c)(2), 4(c)(3), 4(c)(5), and 7 of Executive Order No. 13492, dated January 22, 2009, shall have no further force or effect.

By Mr. HARKIN (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. CASEY, Mr. MERKLEY, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, and Mrs. GILLIBRAND):

S. 984. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, last weekend we observed Mother's Day and celebrated our families. When we reflect on our own mothers, many of us think about the woman who nursed us when we were sick, took us to the doctor for checkups, and cared for our grandparents as they aged, while at the same time working to put food on the table.

These balancing acts are hard enough. But for many moms, and dads, across the country, juggling all these roles means making impossible choices. This is especially true for people who do not have the basic right of paid sick days. For these workers, missing work due to an illness, injury, or doctor's appointment can mean putting their job and their family's financial security in jeopardy. So they are forced to choose between the jobs they need and the families they love. In these difficult economic times, no one should have to make that choice.

But for a huge segment of the American workforce, these difficult choices are a daily reality. Four in ten U.S. workers have no paid sick days, they cannot miss a day of work with the guarantee of their pay or the assurance that their job will be there when they come back. What is more, 2/3 of low-wage workers, those who can least afford to lose a paycheck or a job, have no paid sick days. This means many of these workers report to work sick or send their children to school or day care sick, spreading their illness to others.

This robs workers of their basic dignity, and that shouldn't happen in a country as wealthy and successful as America. In fact, the U.S. is the only developed country that does not guarantee paid sick days to its workers, and our workers are the most productive in the world! America's workers deserve to earn a decent living; a living where they can provide for their families without being punished when they or their children catch the flu. America's workers deserve paid sick days.

Lack of access to paid sick days isn't just a crisis for individual families—it's a public health crisis as well. Health officials urge people with contagious illnesses to stay home from work to avoid spreading disease. But the workers in industries with the most contact with the public, such as food service and hospitality, are the least likely to have paid sick days. A recent survey shows that nearly two-thirds of restaurant workers, 3/4 of whom don't have paid sick days, report cooking or serving food while sick. This puts the health of all of us in jeopardy. And not having paid sick days puts these workers in the terrible position of choosing between the health of their customers and their family's health and economic security.

But this doesn't have to be the case. We can give working people the tools they need to protect their health and their families' health while also safeguarding the public health. Workers want to do the right thing and stay home when they are ill or stay home with their sick children rather than sending them to school. But our current laws simply do not protect them.

This is why Congresswoman ROSA DELAURO and I are introducing the Healthy Families Act, which will allow U.S. workers to earn up to 7 paid sick days per year to recover from short-term illness, care for a sick family member, seek routine medical care, or seek help if they are victims of domestic violence. This important legislation will provide much-needed security for hardworking families struggling to balance the obligations of work and family. It will improve public health and decrease health costs by preventing the spread of disease and giving employees the access they need to obtain preventive care and treatment. It will also help victims of domestic violence to protect their families and their futures.

Providing paid sick days to workers will be good for working people and their families, and good for our businesses and our economy as well. Allowing workers to tend to their health or their families' engenders good will and loyalty, and boosts morale at the workplace. Businesses will save because the greatest cause of lost productivity due to illness is not absenteeism but ''presenteeism,'' the practice of sick workers coming to work, infecting their colleagues, and being less productive themselves. Businesses whose workers have paid sick days will also benefit from reduced turnover, and its high associated costs, when workers can hold on to their jobs. Experience bears this out, in San Francisco, where workers have had guaranteed paid sick days since 2007, surveys show that 6 out of 7 employers found no negative effect on profit. Indeed, 4 years after implementation, two-thirds of surveyed employers were supportive of the city's paid sick days law.

The overall economy will benefit from reduced health costs as well. Ensuring that workers are able to seek preventive care as well as care in a doctor's office, rather than the ER, will minimize health care costs. Reducing the spread of contagious illnesses by allowing workers or children to stay at home where they won't infect their coworkers or classmates will also reduce health costs by keeping more people healthy in the first place.

Most of all, workers will have peace of mind and financial security. They won't be faced with a potentially long search for new work, while collecting unemployment benefits. They won't face reduced income and having to cut back on their spending on food, medicine, and other necessities bought in their local communities. Working people will have the security of knowing that if illness strikes, they will be able to tend to their families without losing their jobs or their paychecks.

The Healthy Families Act has had the strongest of Senate champions who have led the fight for workers' rights, Senator Kennedy and Senator Dodd. I am proud to be the new leader for this vital piece of legislation. I thank my colleagues who are joining me today as original cosponsors, and I encourage all Senators to join us in supporting the Healthy Families Act. This bill will provide health, peace of mind, and security for America's workers and their families. At a time when the American Dream and the middle class seem to be slipping away, these goals could never be more important.

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. 984

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 ''Healthy Families Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Working Americans need time to meet their own health care needs and to care for family members, including their children, spouse, parents, and parents-in-law, and other children and adults for whom they are caregivers.

(2) Health care needs include preventive health care, diagnostic procedures, medical treatment, and recovery in response to short- and long-term illnesses and injuries.

(3) Providing employees time off to meet health care needs ensures that they will be healthier in the long run. Preventive care helps avoid illnesses and injuries and routine medical care helps detect illnesses early and shorten their duration.

(4) When parents are available to care for their children who become sick, children recover faster, more serious illnesses are prevented, and children's overall mental and physical health improve. In a 2009 study published in the American Journal of Public Health, 81 percent of parents of a child with special health care needs reported that taking leave from work to be with their child had a ''good'' or ''very good'' effect on their child's physical health. Similarly, 85 percent of parents of such a child found that taking such leave had a ''good'' or ''very good'' effect on their child's emotional health.

(5) When parents cannot afford to miss work and must send children with contagious illnesses to child care centers or schools, infection can spread rapidly through child care centers and schools.

(6) Providing paid sick time improves public health by reducing infectious disease. Policies that make it easier for sick adults and children to be isolated at home reduce the spread of infectious disease.

(7) Routine medical care reduces medical costs by detecting and treating illness and injury early, decreasing the need for emergency care. These savings benefit public and private payers of health insurance, including private businesses.

(8) The provision of individual and family sick time by large and small businesses, both here in the United States and elsewhere, demonstrates that policy solutions are both feasible and affordable in a competitive economy. A 2009 study by the Center for Economic and Policy Research found that, of 22 countries with comparable economies, the United States was 1 of only 3 countries that did not provide any paid time off for workers with short-term illnesses.

(9) Measures that ensure that employees are in good health and do not need to worry about unmet family health problems help businesses by promoting productivity and reducing employee turnover.

(10) The American Productivity Audit completed in 2003 found that lost productivity due to illness costs $226,000,000,000 annually, and that 71 percent of that cost stems from presenteeism, the practice of employees coming to work despite illness. Studies in the Journal of Occupational and Environmental Medicine, the Employee Benefit News, and the Harvard Business Review show that presenteeism is a larger productivity drain than either absenteeism or short-term disability.

(11) The absence of paid sick time has forced Americans to make untenable choices between needed income and jobs on the one hand and caring for their own and their family's health on the other.

(12) Nearly 40 percent of the private-sector workforce (about 40,000,000 workers) lack paid sick time. Another 4,000,000 theoretically have access to sick time, but have not been on the job long enough to use it. Millions more lack sick time they can use to care for a sick child or ill family member.

(13) Workers' access to paid sick time varies dramatically by wage level. For private-sector workers in the lowest quartile of earners, 68 percent lack paid sick time. For workers in the next 2 quartiles, 34 and 25 percent, respectively, lack paid sick time. Even for workers in the highest income quartile, 16 percent lack paid sick time. In addition, millions of workers cannot use paid sick time to care for ill family members.

(14) Due to the roles of men and women in society, the primary responsibility for family caregiving often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

(15) An increasing number of men are also taking on caregiving obligations, and men who request paid time for caregiving purposes are often denied accommodation or penalized because of stereotypes that caregiving is only ''women's work''.

(16) Employers' reliance on persistent stereotypes about the ''proper'' roles of both men and women in the workplace and in the home continues a cycle of discrimination and fosters stereotypical views about women's commitment to work and their value as employees.

(17) Employment standards that apply to only one gender have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(18) It is in the national interest to ensure that all Americans can care for their own health and the health of their families while prospering at work.

(19) Nearly 1 in 3 American women report physical or sexual abuse by a husband or boyfriend at some point in their lives. Domestic violence also affects men. Women account for about 85 percent of the victims of domestic violence and men account for approximately 15 percent of the victims. Therefore, women disproportionately need time off to care for their health or to find solutions, such as obtaining a restraining order or finding housing, to avoid or prevent physical or sexual abuse.

(20) One study showed that 85 percent of domestic violence victims at a women's shelter who were employed missed work because of abuse. The mean number of days of paid work lost by a rape victim is 8.1 days, by a victim of physical assault is 7.2 days, and by a victim of stalking is 10.1 days. Nationwide, domestic violence victims lose almost 8,000,000 days of paid work per year.

(21) Without paid sick days that can be used to address the effects of domestic violence, these victims are in grave danger of losing their jobs. One survey found that 96 percent of employed domestic violence victims experienced problems at work related to the violence. The Government Accountability Office similarly found that 24 to 52 percent of victims report losing a job due, at least in part, to domestic violence. The loss of employment can be particularly devastating for victims of domestic violence, who often need economic security to ensure safety.

(22) The Centers for Disease Control and Prevention has estimated that domestic violence costs over $700,000,000 annually due to the victims' lost productivity in employment.

(23) Efforts to assist abused employees result in positive outcomes for employers as well as employees because employers can retain workers who might otherwise be compelled to leave.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that all working Americans can address their own health needs and the health needs of their families by requiring employers to permit employees to earn up to 56 hours of paid sick time including paid time for family care;

(2) to diminish public and private health care costs by enabling workers to seek early and routine medical care for themselves and their family members;

(3) to assist employees who are, or whose family members are, victims of domestic violence, sexual assault, or stalking, by providing the employees with paid time away from work to allow the victims to receive treatment and to take the necessary steps to ensure their protection;

(4) to accomplish the purposes described in paragraphs (1) through (3) in a manner that is feasible for employers; and

(5) consistent with the provision of the 14th amendment to the Constitution relating to equal protection of the laws, and pursuant to Congress' power to enforce that provision under section 5 of that amendment—

(A) to accomplish the purposes described in paragraphs (1) through (3) in a manner that minimizes the potential for employment discrimination on the basis of sex by ensuring generally that paid sick time is available for eligible medical reasons on a gender-neutral basis; and

(B) to promote the goal of equal employment opportunity for women and men.

SEC. 4. DEFINITIONS.

In this Act:

(1) CHILD.—The term ''child'' means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) DOMESTIC VIOLENCE.—The term ''domestic violence'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)), except that the reference in such section to the term ''jurisdiction receiving grant monies'' shall be deemed to mean the jurisdiction in which the victim lives or the jurisdiction in which the employer involved is located.

(3) EMPLOYEE.—The term ''employee'' means an individual who is—

(A)(i) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under subparagraph (E), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (4)(A); or

(ii) an employee of the Government Accountability Office;

(B) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(D) a covered employee, as defined in section 411(c) of title 3, United States Code; or

(E) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code.

(4) EMPLOYER.—

(A) IN GENERAL.—The term ''employer'' means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) is engaged in commerce (including government), or an industry or activity affecting commerce (including government), as defined in subparagraph (B)(iii).

(B) COVERED EMPLOYER.—

(i) IN GENERAL.—In subparagraph (A)(i)(I), the term ''covered employer''—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(II) includes—

(aa) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(bb) any successor in interest of an employer;

(III) includes any ''public agency'', as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) PUBLIC AGENCY.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) DEFINITIONS.—For purposes of this subparagraph:

(I) COMMERCE.—The terms ''commerce'' and ''industry or activity affecting commerce'' mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include ''commerce'' and any ''industry affecting commerce'', as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) EMPLOYEE.—The term ''employee'' has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) PERSON.—The term ''person'' has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

(5) EMPLOYMENT BENEFITS.—The term ''employment benefits'' means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an ''employee benefit plan'', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(6) HEALTH CARE PROVIDER.—The term ''health care provider'' means a provider who—

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) is any other person determined by the Secretary to be capable of providing health care services; and

(B) is not employed by an employer for whom the provider issues certification under this Act.

(7) PAID SICK TIME.—The term ''paid sick time'' means an increment of compensated leave that can be earned by an employee for use during an absence from employment for any of the reasons described in paragraphs (1) through (4) of section 5(b).

(8) PARENT.—The term ''parent'' means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, or a legal guardian or other person who stood in loco parentis to an employee when the employee was a child.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(10) SEXUAL ASSAULT.—The term ''sexual assault'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(11) SPOUSE.—The term ''spouse'', with respect to an employee, has the meaning given such term by the marriage laws of the State in which the employee resides.

(12) STALKING.—The term ''stalking'' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(13) VICTIM SERVICES ORGANIZATION.—The term ''victim services organization'' means a nonprofit, nongovernmental organization that provides assistance to victims of domestic violence, sexual assault, or stalking or advocates for such victims, including a rape crisis center, an organization carrying out a domestic violence, sexual assault, or stalking prevention or treatment program, an organization operating a shelter or providing

counseling services, or a legal services organization or other organization providing assistance through the legal process.

SEC. 5. PROVISION OF PAID SICK TIME.

(a) ACCRUAL OF PAID SICK TIME.—

(1) IN GENERAL.—An employer shall permit each employee employed by the employer to earn not less than 1 hour of paid sick time for every 30 hours worked, to be used as described in subsection (b). An employer shall not be required to permit an employee to earn, under this section, more than 56 hours of paid sick time in a calendar year, unless the employer chooses to set a higher limit.

(2) EXEMPT EMPLOYEES.—

(A) IN GENERAL.—Except as provided in paragraph (3), for purposes of this section, an employee who is exempt from overtime requirements under section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) shall be assumed to work 40 hours in each workweek.

(B) SHORTER NORMAL WORKWEEK.—If the normal workweek of such an employee is less than 40 hours, the employee shall earn paid sick time based upon that normal work week.

(3) DATES OF ACCRUAL AND USE.—Employees shall begin to earn paid sick time under this section at the commencement of their employment. An employee shall be entitled to use the earned paid sick time beginning on the 60th calendar day following commencement of the employee's employment. After that 60th calendar day, the employee may use the paid sick time as the time is earned. An employer may, at the discretion of the employer, loan paid sick time to an employee in advance of the earning of such time under this section by such employee.

(4) CARRYOVER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), paid sick time earned under this section shall carry over from 1 calendar year to the next.

(B) CONSTRUCTION.—This Act shall not be construed to require an employer to permit an employee to accrue more than 56 hours of earned paid sick time at a given time.

(5) EMPLOYERS WITH EXISTING POLICIES.—Any employer with a paid leave policy who makes available an amount of paid leave that is sufficient to meet the requirements of this section and that may be used for the same purposes and under the same conditions as the purposes and conditions outlined in subsection (b) shall not be required to permit an employee to earn additional paid sick time under this section.

(6) CONSTRUCTION.—Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for earned paid sick time that has not been used.

(7) REINSTATEMENT.—If an employee is separated from employment with an employer and is rehired, within 12 months after that separation, by the same employer, the employer shall reinstate the employee's previously earned paid sick time. The employee shall be entitled to use the earned paid sick time and earn additional paid sick time at the recommencement of employment with the employer.

(8) PROHIBITION.—An employer may not require, as a condition of providing paid sick time under this Act, that the employee involved search for or find a replacement worker to cover the hours during which the employee is using paid sick time.

(b) USES.—Paid sick time earned under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee.

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee.

(3) An absence for the purpose of caring for a child, a parent, a spouse, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who—

(A) has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2); and

(B) in the case of someone who is not a child, is otherwise in need of care.

(4) An absence resulting from domestic violence, sexual assault, or stalking, if the time is to—

(A) seek medical attention for the employee or the employee's child, parent, or spouse, or an individual related to the employee as described in paragraph (3), to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking;

(B) obtain or assist a related person described in paragraph (3) in obtaining services from a victim services organization;

(C) obtain or assist a related person described in paragraph (3) in obtaining psychological or other counseling;

(D) seek relocation; or

(E) take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence, sexual assault, or stalking.

(c) SCHEDULING.—An employee shall make a reasonable effort to schedule a period of paid sick time under this Act in a manner that does not unduly disrupt the operations of the employer.

(d) PROCEDURES.—

(1) IN GENERAL.—Paid sick time shall be provided upon the oral or written request of an employee. Such request shall—

(A) include the expected duration of the period of such time;

(B) in a case in which the need for such period of time is foreseeable at least 7 days in advance of such period, be provided at least 7 days in advance of such period; and

(C) otherwise, be provided as soon as practicable after the employee is aware of the need for such period.

(2) CERTIFICATION IN GENERAL.—

(A) PROVISION.—

(i) IN GENERAL.—Subject to subparagraph (C), an employer may require that a request for paid sick time under this section for a purpose described in paragraph (1), (2), or (3) of subsection (b) be supported by a certification issued by the health care provider of the eligible employee or of an individual described in subsection (b)(3), as appropriate, if the period of such time covers more than 3 consecutive workdays.

(ii) TIMELINESS.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the period of time. The employer shall not delay the commencement of the period of time on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—

(i) IN GENERAL.—A certification provided under subparagraph (A) shall be sufficient if it states—

(I) the date on which the period of time will be needed;

(II) the probable duration of the period of time;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of paid sick time under subsection (b)(1), a statement that absence from work is medically necessary;

(bb) for purposes of such time under subsection (b)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(cc) for purposes of such time under subsection (b)(3), in the case of time to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the employee to utilize paid sick time.

(C) REGULATIONS.—Regulations prescribed under section 13 shall specify the manner in which an employee who does not have health insurance shall provide a certification for purposes of this paragraph.

(D) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d–6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee's child, parent, spouse or other individual described in subsection (b)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(3) CERTIFICATION IN THE CASE OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—

(A) IN GENERAL.—An employer may require that a request for paid sick time under this section for a purpose described in subsection (b)(4) be supported by 1 of the following forms of documentation:

(i) A police report indicating that the employee, or a member of the employee's family described in subsection (b)(4), was a victim of domestic violence, sexual assault, or stalking.

(ii) A court order protecting or separating the employee or a member of the employee's family described in subsection (b)(4) from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee or a member of the employee's family described in subsection (b)(4) has appeared in court or is scheduled to appear in court in a proceeding related to domestic violence, sexual assault, or stalking.

(iii) Other documentation signed by an employee or volunteer working for a victim services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, or a member of the clergy, affirming that the employee or a member of the employee's family described in subsection (b)(4) is a victim of domestic violence, sexual assault, or stalking.

(B) REQUIREMENTS.—The requirements of paragraph (2) shall apply to certifications under this paragraph, except that—

(i) subclauses (III) and (IV) of subparagraph (B)(i) and subparagraph (B)(ii) of such paragraph shall not apply;

(ii) the certification shall state the reason that the leave is required with the facts to

be disclosed limited to the minimum necessary to establish a need for the employee to be absent from work, and the employee shall not be required to explain the details of the domestic violence, sexual assault, or stalking involved; and

(iii) with respect to confidentiality under subparagraph (D) of such paragraph, any information provided to the employer under this paragraph shall be confidential, except to the extent that any disclosure of such information is—

(I) requested or consented to in writing by the employee; or

(II) otherwise required by applicable Federal or State law.

SEC. 6. POSTING REQUIREMENT.

(a) IN GENERAL.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 13, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

(1) information describing paid sick time available to employees under this Act;

(2) information pertaining to the filing of an action under this Act;

(3) the details of the notice requirement for a foreseeable period of time under section 5(d)(1)(B); and

(4) information that describes—

(A) the protections that an employee has in exercising rights under this Act; and

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 8) if any of the rights are violated.

(b) LOCATION.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or

(2) in employee handbooks.

(c) VIOLATION; PENALTY.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed $100 for each separate offense.

SEC. 7. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Act, including—

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of paid sick time under this Act as a negative factor in an employment action, such as hiring, promotion, or a disciplinary action; or

(C) counting the paid sick time under a no-fault attendance policy or any other absence control policy.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this Act.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. 8. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection:

(A) the term ''employee'' means an employee described in subparagraph (A) or (B) of section 4(3); and

(B) the term ''employer'' means an employer described in subclause (I) or (II) of section 4(4)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

(B) OBLIGATION TO KEEP AND PRESERVE RECORDS.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

(i) the employees or individuals; or

(ii) the employees or individuals and others similarly situated.

(B) LIABILITY.—Any employer who violates section 7 (including a violation relating to rights provided under section 5) shall be liable to any employee or individual affected—

(i) for damages equal to—

(I) the amount of—

(aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or

(bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 56 hours of wages or salary for the employee or individual;

(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

(III) an additional amount as liquidated damages; and

(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(C) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 7 (including a violation relating to rights provided under section 5) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under paragraph (3), (4), or (6) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section 7 (including a willful violation relating to rights provided under section 5), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(6) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of section 7 (including a violation relating to rights provided under section 5), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(7) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under paragraph (4) or (6).

(8) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary of Labor under this subsection shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this

Act provides to that Board, or any person, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(3)(C).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Merit Systems Protection Board, or any person, alleging a violation of section 412(a)(1) of that title, shall be the powers, remedies, and procedures this Act provides to the President, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(3)(D).

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(3)(E).

(e) REMEDIES FOR STATE EMPLOYEES.—

(1) WAIVER OF SOVEREIGN IMMUNITY.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this Act for equitable, legal, or other relief authorized under this Act.

(2) OFFICIAL CAPACITY.—An official of a State may be sued in the official capacity of the official by any employee who has complied with the procedures under subsection (a)(3), for injunctive relief that is authorized under this Act. In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).

(3) APPLICABILITY.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(4) DEFINITION OF PROGRAM OR ACTIVITY.—In this subsection, the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

SEC. 9. COLLECTION OF DATA ON PAID SICK TIME AND FURTHER STUDY.

(a) COMPILATION OF INFORMATION.—Effective 90 days after the date of enactment of this Act, the Commissioner of Labor Statistics shall annually compile information on the following:

(1) The number of employees who used paid sick time.

(2) The number of hours of paid sick time used.

(3) The number of employees who used paid sick time for absences necessary due to domestic violence, sexual assault, or stalking.

(4) The demographic characteristics of employees who were eligible for and who used paid sick time.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall annually conduct a study to determine the following:

(A)(i) The number of days employees used paid sick time and the reasons for the use.

(ii) The number of employees who used the paid sick time for periods of time covering more than 3 consecutive workdays.

(B) The cost and benefits to employers of implementing the paid sick time policies.

(C) The cost to employees of providing certification to obtain the paid sick time.

(D) The benefits of the paid sick time to employees and their family members, including effects on employees' ability to care for their family members or to provide for their own health needs.

(E) Whether the paid sick time affected employees' ability to sustain an adequate income while meeting needs of the employees and their family members.

(F) Whether employers who administered paid sick time policies prior to the date of enactment of this Act were affected by the provisions of this Act.

(G) Whether other types of leave were affected by this Act.

(H) Whether paid sick time affected retention and turnover and costs of presenteeism.

(I) Whether the paid sick time increased the use of less costly preventive medical care and lowered the use of emergency room care.

(J) Whether the paid sick time reduced the number of children sent to school when the children were sick.

(2) AGGREGATING DATA.—The data collected under subparagraphs (A) and (D) of paragraph (1) shall be aggregated by gender, race, disability, earnings level, age, marital status, family type, including parental status, and industry.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

(B) FOLLOWUP REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a followup report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

SEC. 10. EFFECT ON OTHER LAWS.

(a) FEDERAL AND STATE ANTIDISCRIMINATION LAWS.—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) STATE AND LOCAL LAWS.—Nothing in this Act shall be construed to supersede (including preempting) any provision of any State or local law that provides greater paid sick time or leave rights (including greater paid sick time or leave, or greater coverage of those eligible for paid sick time or leave) than the rights established under this Act.

SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) MORE PROTECTIVE.—Nothing in this Act shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid sick leave or other leave rights to employees or individuals than the rights established under this Act.

(b) LESS PROTECTIVE.—The rights established for employees under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than policies that comply with the requirements of this Act.

SEC. 13. REGULATIONS.

(a) IN GENERAL.—

(1) AUTHORITY.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in subparagraph (A) or (B) of section 4(3) and other individuals affected by employers described in subclause (I) or (II) of section 4(4)(A)(i).

(2) GOVERNMENT ACCOUNTABILITY OFFICE; LIBRARY OF CONGRESS.—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the Government Accountability Office and the Library of Congress, respectively and other individuals affected by the Comptroller General of the United States and the Librarian of Congress, respectively.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Board of Directors of the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 4(3)(C) and other individuals affected by employers described in section 4(4)(A)(i)(III).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the President (or the designee of the President) shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(3)(D) and other individuals affected by employers described in section 4(4)(A)(i)(IV).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—

(1) AUTHORITY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(3)(E) and other individuals affected by employers described in section 4(4)(A)(i)(V).

(2) AGENCY REGULATIONS.—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

SEC. 14. EFFECTIVE DATES.

(a) EFFECTIVE DATE.—This Act shall take effect 6 months after the date of issuance of regulations under section 13(a)(1).

(b) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by subsection (a), this Act shall take effect on the earlier of—

(1) the date of the termination of such agreement; or

(2) the date that occurs 18 months after the date of issuance of regulations under section 13(a)(1).

By Mrs. BOXER:

S. 992. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we mark the end of National Nurses Week, I want to express my heartfelt appreciation to the nurses who serve on the front lines of our health care system. Nurses are heroes, not just to their patients, but to the families and loved ones who rely on their compassion and care.

While we celebrate nurses this week, we must also acknowledge that too many nurses are overworked because of staffing levels that are simply inadequate.

For decades nurses have been telling us that we need more of them to provide quality care to our loved ones, especially in hospitals. Study after study has been done, we know there is a nationwide nursing shortage.

By 2020, it is estimated that the demand for full time nurses will exceed supply by 1 million nurses.

That is why I am introducing the National Nursing Shortage Reform and Patient Advocacy Act, which will not only help address the nationwide shortage of skilled nurses, it will improve the quality of health care for all Americans.

The National Nursing Shortage Reform and Patient Advocacy Act champions nursing rights, nursing ratios, and nursing reform.

This bill protects the rights of nurses to speak out for their patients and to speak out for themselves, without the fear of discrimination or retaliation, because if there is a problem in a hospital nurses should be able to talk about it.

This bill sets minimum nurse to patient ratios, because if we expect nurses to give patients high quality care we need to give nurses the time to provide it. It lays out a transparent process for establishing staffing plans in hospitals and puts forward the tools for nurses to report inadequate staffing or care.

This bill reforms the role of hospitals not just in working with nurses to improve care, but also in training nurses. It creates mentorship and preceptorship programs to support nurses as they adapt to the hospital setting and grow in their profession.

Twelve years ago, nurses in California fought and won a major battle for their patients and for themselves, and the results were minimum nurse to patient ratios in California hospitals.

I am proud to join with nurses in their effort to improve care for their patients, and introduce Federal legislation that would extend these rights, ratios and reforms to nurses in hospitals across the country.

Reports on California ratios have only begun to show what so many of the nurses I meet already know, that setting a minimum standard for safe staffing can mean the difference between life and death of patients.

A 2002 study found that for every patient added to a nurse's workload there is a 7 percent increase in the chance of death following common surgeries.

In California, the hospitals that have seen the greatest effect in reduced mortality were the ones that started with the worst staffing ratios.

We also know that hospitals are losing good nurses because of these staffing shortages. A poll of nurses nationwide found that almost half of the nurses who plan to quit their job say that inadequate staffing is the reason they are leaving. The cost of replacing these valuable workers has been estimated at $25,000 to $60,000 per nurse. That is an added cost that we know our health care system cannot afford.

Too many nurses get burned out by being overloaded with too many patients. Too many nurses have given up on serving in hospitals because the hospitals have given up on providing a better environment for both nurses and patients.

Investing more in nursing staff will help hospitals avoid costly medical mistakes and provide better care for their patients and most importantly, will save lives.

I joined many of my colleagues in supporting provisions of health care reform that invested in our health care workforce. At 2.9 million strong, nurses are the largest health care workforce in our country, and this investment is long overdue.

I am pleased to share that this bill has the support of the California Nurses Association as well as AFSCME-United Nurses of America.

Nurses are not just the face of the movement to improve health care in our country, they are the face of health care in our country. This bill is for them and the patients they so faithfully serve.

By Mr. KIRK (for himself, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. DURBIN):

S. 994. A bill to amend title 23, United States Code, to protect States that have in effect laws or orders with respect to pay-to-play reform, and for other purposes; to the Committee on Environment and Public Works.

Mr. KIRK. Mr. President, I am pleased to join my colleagues Senators MENENDEZ, LAUTENBERG and DURBIN in introducing the State Ethics Law Protection Act. This legislation would ensure that States are allowed to pass meaningful ethics reform laws without being penalized by the Federal government.

Current law allows the Federal Highway Administration, FHWA, to withhold Federal highway funds from States that ban pay-to-play contracting. At least 9 States and 60 cities have enacted anti pay-to-play laws. These laws vary widely, but they generally limit political contributions from entities doing business with the state. The FHWA claims that these laws could reduce the number of potential bidders, thus violating an unrestricted bidding requirement set forth in Federal law. FHWA has selectively threatened to withhold money to certain States. In my home State of Illinois, the State legislature was forced to change its pay-to-play law just days after our former governor was indicted for allegedly engaging in numerous pay-to-play schemes. Illinois was forced to create a giant loophole in the ethics law so as not to lose out on millions in Federal transportation funds.

States have the right to ensure their contracting processes adhere to the highest ethical standards and offer the best protection to the taxpayers. Selected Federal intervention is an unwarranted and unhelpful power grab by Federal regulators. Pay-to-play laws are designed to enhance, not undermine, competitive bidding. They are designed to ensure that the competitive bidding process is open and fair, not motivated by political considerations.

Our legislation would allow States to pass ethics laws that are in their best interests, without fear of Federal retaliation, by amending FHWA's contracting requirements to explicitly provide that no State or locality shall be considered in violation of the competitive bidding requirements based on political contributions. The legislation does not prescribe any new requirements for states, nor does it advocate for the passage of any single ethics law. The bill simply allows States to enact meaningful anti-corruption laws if they choose to do so. As Federal budgets tighten in these challenging economic times, it is imperative that we not hamstring States even further by denying them Federal funds for trying to limit public corruption.

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. 994

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 ''State Ethics Law Protection Act of 2011''.

SEC. 2. PAY-TO-PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

''(h) PAY-TO-PLAY REFORM.—A State transportation department shall not be considered to have violated a requirement of this section solely because the State in which that State transportation department is located, or a local government within that State, has in effect a law or an order that limits the amount of money an individual or entity that is doing business with a State or local agency with respect to a Federal-aid highway project may contribute to a political party, campaign, candidate, or elected official.''.

By Mr. KIRK:

S. 995. A bill to amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing; to the Committee on the Judiciary.

Mr. KIRK. Mr. President, I am pleased to introduce the Public Officials Accountability Act, to ensure that our elected leaders cannot use their office for their own personal benefit. Public corruption has turned the ''Land of Honest Abe'' into the ''Land of Political Corruption.'' Illinois is the 6th most corrupt state in the Union, based on the number of public corruption convictions over the last decade. If just the northern district of Illinois were a state, it would have had the 7th highest number of public corruption convictions in the country in 2009. Illinois taxpayers pay the price for this in the form of a hidden public corruption tax. We need to make sure our laws help Federal prosecutors crack down on public corruption and restore integrity to Illinois. One such tool is the honest services law.

For the past 30 years, the Department of Justice has fought public corruption by convicting scores of public officials who deny citizens the right to ''honest services.'' We are all too familiar with politicians failing to perform their public duties honestly in Illinois.

The most famous Illinois politicians to be convicted of honest services fraud include former Governor Otto Kerner, late Congressman Dan Rostenkowski, former city of Chicago official Robert Sorich, and former Governor George Ryan. William Jefferson and Congressman Bob Ney are a few notable national figures to be convicted of this crime.

Back in Illinois, our former governor Rod Blagojevich is currently on trial after having turned Illinois into a corrupt political circus and a national joke. A number of charges in his original indictment were based on honest services fraud, including those related to his alleged scheme to sell President Obama's U.S. Senate seat for his own personal gain.

Unfortunately, last year the Supreme court drastically narrowed the scope of the honest services law in the famous 2010 Enron decision, Skilling v. U.S. The Court struck down a significant portion of the law because it was unconstitutionally vague. As a result of the Supreme Court review, U.S. prosecutors reindicted Blagojevich, leaving out all honest services charges so as not to complicate the case. Blagojevich later was convicted on just one charge.

The Blagojevich case was not the only one affected by the decision. According to the Wall Street Journal, ''In 2008 and 2009, the government brought honest services fraud charges in more than 100 cases a year,'' but in 2010 ''new prosecutions using the statute slowed to a trickle'' due to the Supreme Court review of the issue.

In order to continue fighting public corruption effectively, the Department of Justice asked Congress to enact a clear and specific honest services law to withstand any constitutional review. Our bill, the Public Officials Accountability Act, would do just that. It would very clearly reinstate the portion of the law the Supreme Court struck down in terms that remove all ambiguity. The Public Officials Accountability Act would restore one of prosecutors' most important tools and decades of congressional intent to ensure elected leaders cannot use their office to further their own careers or pocketbooks.

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. 995

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 ''Public Officials Accountability Act''.

SEC. 2. PROHIBITION ON UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by inserting after section 1346 the following new section:

''§ 1346A. Undisclosed self-dealing by public officials

''(a) UNDISCLOSED SELF-DEALING BY PUBLIC OFFICIALS.—For purposes of this chapter, the term 'scheme or artifice to defraud' also includes a scheme or artifice by a public official to engage in undisclosed self-dealing.

''(b) DEFINITIONS.—As used in this section:

''(1) OFFICIAL ACT.—The term 'official act'—

''(A) includes any act within the range of official duty, and any decision, recommendation, or action on any question, matter, cause, suit, proceeding, or controversy, which may at any time be pending, or which may by law be brought before any public official, in such public official's official capacity or in such official's place of trust or profit;

''(B) may be a single act, more than one act, or a course of conduct; and

''(C) includes a decision or recommendation that a government should not take action.

''(2) PUBLIC OFFICIAL.—The term 'public official' means an officer, employee, or elected or appointed representative, or person acting for or on behalf of, the United States, a State, or a subdivision of a State, or any department, agency or branch of government thereof, in any official function, under or by authority of any such department, agency, or branch of government.

''(3) STATE.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(4) UNDISCLOSED SELF-DEALING.—The term 'undisclosed self-dealing' means that—

''(A) a public official performs an official act for the purpose, in whole or in part, of benefitting or furthering a financial interest of—

''(i) the public official;

''(ii) the spouse or minor child of a public official;

''(iii) a general business partner of the public official;

''(iv) a business or organization in which the public official is serving as an employee, officer, director, trustee, or general partner; or

''(v) an individual, business, or organization with whom the public official is negotiating for, or has any arrangement concerning, prospective employment or financial compensation; and

''(B) the public official knowingly falsifies, conceals, covers up, or fails to disclose material information regarding that financial interest that is required to be disclosed by any Federal, State, or local statute, rule, regulation, or charter applicable to the public official.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 18, United States Code, is amended by inserting after the item relating to section 1346 the following new item:

''1346A. Undisclosed self-dealing by public officials.''.

(c) APPLICABILITY.—The amendments made by this section apply to acts engaged in on or after the date of the enactment of this Act.

By Mr. AKAKA (for himself, Mr. HARKIN, and Mr. DURBIN):

S. 998. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act to ensure fair treatment of commercial airline pilot retirees. Joining me in this effort are Senators HARKIN and DURBIN, as well as Representative GEORGE MILLER, who is introducing the companion bill in the House of Representatives today.

The Pension Benefit Guaranty Corporation, PBGC, is the Federal agency that assumes responsibility for pension plans that are terminated because they do not have enough money to pay all benefits. PBGC's insurance program pays monthly benefits to the retirees that the pension plan provided, up to the limits set by law. PBGC requires individuals to retire at age 65 to receive the maximum retirement benefit. For years, this law was in conflict with the Federal Aviation Administration, FAA, requirement that pilots retire by age 60. For commercial airline pilots caught between these conflicting policies, their retirement benefits were significantly reduced.

Congress partially addressed this issue with the passage of the Fair Treatment of Experienced Pilots Act, which was signed into law on December

13, 2007. The Act increased the FAA mandatory retirement age for pilots to age 65. However, the change did nothing to help those pilots who had already retired. As such, pilots who retired while the FAA age 60 rule was in effect are still denied the maximum pension benefit administered by the PBGC and are unable to rejoin the workforce as pilots.

The conflicting FAA and PBGC requirements have had a substantial adverse effect on thousands of retired pilots. In general, these pilots have had their maximum retirement benefit reduced by one-third. For example, the maximum benefit from the PBGC for someone that retired at age 65 in 2006 is $47,659 a year. For those who retired at age 60 of that same year, the maximum is $30,978. Our legislation ends this unfair penalty. The Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act would direct the PBGC to calculate pension benefits based on retirement eligibility beginning at age 60 instead of age 65 for retired pilots whose pensions are affected by the discrepancy between the FAA and PBGC retirement requirements. We must pass this bill to provide some relief for pilots from Aloha Airlines, Delta, TWA, United Airlines, and US Airways, as well as other pilots who have had their pensions terminated and taken over by the PBGC and suffer from this wrongly imposed penalty.

I urge my colleagues to support this bill so that we can finally correct this wrong.

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. 998

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 ''Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act''.

SEC. 2. AGE REQUIREMENT FOR AIRLINE PILOTS.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended by inserting at the end the following: ''If, at the time of termination of a plan under this title, or at the time of freezing benefit accruals under a plan pursuant to subsections (a)(1) and (b) of section 402 of the Pension Protection Act of 2006, regulations prescribed by the Federal Aviation Administration required an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this paragraph shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65. The calculation of benefit liabilities and unfunded benefit liabilities under this section, and the allocation of assets under section 4044, shall not reflect any additional benefits the corporation must guarantee due to the application of the preceding sentence.''.

(b) AGGREGATE LIMIT ON BENEFITS GUARANTEED; CRITERIA APPLICABLE.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: ''If, at the time of termination of a plan under this title, or at the time of freezing benefit accrual under a plan pursuant to subsections (a)(1) and (b) of section 402 of the Pension Protection Act of 2006, regulations prescribed by the Federal Aviation Administration required an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

By Mr. ENZI (for himself, Mr. BARRASSO, Mr. HATCH, Mr. RISCH, and Mr. CORNYN):

S.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States to give States the right to repeal Federal laws and regulations when ratified by the legislatures of two-thirds of the several States; to the Committee on the Judiciary.

Mr. ENZI. Mr. President, I rise today to discuss the growing burdens placed on states by our Federal Government in recent years and how we can stop this trend.

Our States have faced many Federal mandates in recent years that have hurt, not helped, the citizenry of our country. In 2009 alone, the Federal Government issued over 3,300 new rules and regulations. This puts the total number of Federal rules and regulations placed on our States and citizens at around 75,000 as of 2010. In addition, incredible price tags have been placed on our citizens due to these laws and regulations. Our country is facing trillions of dollars in debt and forcing further expenses onto our taxpayers is inexcusable.

This Federal top-down approach does not encourage a strong economy. States and local governments should have the ability to address the needs of their citizens in ways that actually fix the problem without their hands being tied by burdensome Federal rules, regulations, and laws. I have always believed that the ingenuity of individuals should not be hampered and top-down approaches do just that. As of now, states have one recourse, go through the court system which is already backlogged.

No matter who has the political power within our Federal Government, States need to have the ability to force the Federal Government to reconsider laws and regulations that do not support them. Providing states with the option of repealing any Federal law or regulation is the next step. Allowing a repeal option would also institute a check against egregious congressional actions and especially un-elected bureaucratic action.

Today, I am introducing the Repeal Amendment to address this issue. My colleague Representative ROB BISHOP of Utah is introducing this important piece of legislation in the House of Representatives so that we can give the states a real voice. Allowing States the option to say no will allow them the breathing room to decide what policies are best for them.

The Repeal Amendment would allow States to remove unnecessary and burdensome Federal laws and regulations. When 2/3 of the States collectively find a Federal law or regulation so out of touch and destructive, they will have the power to repeal it if they so choose.

States must be given back their role as an equal partner in addressing the needs and issues of the people of the United States. The growing Federal Government must be put in check and I believe that the Repeal Amendment will do just that.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 181—DESIGNATING MAY 15, 2011, AS ''NATIONAL MPS AWARENESS DAY''

Mr. GRAHAM (for himself, Mr. CONRAD, Mr. BURR, Mr. INOUYE, Mr. BEGICH, Mr. KERRY, and Ms. MURKOWSKI) submitted the following resolution, which was considered and agreed to:

S. RES. 181

Whereas mucopolysaccharidosis (referred to in this resolution as ''MPS'') are a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas MPS diseases cause complex carbohydrates to be stored in almost every cell in the body and progressively cause cellular damage;

Whereas the cellular damage caused by MPS—

(1) adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system; and

(2) often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas symptoms of MPS are usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas research has resulted in the development of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway as of the date of agreement to this resolution;

Whereas, despite the creation of new remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, which prevents the treatment of many of the symptoms of MPS;

Whereas the quality of life of the individuals afflicted with MPS, and the treatments available to those individuals, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to individuals within the medical community;

Whereas the cellular damage that is caused by MPS makes MPS a model for the study of many other degenerative genetic diseases; and

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2011, as ''National MPS Awareness Day''; and

(2) supports the goals and ideals of ''National MPS Awareness Day''.

SENATE RESOLUTION 182—EXPRESSING THE CONDOLENCES OF THE UNITED STATES TO THE VICTIMS OF THE DEVASTATING TORNADOES THAT TOUCHED DOWN IN THE SOUTH IN APRIL 2011, COMMENDING THE RESILIENCY OF THE PEOPLE OF THE AFFECTED STATES, INCLUDING THE PEOPLE OF THE STATES OF ALABAMA, TENNESSEE, MISSISSIPPI, GEORGIA, VIRGINIA, AND NORTH CAROLINA, AND COMMITTING TO STAND BY THE PEOPLE AFFECTED IN THE RELIEF AND RECOVERY EFFORTS

Mr. SESSIONS (for himself, Mr. SHELBY, Mr. ALEXANDER, Mr. CORKER, Mr. COCHRAN, Mr. WICKER, Mr. CHAMBLISS, Mr. ISAKSON, Mr. BURR, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Whereas during the month of April 2011, a historic series of powerful storms and tornadoes tracked across the South;

Whereas preliminary estimates of the National Oceanic and Atmospheric Administration indicate that more than 600 tornadoes were produced by storms that occurred across the United States in April 2011;

Whereas preliminary estimates of the National Oceanic and Atmospheric Administration indicate that 305 tornadoes were produced by storms that occurred across the South during the period of April 25 through 28, 2011;

Whereas the previous record number of tornadoes occurring during the month of April was 267 tornadoes, which was set in April 1974, and the previous record number of tornadoes during any month was 542 tornadoes, which was set in May 2003;

Whereas the National Oceanic and Atmospheric Administration estimates that there were at least 358 fatalities as a result of the storms and tornadoes in April 2011;

Whereas as of the date of approval of this resolution, the number of fatalities resulting from the devastating storms and tornadoes in the State of Alabama is approaching 250;

Whereas there were 38 fatalities resulting from the devastating storms and tornadoes in the State of Tennessee;

Whereas tornadoes in the State of Mississippi resulted in at least 35 fatalities, at least 163 injuries, and at least 2,500 damaged homes, of which approximately 1,000 were severely damaged or destroyed;

Whereas as of the date of approval of this resolution, the total number of fatalities in the State of Georgia is at least 15;

Whereas tornadoes and massive storms in the Commonwealth of Virginia resulted in at least 6 fatalities, destroyed more than 160 homes, and caused damage to more than 800 homes and businesses;

Whereas a number of tornadoes touched down in the Virginia counties of Gloucester, Goochland, Halifax, Middlesex, Pulaski, Shenandoah, and Washington;

Whereas in April 2011, devastating storms and at least 30 tornadoes resulted in 24 fatalities in the State of North Carolina;

Whereas the Tuscaloosa-Birmingham tornado of April 27, 2011, which caused at least 65 fatalities and more than 1,000 injuries, had a maximum width of 1.5 miles and a track length of 80 miles;

Whereas Smithville, Mississippi, a town of fewer than 900, lost 15 of its citizens, as well as its post office, school, city hall, most of its churches, and almost every home;

Whereas an Enhanced Fujita category 5 (referred to in this preamble as an ''EF5'') tornado is defined by the National Weather Service of the National Oceanic and Atmospheric Administration as the rarest and most severe type of tornado, with sustained winds of greater than 200 miles per hour and that results in total destruction of well-built, structurally-sound buildings;

Whereas 3 of the 5 EF5 rated tornadoes recorded in the United states since 2000 occurred as part of the April 25 through 28, 2011 tornado outbreak in the States of Mississippi and Alabama;

Whereas the Washington County, Virginia tornado traveled approximately 14 miles and had a maximum path width of 2 miles;

Whereas the National Weather Service estimates that 40 tornadoes hit the State of Tennessee from April 27 through 28, 2011;

Whereas the National Weather Service has confirmed that a total of 15 tornadoes hit the State of Georgia throughout the period of April 25 through 28, 2011, including a powerful EF4 tornado which devastated the city of Ringgold, Georgia;

Whereas dozens of rural communities throughout the South, including in the States of Alabama, Mississippi, Georgia, Tennessee, Virginia, and North Carolina, have been decimated by the devastating storms and tornadoes of April 2011;

Whereas more than 500 homes were damaged or destroyed in the State of Tennessee as a result of the devastating storms and tornadoes;

Whereas the massive storms impacted cities and towns in the State of Alabama, including Arab, Berry, Birmingham, Concord, Eclectic, Forkland, Fultondale, Hackleburg, Phil Campbell, Pleasant Grove, Rainsville, and Tuscaloosa;

Whereas President Obama declared 10 counties in the State of Tennessee to be in a state of major disaster and approved the request made by Governor Haslam for Federal disaster assistance;

Whereas the tornado that swept from Monroe County, Mississippi into Marion County, Alabama and destroyed Smithville, Mississippi was—

(1) the sixth deadliest tornado ever recorded in the State of Mississippi;

(2) the first EF5 tornado recorded in the State of Mississippi since 1966; and

(3) the first EF5 tornado recorded in the United States since May 2008.

Whereas the massive storms and tornadoes caused widespread damage in the Georgian counties of Bartow, Catoosa, Cherokee, Coweta, Dade, Floyd, Gordon, Greene, Habersham, Harris, Heard, Lamar, Lumpkin, Meriwether, Monroe, Morgan, Newton, Pickens, Polk, Rabun, Spalding, Troup, Upson, Walker, and White;

Whereas the massive storms and tornadoes caused widespread damage in the North Carolina counties of Bertie, Bladen, Craven, Cumberland, Currituck, Greene, Halifax, Harnett, Hertford, Hoke, Johnston, Lee Onslow, Pitt, Robeson, Sampson, Tyrell, Wake, and Wilson;

Whereas the tornado that swept from Neshoba County, Mississippi to Noxubee County, Mississippi was just the second EF5 tornado recorded in the State of Mississippi since 1966;

Whereas April 27, 2011, marks the third highest number of tornado-related fatalities occurring in a single day since March 18, 1925, when a series of tornadoes caused 747 fatalities across 7 States;

Whereas as of the date of approval of this resolution, the total number of fatalities resulting from the devastating storms and tornadoes remains unknown;

Whereas the suffering and distress of thousands of people affected by the storms and tornadoes is ongoing, particularly for those who lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is critically needed in many of the devastated regions;

Whereas the local emergency responders, National Guard, and many ordinary citizens of the affected regions have risked their lives to save others;

Whereas throughout the crisis, doctors, nurses, and medical personnel in the affected regions worked expeditiously to ensure that hospitals, medical centers, and triage units provided needed care;

Whereas many faith-based organizations and other volunteer organizations and charities are supplying the victims of the storms and tornadoes with food, water, and shelter;

Whereas the Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina Emergency Management Agencies, the first responders in the affected communities, and countless volunteers immediately came to the aid of those affected by the storms;

Whereas the Governor of Alabama, Robert Bentley, the Governor of Tennessee, Bill Haslam, the Governor of Mississippi, Haley Barbour, the Governor of Georgia, Nathan Deal, the Governor of Virginia, Robert McDonnell, and the Governor of North Carolina, Beverly Perdue, reacted swiftly and with great leadership in the immediate aftermath of the destructive storms and tornadoes;

Whereas President Obama responded quickly and efficiently to approve the requests made by Governors Bentley, Haslam, Barbour, Deal, and Perdue for Federal disaster assistance;

Whereas in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made federal disaster assistance available for the State of Alabama and elsewhere in the South to assist in local recovery efforts; and

Whereas thousands of volunteers and government employees from across the United States have committed time and resources to help with recovery efforts: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the heartfelt condolences of the Senate to the families and friends of those who lost their lives, homes, and livelihoods in the tragic storms and tornadoes of April 2011;

(2) commends the resiliency and courage of the people of the affected States, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina;

(3) extends the wishes of the Senate for a full recovery for all those who were injured in the storms and tornadoes;

(4) extends the thanks of the Senate to the forecasters, first responders, firefighters, law

enforcement personnel, volunteers, and medical personnel who took quick action to provide warnings, aid, and comfort to the victims of the storms and tornadoes;

(5) commits to provide the necessary resources and to stand by the people of the affected States, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina, in the relief, recovery, and rebuilding efforts; and

(6) stands with the people affected by the storms and tornadoes, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina, as those people begin the healing process following this terrible event.

SENATE RESOLUTION 183—DESIGNATING MAY 14, 2011, AS ''NATIONAL POLICE SURVIVORS DAY''

Ms. MURKOWSKI (for herself, Mrs. MURRAY, Mr. KERRY, Ms. MIKULSKI, Mr. MCCONNELL, Mrs. FEINSTEIN, and Mr. WHITEHOUSE) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the National Law Enforcement Officers Memorial in Judiciary Square in Washington, D.C. lists on a Wall of Remembrance the names of more than 19,000 law enforcement officers who have died in the line of duty;

Whereas in the United States, 1 law enforcement officer is killed every 53 hours;

Whereas in 2010, 152 law enforcement officers lost their lives in the line of duty;

Whereas on May 14, 1983, on the eve of the 2nd annual National Peace Officers' Memorial Service, 10 widows of fallen law enforcement officers came together to discuss the lack of support for law enforcement survivors;

Whereas 1 year later, that discussion led to the formation of Concerns of Police Survivors, Inc. at the 1st annual National Police Survivors' Seminar, which drew 110 law enforcement survivors from throughout the United States;

Whereas Concerns of Police Survivors, Inc. has grown to serve more than 15,000 surviving families of fallen law enforcement officers by providing healing, love, and the opportunity for a renewed life;

Whereas Concerns of Police Survivors, Inc. and its 52 chapters throughout the United States provide a program of peer support and counseling to law enforcement survivors, help survivors obtain the death benefits to which they are entitled, and sponsor scholarships to enable children and surviving spouses to pursue postsecondary education;

Whereas Concerns of Police Survivors, Inc. sponsors a year-round series of seminars, meetings, and youth activities, including the National Police Survivors' Seminar during National Police Week, retreats for parents, spouses, and siblings, and programs and summer activities for children;

Whereas Concerns of Police Survivors, Inc. helps law enforcement agencies cope with the loss of an officer by promoting the adoption of standardized policies and procedures for line-of-duty deaths; and

Whereas Concerns of Police Survivors, Inc. inspires the public to recognize the sacrifices made by law enforcement families by encouraging all citizens of the United States to tie a blue ribbon to their car antenna during National Police Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 14, 2011, as ''National Police Survivors Day''; and

(2) calls on the people of the United States to observe ''National Police Survivors Day'' with appropriate ceremonies to pay respect to—

(A) the survivors of the fallen heroes of law enforcement; and

(B) the fallen law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to the community.

SENATE RESOLUTION 184—RECOGNIZING THE LIFE AND SERVICE OF THE HONORABLE HUBERT H. HUMPHREY, DISTINGUISHED FORMER SENATOR FROM THE STATE OF MINNESOTA AND FORMER VICE PRESIDENT OF THE UNITED STATES, UPON THE 100TH ANNIVERSARY OF HIS BIRTH

Ms. KLOBUCHAR (for herself and Mr. FRANKEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 184

Whereas Hubert H. Humphrey was born in Wallace, South Dakota on May 27, 1911;

Whereas Hubert Humphrey, from his early years, recognized the importance of public service by becoming a registered pharmacist and serving his friends and neighbors in the Humphrey Drug Store in Huron, South Dakota from 1933 to 1937;

Whereas Hubert Humphrey received a Bachelor of Arts degree in political science from the University of Minnesota in 1939 and a Masters of Arts degree from Louisiana State University in 1940, subsequently teaching political science at Macalester College from 1943 to 1944 and at Macalester College and the University of Minnesota from 1969 to 1970;

Whereas Hubert Humphrey served in a variety of leadership positions in Minnesota during World War II, dealing with war production, employment, and manpower;

Whereas Hubert Humphrey served as Mayor of Minneapolis from 1945 to 1948, and during his tenure as mayor, he drove organized crime from the city and, among other achievements, created the Nation's first municipal equal employment opportunity commission;

Whereas Hubert Humphrey was a driving force behind the creation of the Democratic Farmer-Labor Party in Minnesota and was a founding member of Americans for Democratic Action in the aftermath of World War II;

Whereas Hubert Humphrey led forces at the 1948 Democratic National Convention in Philadelphia in support of the minority platform plank on civil rights and equal opportunity, challenging the delegates to ''walk out of the shadow of States' rights into the bright sunshine of human rights,'' resulting in the convention's adoption of the minority plank;

Whereas in 1948, Hubert Humphrey became the first Democrat from Minnesota elected to the Senate;

Whereas during his total 23 years of service in the Senate (including service from 1949 to 1964 and service from 1970 to 1978), Hubert Humphrey compiled a record of accomplishment virtually unmatched in the 20th century, encompassing, among other issues, civil and human rights, workforce development, labor rights, health care, arms control and disarmament, the Peace Corps, small business assistance, education reform, wilderness preservation, immigration reform, and agriculture;

Whereas his service as floor leader during the Senate's consideration of the Civil Rights Act of 1964 was essential to the eventual passage of the Act in the aftermath of breaking the filibuster against this historic legislation;

Whereas Hubert Humphrey, although a dedicated leader of the Democratic Party, always sought bipartisan support for his legislative goals and routinely shared credit with other Senators for his legislative victories;

Whereas Hubert Humphrey, as Vice President of the United States, loyally served President Lyndon Baines Johnson and successfully carried out a number of domestic and overseas assignments;

Whereas Hubert Humphrey, as the Democratic Party's nominee for President of the United States in 1968, waged one of the most courageous and hard-fought campaigns in the history of the United States, losing to Richard Nixon by less than 1 percentage point of the popular vote when he started the campaign some 15 points behind;

Whereas Hubert Humphrey was reelected by the people of Minnesota (in 1970 and 1976) to 2 additional terms in the Senate, thereby continuing his extraordinary record of legislative achievement with passage of such bills as the Humphrey-Hawkins Full Employment Act;

Whereas Hubert Humphrey, terminally ill with cancer, pursued his active public life with great courage, fortitude, and good humor, and in the memorable words of Vice President Walter F. Mondale at Hubert Humphrey's memorial observance in the rotunda of the United States Capitol, ''Hubert Humphrey taught us how to live and he taught us how to die''; and

Whereas the life and service of Hubert Humphrey were posthumously honored by Congress with the presentation of the Congressional Gold Medal, and by the President of the United States with the award of the Medal of Freedom: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and distinguished career of Senator and Vice President Hubert H. Humphrey upon the occasion of his 100th birthday;

(2) recognizes that Hubert H. Humphrey's legislative achievements helped resolve many of this Nation's most polarizing issues, such as civil rights, equal opportunity, and nuclear arms control; and

(3) acknowledges the importance of a vibrant and responsive public sector, as illustrated by the numerous legislative achievements of Hubert H. Humphrey and his lifetime of service to all people in the United States and to people around the world.

SENATE CONCURRENT RESOLUTION 17—EXPRESSING THE SENSE OF CONGRESS THAT TAIWAN SHOULD BE ACCORDED OBSERVER STATUS IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

Mr. MENENDEZ (for himself, Mr. INHOFE, Mr. WYDEN, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COATS, Mr. BARRASSO, Mr. CRAPO, and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 17

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating ''The aims and objectives of the Organization are to develop the

principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport'';

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that ''a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system,'' and that there should be a commitment to ''foster international cooperation in the field of aviation security and harmonize the implementation of security measures'';

Whereas, the 37th ICAO Assembly in October 2010 adopted a Declaration on Aviation Security largely in response to the attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009, which established new criminal penalties for the use of civil aircraft as a weapon, the use of dangerous materials to attack aircraft or other targets on the ground, and the unlawful transport of biological, chemical, and nuclear weapons and related materials, along with extradition arrangements that facilitate cooperation among nations in apprehending and prosecuting those who have undertaken these and other criminal acts;

Whereas on October 8, 2010, the Department of State praised the 37th ICAO Assembly on its adoption of the Declaration on Aviation Security, but noted that ''because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in aviation security throughout the world — and all nations must share the responsibility for securing that system'';

Whereas the Taipei Flight Information Region, under the jurisdiction of Taiwan, ROC, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 8th and 18th largest airport by international cargo volume and number of international passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States ''will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible''; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in garnering international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's attainment of observer status in the ICAO.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 17, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on the following bills related to oil and gas development:

S. 516. A bill to extend outer Continental Shelf leases to accommodate permitting delays and to provide operators time to meet new drilling and safety requirements.

S. 843. A bill to establish outer Continental Shelf lease and permit processing coordination offices, and for other purposes.

S. 916. A bill to facilitate appropriate oil and gas development on Federal land and waters, to limit dependence of the United States on foreign sources of oil and gas, and for other purposes.

S. 917. A bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Linda Lance or Meagan Gins.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 19, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on policies to reduce oil consumption through the promotion of advanced vehicle technologies and accelerated deployment of electric-drive vehicles, as proposed in S. 734 and S. 948.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Mike Carr or Abigail Campbell.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 12, 2011, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 12, 2011, at 9 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 12, 2011, at 9 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oil and Gas Tax Incentives and Rising Energy Prices.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 12, 2011, at 9:15 a.m., to hold a hearing entitled ''Assessing the Situation in Libya.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to

conduct a hearing entitled ''The Endangered Middle Class: Is the American Dream Slipping Out of Reach for American Families?'' on May 12, 2011, at 9:15 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 12, 2011, at 2:30 p.m. to conduct a hearing entitled ''Ten Years After 9/11: Is Intelligence Reform Working?''

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

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 12, 2011, at 9:30 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 12, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 12, 2011, at 2:30 p.m. in Dirksen 406 to conduct a hearing entitled ''Federal Efforts to Protect Public Health by Reducing Diesel Emissions.''

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

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mrs. MURRAY. 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 May 12, 2011, at 2 p.m., to conduct a hearing entitled ''The Need for National Mortgage Servicing Standards.''

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

SUBCOMMITTEE ON SEAPOWER

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 12, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Carol Bruce and Brian Solarz, with the Senate Ethics Committee, be granted the privilege of the floor during today's session.

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

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tim Rieser:									
United States	Dollar				923.86				923.86
Colombia	Peso		175.00						175.00
Mexico	Peso		566.00						566.00
Senator Richard Durbin:									
United States	Dollar				9,742.70				9,742.70
Lithuania	Litas		325.64						325.64
Belarus	Ruble		271.99						271.99
Chris Homan:									
United States	Dollar				8,018.70				8,018.70
Lithuania	Litas		418.64						418.64
Belarus	Ruble		242.48						242.48
Margaret Cummisky:									
United States	Dollar				11,812.00				11,812.00
Chile	Peso		970.18						970.18
Jean Toal Eisen:									
United States	Dollar				11,812.00				11,812.00
Chile	Peso		1,276.00						1,276.00
Allen Cutler:									
United States	Dollar				12,012.00				12,012.00
Chile	Peso		1,276.00						1,276.00
Paul Grove:									
United States	Dollar				10,712.30				10,712.30
Thailand	Baht		542.00						542.00
Laos	Kip		458.00						458.00
Burma	Kyat		106.00						106.00
Michele Wymer:									
United States	Dollar				12,966.50				12,966.50
Democratic Republic of the Congo	Franc		420.00						420.00
Rwanda	Franc		144.00						144.00
Senator Lamar Alexander:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	Shekel		292.00						292.00
France	Euro		173.00						173.00
Erin Reif:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	Shekel		292.00						292.00
France	Euro		173.00						173.00
Senator Thad Cochran:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	Shekel		292.00						292.00
France	Euro		173.00						173.00
Janet Stormes:									
United States	Dollar				10,641.70				10,641.70
Georgia	Lari		90.00						90.00
Turkey	Lira		67.00						67.00
Michele Wyner:									
United States	Dollar				13,580.50				13,580.50

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Georgia	Lari		296.00						296.00
Turkey	Lira		354.00						354.00
Russia	Rubles		368.00						368.00
Paul Grove:									
United States	Dollar				3,090.90				3,090.90
Saudi Arabia	Riyal		148.00						148.00
Jordan	Dinar		254.00						254.00
Senator Patrick Leahy:									
Dominican Republic	Peso		540.00						540.00
Nikole Manatt:									
Dominican Republic	Peso		315.28						315.28
Tim Rieser:									
Dominican Republic	Peso		316.82						316.82
Senator Jon Tester:									
United States	Dollar				11,110.50				11,110.50
Afghanistan	Dollar		156.00						156.00
James Wise:									
United States	Dollar				11,110.50				11,110.50
Afghanistan	Dollar		156.00						156.00
Senator Lamar Alexander:									
United Kingdom	Pound		44.25						44.25
United States	Dollar				7,495.30				7,495.30
Total			12,986.03		127,534.16				140,520.19

SENATOR DANIEL K. INOUYE,
Chairman, Committee on Appropriations, April 14, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James M. Inhofe:									
United Arab Emirates	Dollar		14.00						14.00
United States	Dollar				11,060.10				11,060.10
Anthony Lazarski:									
United States	Dollar				11,060.10				11,060.10
United Arab Emirates	Dollar		14.00						14.00
Senator John McCain:									
Colombia	Dollar		48.44						48.44
Brazil	Dollar		228.39						228.39
Chile	Dollar		138.22						138.22
Panama	Dollar		5.20						5.20
Brooke F. Buchanan:									
Colombia	Dollar		157.00						157.00
Brazil	Dollar		169.00						169.00
Chile	Dollar		149.00						149.00
Panama	Dollar		146.00						146.00
David M. Morriss:									
United States	Dollar				7,610.00				7,610.00
Saudi Arabia	Dollar		307.00				62.00		369.00
Michael J. Kuiken:									
United States	Dollar				620.40				620.40
Cuba	Peso		530.00						530.00
Daniel A. Lerner:									
United States	Dollar				9,732.00				9,732.00
Germany	Euro		568.71						568.71
Belgium	Euro		829.56						829.56
Senator Jack Reed:									
United States	Dollar				11,110.50				11,110.50
Afghanistan	Dollar		10.00						10.00
Carolyn Chuhta:									
United States	Dollar				11,110.50				11,110.50
Afghanistan	Dollar		18.00						18.00
Michael J. Noblet:									
United States	Dollar				10,203.00		86.00		10,289.00
Belgium	Euro		387.00						387.00
Germany	Euro		528.00						528.00
Adam J. Barker:									
United States	Dollar				10,203.20				10,203.20
Belgium	Dollar		336.00						336.00
Germany	Dollar		672.00						672.00
Michael J. Kuiken:									
United States	Dollar				10,168.00				10,168.00
Belgium	Euro		387.00						387.00
Germany	Euro		648.00						648.00
Brooke Buchanan:									
Germany	Dollar		382.00						382.00
Senator John McCain:									
Germany	Dollar		47.00						47.00
Lithuania	Dollar		92.00						92.00
Senator Lindsey Graham:									
United States	Dollar				4,409.68				4,409.68
Germany	Dollar		50.00						50.00
Senator Saxby Chambliss:									
Germany	Euro		50.00						50.00
Senator Mark Udall:									
Germany	Dollar		115.00						115.00
Richard W. Fieldhouse:									
United States	Dollar				9,677.00				9,677.00
Germany	Euro		309.00						309.00
Belgium	Euro		554.00						554.00
Senator Carl Levin:									
United States	Dollar				319.00				319.00
Cuba	Peso		729.00						729.00
Christian D. Brose:									
Colombia	Dollar		113.00						113.00
Brazil	Dollar		169.00						169.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chile	Dollar		132.00						132.00
Panama	Dollar		97.00						97.00
Lithuania	Dollar		86.00						86.00
Germany	Dollar		191.00						191.00
Senator John McCain:									
Morocco	Dollar		188.00						188.00
Tunisia	Dollar		113.54						113.54
Lebanon	Dollar		76.65						76.65
Jordan	Dollar		219.69						219.69
Israel	Dollar		365.13						365.13
Egypt	Dollar		62.57						62.57
Senator Kay R. Hagan:									
Afghanistan	Dollar		14.00						14.00
John M. Harney:									
Afghanistan	Dollar		14.00						14.00
Brooke Buchanan:									
Morocco	Dollar		278.00						278.00
Tunisia	Dollar		276.00						276.00
Lebanon	Dollar		112.00						112.00
Jordan	Dollar		355.00						355.00
Israel	Dollar		392.00						392.00
Egypt	Dollar		142.00						142.00
Senator Joseph I. Lieberman:									
Germany	Euro		141.50						141.50
Christopher J. Griffin:									
Germany	Euro		242.00						242.00
Vance Serchuk:									
Germany	Euro		288.00						288.00
Christopher J. Paul:									
United States	Dollar				11,540.00				11,540.00
United Kingdom	Dollar		1,161.79		94.19				1,255.98
Pablo E. Carrillo:									
United States	Dollar				11,540.80				11,540.80
United Kingdom	Dollar		1,161.79		94.19				1,255.98
William G.P. Monahan:									
United States	Dollar				11,075.00				11,075.00
Yemen	Dollar		304.96						304.96
Afghanistan	Dollar		10.00						10.00
Senator Kay R. Hagan:									
Dominican Republic	Peso		445.41						445.41
Roger Pena:									
Dominican Republic	Peso		401.41						401.41
Senator Lindsey Graham:									
United Kingdom	Dollar				6,225.30				6,225.30
Alice James:									
United Kingdom	Dollar		221.00		6,225.30				6,446.30
Senator James M. Inhofe:									
Burkina Faso	Franc		81.41						81.41
Ethiopia	Birr		205.19						205.19
Israel	Shekel		96.50						96.50
Germany	Euro		95.56						95.56
Luke Holland:									
Burkina Faso	Franc		147.65						147.65
Ethiopia	Birr		254.93						254.93
Israel	Shekel		194.40						194.40
Germany	Euro		180.00						180.00
Anthony Lazarski:									
Burkina Faso	Franc		74.41						74.41
Ethiopia	Birr		180.19						180.19
Israel	Shekel		135.79						135.79
Germany	Euro		81.80						81.80
Mark Powers:									
Burkina Faso	Franc		74.36						74.36
Ethiopia	Birr		206.88						206.88
Israel	Shekel		189.31						189.31
Germany	Euro		98.79						98.79
Christian D. Brose:									
Morocco	Dollar		139.00						139.00
Tunisia	Dollar		211.00						211.00
Lebanon	Dollar		203.00						203.00
Jordan	Dollar		273.00						273.00
Israel	Dollar		317.00						317.00
Egypt	Dollar		129.00						129.00
Matt Rimkunas:									
United Kingdom	Dollar		367.00		6,225.00				6,592.00
Senator Joseph I. Lieberman:									
Tunisia	Dinar		31.65						31.65
Jordan	Dinar		381.27						381.27
Israel	Shekel		255.44						255.44
Egypt	Pound		30.80						30.80
Vance Serchuk:									
Tunisia	Dinar		111.00						111.00
Jordan	Dinar		341.00						341.00
Israel	Shekel		383.00						383.00
Egypt	Pound		126.00						126.00
Margaret Goodlander:									
Tunisia	Dinar		103.00						103.00
Jordan	Dinar		357.00						357.00
Israel	Shekel		376.00						376.00
Egypt	Pound		118.00						118.00
Senator Joe Manchin III:									
Pakistan	Rupee		130.00						130.00
Afghanistan	Afghani		78.00						78.00
United Arab Emirates	Dirhams		193.00						193.00
Jordan	Dinarr		304.00						304.00
Israel	Shekel		488.00						488.00
Germany	Euro		340.00						340.00
Joanne W. McLaughlin:									
Pakistan	Rupee		130.00						130.00
Afghanistan	Afghani		78.00						78.00
United Arab Emirates	Dirham		193.00						193.00
Jordan	Dinar		304.00						304.00
Israel	Shekel		488.00						488.00
Germany	Euro		340.00						340.00
Chris Kofinis:									
Pakistan	Rupee		130.00						130.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Afghanistan	Afghani		78.00						78.00
United Arab Emirates	Dirham		193.00						193.00
Jordan	Dinar		304.00						304.00
Israel	Shekel		488.00						488.00
Germany	Euro		340.00						340.00
Senator Carl Levin:									
United States	Dollar				11,075.00				11,075.00
Yemen	Dollar		114.29						114.29
Richard D. DeBobes:									
United States	Dollar				11,075.00				11,075.00
Yemen	Dollar		114.29						114.29
Afghanistan	Dollar		10.00						10.00
Total			27,780.87		182,454.06		148.00		210,382.93

SENATOR CARL LEVIN,
Chairman, Committee on Armed Services, Apr. 12, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard C. Shelby:									
England	Pound		1,028.00						1,028.00
Germany	Euro		916.00						916.00
United States	Dollar				10,674.60				10,674.60
Anne Caldwell:									
England	Pound		1,028.00						1,028.00
Germany	Euro		916.00						916.00
United States	Dollar				10,674.60				10,674.60
Andrew Olmem:									
England	Pound		668.48						668.48
Germany	Euro		700.00						700.00
United States	Dollar				10,639.00				10,639.00
William D. Duhnke:									
England	Pound		1,028.00						1,028.00
Germany	Euro		916.00						916.00
United States	Dollar				10,639.00				10,639.00
Senator Richard C. Shelby:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00
Senator Roger F. Wicker:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00
Senator Mike Crapo:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00
William D. Duhnke:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00
Anne Caldwell:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00
Peter Fischer:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00
Senator Mark Warner:									
England	Pound		551.00						551.00
Belgium	Euro		367.00						367.00
United States	Dollar				10,856.53				10,856.53
Nathan Steinwald:									
England	Pound		471.00						471.00
Belgium	Euro		350.00						350.00
United States	Dollar				10,856.53				10,856.53
Total			14,405.96		64,340.26				78,746.22

SENATOR TIM JOHNSON,
Chairman, Committee on Banking, Housing, and Urban Affairs, May 2, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Codel Leahy:									
Senator Kent Conrad:									
Dominican Republic	Peso		445.41						445.41
Sara Garland:									
Dominican Republic	Peso		401.41						401.41

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			846.82						846.82

SENATOR KENT CONRAD,
Chairman, Committee on the Budget, Apr. 20, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allyson Anderson:									
United States	Dollar				6,749.20				6,749.20
France	Euro		1,800.00						1,800.00
Total			1,800.00		6,749.20				8,549.20

SENATOR JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, Apr. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Thomas R. Carper:									
United States	Dollar				1,363.70				1,363.70
France	Euro		509.50				419.17		928.67
Laura Haynes:									
United States	Dollar				1,359.70				1,359.70
France	Euro		612.50				339.17		951.67
Senator John Boozman:									
Burkina Faso	Franc		85.00						85.00
Ethiopia	Birr		125.26						125.26
Israel	Shekel		58.84						58.84
Germany	Euro		92.63						92.63
Toni-Marie Higgins:									
Burkina Faso	Franc		74.35						74.35
Ethiopia	Birr		172.54						172.54
Israel	Shekel		47.91						47.91
Germany	Euro		63.99						63.99
Total			1,842.52		2,723.40		758.34		5,324.26

SENATOR BARBARA BOXER,
Chairman, Committee on Environment and Public Works, Apr. 15, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Brazil	Real		99.58						99.58
Colombia	Peso		1,350.69						1,350.69
United States	Dollar				6,749.50				6,749.50
Chelsea Thomas:									
Brazil	Real		274.67						274.67
Colombia	Peso		1,430.87						1,430.87
United States	Dollar				5,673.40				5,673.40
John Lewis:									
Brazil	Real		216.82						216.82
Colombia	Peso		1,429.87						1,429.87
United States	Dollar				5,929.10				5,929.10
Scott Mulhauser:									
Brazil	Real		259.92						259.92
Colombia	Peso		1,503.36						1,503.36
United States	Dollar				6,244.50				6,244.50
Gabriel Adler:									
Brazil	Real		153.69						153.69
Colombia	Peso		1,458.70						1,458.70
United States	Dollar				6,215.40				6,215.40
Michael Smart:									
Brazil	Real		196.90						196.90
Colombia	Peso		1,368.83						1,368.83
United States	Dollar				6,665.50				6,665.50
Kate Downen:									
Brazil	Real		114.96						114.96
Colombia	Peso		1,193.84						1,193.84
United States	Dollar				5,928.10				5,928.10
*Delegation Expenses:									
United States	Dollar						39,260.00		39,260.00
Senator John Cornyn:									
Turkey	Lira		230.00						230.00
Syria	Pound		216.00						216.00
Israel	New Shekel		292.00						292.00
France	Euro		173.00						173.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
*Delegation Expenses:									
United States	Dollar						3,159.16		3,159.16
Ryan Abraham:									
Luxembourg	Euro		830.73						830.73
United States	Dollar				2,917.00				2,917.00
Thomas Lynch:									
Luxembourg	Euro		827.66						827.66
United States	Dollar				2,915.40				2,915.40
Total			13,622.09		49,237.90		42,419.16		105,279.15

*Delegation expenses include interpretation, transportation, security, embassy overtime and official functions, as well as other official expenses in accordance with the responsibilities of the host county.

SENATOR MAX BAUCUS,
Chairman, Committee on Finance, Apr. 28, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754, COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Colombia	Peso		38.92						38.92
Brazil	Real		172.26						172.26
Chile	Peso		138.22						138.22
Panama	Dollar		5.20						5.20
Senator John Barrasso:									
Lithuania	Lita		14.00						14.00
Germany	Euro		50.00						50.00
Senator Christopher Coons:									
Afghanistan	Afghani		8.00						8.00
United Arab Emirates	Dirham		250.00						250.00
Jordan	Dinar		300.00						300.00
Israel	Shekel		300.00						300.00
United States	Dollar				11,099.85				11,099.85
Senator Bob Corker:									
Afghanistan	Afghani		15.00						15.00
United Arab Emirates	Dirham		19.00						19.00
United States	Dollar				10,480.00				10,480.00
Senator Johnny Isakson:									
Germany	Euro		70.72						70.72
Senator John Kerry:									
Sudan	Dinar		344.24						344.24
Israel	Shekel		12.50						12.50
United States	Dollar				8,766.20				8,766.20
Senator John Kerry:									
Switzerland	Franc		2,638.84						2,638.84
United States	Dollar				10,402.80				10,402.80
Senator John Kerry:									
United States	Dollar				11,717.00				11,717.00
Senator John Kerry:									
United Kingdom	Pound		89.18						89.18
Egypt	Pound		115.26						115.26
Israel	Shekel		111.64						111.64
United States	Dollar				12,873.80				12,873.80
Senator Jeanne Shaheen:									
Germany	Euro		22.00						22.00
Senator Jim Webb:									
Japan	Yen		440.00						440.00
United States	Dollar				13,022.00				13,022.00
Fulton Armstrong:									
United States	Dollar				1,099.35				1,099.35
Jonah Blank:									
Indonesia	Rupiah		1,248.00						1,248.00
Timor Leste	Dollar		297.00						297.00
United States	Dollar				10,358.90				10,358.90
Jason Bruder:									
Belgium	Euro		386.00						386.00
Cyprus	Euro		620.00						620.00
United States	Dollar				3,840.30				3,840.30
Perry Cammack:									
Egypt	Pound		276.00						276.00
Tunisia	Dinar		339.00						339.00
Bahrain	Dinar		298.00						298.00
United States	Dollar				8,914.20				8,914.20
Victor Cervino:									
United States	Dollar				1,106.50				1,106.50
Heidi Crebo-Rediker:									
United Kingdom	Pound		1,574.20						1,574.20
Luxembourg	Euro		477.08						477.08
United States	Dollar				2,458.20				2,458.20
Steven Feldstein:									
India	Rupee		2,816.00						2,816.00
United States	Dollar				8,336.00				8,336.00
Steven Feldstein:									
United States	Dollar				1,099.35				1,099.35
Doug Frantz:									
United Kingdom	Pound		514.00						514.00
Egypt	Pound		167.00						167.00
Israel	Shekel		657.00						657.00
United States	Dollar				10,202.20				10,202.20
Meghan Giulino:									
Costa Rica	Colon		162.00						162.00
United States	Dollar				635.00				635.00
Frank Jannuzi:									
Thailand	Baht		972.00						972.00
Cambodia	Riel		266.00						266.00
United States	Dollar				11,027.30				11,027.30
Tamara Klajn:									
Kenya	Shilling		140.00						140.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754, COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,708.00				3,708.00
Chad Kreikemeier:									
United Kingdom	Pound		93.00						93.00
Belgium	Euro		80.00						80.00
Robin Lerner:									
Jordan	Dinar		250.00						250.00
Tunisia	Dinar		150.00						150.00
Bahrain	Dinar		200.00						200.00
United States	Dollar				10,037.70				10,037.70
Frank Lowenstein:									
Sudan	Dinar		475.50						475.50
Israel	Shekel		12.50						12.50
United States	Dollar				5,595.95				5,595.95
Frank Lowenstein:									
Pakistan	Rupee		60.00						60.00
United States	Dollar				11,717.00				11,717.00
Frank Lowenstein:									
Israel	Shekel		307.00						307.00
United States	Dollar				7,977.20				7,977.20
Nicholas Ma:									
United Kingdom	Pound		1,574.20						1,574.20
Luxembourg	Euro		477.08						477.08
United States	Dollar				2,458.20				2,458.20
Marta McLellan Ross:									
Japan	Yen		440.00						440.00
United States	Dollar				13,022.00				13,022.00
Carl Meacham:									
Panama	Dollar		121.00						121.00
Colombia	Peso		260.00						260.00
United States	Dollar				908.10				908.10
Thomas Moore:									
Russia	Ruble		560.00						560.00
Belgium	Euro		778.00		95.26				873.26
France	Euro		1,150.00						1,150.00
United Kingdom	Pound		414.00						414.00
United States	Dollar				12,533.20				12,533.20
Ann Norris:									
Democratic Republic of Congo	Dollar		225.00						225.000
United States	Dollar				5,811.20				5,811.20
Stacie Oliver:									
United Arab Emirates	Dirham		27.00						27.00
Afghanistan	Afghani		30.00						30.00
Pakistan	Rupee		25.00						25.00
United States	Dollar				10,480.00				10,480.00
Michael Phelan:									
Pakistan	Rupee		130.00						130.00
Germany	Euro		817.00						817.00
United States	Dollar				14,785.40				14,785.40
Shannon Smith:									
Sudan	Dollar		390.00						390.00
United States	Dollar				10,120.00				10,120.00
Shannon Smith:									
Kenya	Shilling		215.00						215.00
United States	Dollar				3,708.00				3,708.00
Halie Soifer:									
United Arab Emirates	Dirham		250.00						250.00
Jordan	Dinar		300.00						300.00
Israel	Shekel		300.00						300.00
Afghanistan	Afghani		8.00						8.00
United States	Dollar				11,099.85				11,099.85
Joel Starr:									
Burkina Faso	CFA		63.94						63.94
Ethiopia	Birr		173.01						173.01
Israel	Shekel		40.52						40.52
Germany	Euro		48.57						48.57
Marik String:									
Georgia	Lari		464.00						464.00
United States	Dollar				10,706.70				10,706.70
Marik String:									
Russia	Ruble		560.00						560.00
Belgium	Euro		778.00		95.26				873.26
France	Euro		1,150.00						1,150.00
United Kingdom	Pound		414.00						414.00
United States	Dollar				12,533.20				12,533.20
Atman Trivedi:									
India	Rupee		2,260.00						2,260.00
United States	Dollar				9,204.10				9,204.00
Total			32,435.58		294,035.27				326,470.85

SENATOR JOHN F. KERRY,
Chairman, Committee on Foreign Relations, Apr. 21, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Susan M. Collins:									
Lithuania	litas		191.00						191.00
Germany	Euro		840.17						840.17
Senator Tom Coburn:									
Austria	Euro		975.85						975.85
Germany	Euro		828.69						828.69
London	Pound		882.27						882.27
Vance Serchuk:									
United States	Dollar				4,416.90				4,416.90
Egypt	Pound		1,312.00						1,312.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			5,029.98		4,416.90				9,446.88

SENATOR JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, May 4, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jon Kyl:									
Germany	Euro		130.17						130.17
Total			130.17						130.17

SENATOR PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, Apr. 1, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randall Bookout			1,427.00						1,427.00
	Dollar				9,902.20				9,902.20
Lorenzo Goco			1,357.00						1,357.00
	Dollar				9,902.00				9,902.00
Andrew Kerr			1,457.00						1,457.00
	Dollar				9,902.20				9,902.20
Clete Johnson			1,415.00						1,415.00
	Dollar				13,290.90				13,290.90
John Maguire			1,411.00						1,411.00
	Dollar				10,729.80				10,729.80
Brian Miller			467.16						467.16
Senator Dan Coats			105.25						105.25
Andrew Kerr			941.00						941.00
	Dollar				14,296.80				14,296.80
John Dickas			777.00						777.00
	Dollar				13,605.60				13,605.60
Theresa Ervin			559.41						559.41
Senator Saxby Chambliss			999.00						999.00
	Dollar						5,898.22		5,898.22
Senator Richard Burr			1,292.00						1,292.00
Jacqueline Russell			1,222.00						1,222.00
Martha Scott Poindexter			918.16						918.16
James Smythers			1,292.00						1,292.00
Jeffrey Howard			898.00						898.00
	Dollar				11,632.50				11,632.50
L. Christine Healey			215.00						215.00
	Dollar				11,092.00				11,092.00
Michael Pevzner			653.00						653.00
	Dollar				11,323.80				11,323.80
John Maguire			576.00						576.00
	Dollar				11,087.50				11,087.50
Senator Dan Coats			1,028.80						1,028.80
Total			19,010.78		126,765.30		5,898.22		151,674.30

SENATOR DIANNE FEINSTEIN,
Chairman, Committee on Intelligence, May 4, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bernie Sanders:									
United States	Dollar				10,666.00				10,666.00
Pakistan	Rupee		446.97						446.97
Afghanistan	Afghani		15.00						15.00
United Arab Emirates	Emirati Dirham		20.95						20.95
Steve Robertson:									
United States	Dollar				12,298.00				12,298.00
Pakistan	Rupee		473.97						473.97
Afghanistan	Afghani		15.00						15.00
United Arab Emirates	Emirati Dirham		20.95						20.95
Senator Michael Enzi:									
Turkey	Lira		338.12		67.35				405.47
Syria	Pound		124.53						124.53
Israel	New Shekel		250.33		15.52				265.85
France	Euro		101.15		14.00				115.15
Coy Knobel:									
Turkey	Lira		325.62		67.35				392.97
Syria	Pound		124.53						124.53
Israel	New Shekel		125.25		15.52				140.77

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Euro		62.06						62.06
Total			2,444.43		23,143.74				25,588.17

SENATOR TOM HARKIN,
Chairman, Committee on Health, Education, Labor, and Pensions,
Apr. 23, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Alcee Hastings:									
Austria	Euro		1,281.04						1,281.04
United States	Dollar				6,837.20				6,837.20
Hon. Robert Aderholt:									
Austria	Euro		1,281.04						1,281.04
United States	Dollar				1,345.60				1,345.60
Fred Turner:									
Austria	Euro		1,256.16						1,256.16
Germany	Euro		834.00						834.00
United States	Dollar				3,112.90				3,112.90
Mark Milosch:									
Austria	Euro		899.06						899.06
United States	Dollar				5,505.40				5,505.40
Ronald McNamara:									
Austria	Euro		1,077.04						1,077.04
United States	Dollar				5,505.40				5,505.40
Shelly Han:									
Canada	Dollar		338.49						338.49
United States	Dollar				2,805.73				2,805.73
France	Euro		2,303.00						2,303.00
United States	Dollar				1,045.40				1,045.40
Janice Helwig:									
Uzbekistan	Som		788.00						788.00
United States	Dollar				11,878.80				11,878.80
Alex Johnson:									
Austria	Euro		29,721.00						29,721.00
United States	Dollar				5,444.30				5,444.30
Total			39,778.83		43,480.73				83,259.56

SENATOR BENJAMIN L. CARDIN,
Chairman, Commission on Security and Cooperation in Europe,
Apr. 27, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON CODEL McCONNELL TRAVEL FROM JAN. 13 TO JAN. 18, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
Kuwait	Dinar		357.00						357.00
Pakistan	Rupee		195.00						195.00
Afghanistan	Dollar		28.00						28.00
United Kingdom	Pound		113.79						113.79
Senator Lindsey Graham:									
Kuwait	Dinar		435.73						435.73
Pakistan	Rupee		312.00						312.00
Afghanistan	Dollar		28.00						28.00
Senator Richard Burr:									
Kuwait	Dinar		474.00						474.00
Pakistan	Rupee		312.00						312.00
Afghanistan	Dollar		28.00						28.00
United Kingdom	Pound		230.25						230.25
Senator Pat Toomey:									
Kuwait	Dinar		299.00						299.00
Pakistan	Rupee		262.00						262.00
Afghanistan	Dollar		28.00						28.00
United Kingdom	Pound		105.79						105.79
Senator Marco Rubio:									
Kuwait	Dinar		374.00						374.00
Pakistan	Rupee		312.00						312.00
Afghanistan	Dollar		28.00						28.00
United Kingdom	Pound		169.52						169.52
Senator Ron Johnson:									
Kuwait	Dinar								
Pakistan	Rupee								
Afghanistan	Dollar								
United Kingdom	Pound								
Senator Kelly Ayotte:									
Kuwait	Dinar		355.00						355.00
Pakistan	Rupee		194.00						194.00
Afghanistan	Dollar		28.00						28.00
United Kingdom	Pound		80.00						80.00
Roy E. Brownell:									
Kuwait	Dinar		402.00						402.00
Pakistan	Rupee		240.22						240.22
Afghanistan	Dollar		28.00						28.00
Thomas Hawkins:									
Kuwait	Dinar		419.00						419.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON CODEL McCONNELL TRAVEL FROM JAN. 13 TO JAN. 18, 2011—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Pakistan	Rupee		268.22						268.22
Afghanistan	Dollar		28.00						28.00
Brian P. Monahan:									
Kuwait	Dinar		361.74						361.74
Pakistan	Rupee		312.00						312.00
Afghanistan	Dollar		28.00						28.00
*Delegation Expenses							9,245.80		
Total			6,836.26				9,245.80		16,082.06

*Delegation expenses include interpretation, transportation, security, embassy overtime and official functions, as well as other official expenses in accordance with the responsibilities of the host country.

SENATOR MITCH McCONNELL,
Chairman, Republican Leader, Mar. 30, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM FEB. 3 TO FEB. 6, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Rob Portman:									
Germany	Euro		1,228.42						1,228.42
Total			1,228.42						1,228.42

SENATOR MITCH McCONNELL,
Chairman, Republican Leader, Apr. 11, 2011.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM FEB. 18 TO FEB. 27, 2011

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thomas Ross:									
United States	Dollar				10,595.60				10,595.60
Pakistan	Rupee								
Burma	Kyat		190.00				207.03		397.03
India	Rupee		689.00				27.15		716.15
Total			879.00		10,595.60		234.18		11,708.78

SENATOR HARRY REID,
Chairman, Majority Leader, Apr. 14, 2011.

ORDERS FOR TUESDAY, MAY 17, 2011

Mr. REID. I ask unanimous consent on Tuesday, May 17, 2011, at 10 a.m., the Senate proceed to executive session to consider Calendar No. 31, that there be 2 hours for 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. 31; the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order to the nomination, and statements related to the nomination be printed in the RECORD; the President be immediately notified and the Senate resume legislative session.

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

ENSURING OBJECTIVE INDEPENDENT REVIEW OF TASK AND DELIVERY ORDERS

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 41, S. 498.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 498) to ensure objective independent review of task and delivery orders.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

S. 498

SEC. 3. USE OF EXISTING RESOURCES TO PROCESS TASK AND DELIVERY ORDER PROTESTS.

No amounts are authorized to be appropriated for the specific purpose of processing protests authorized under section 4106(f) of title 41, United States Code, as amended by section 2, and all such protests shall be processed using the existing resources of the Government Accountability Office and executive agencies.

Mr. REID. I ask unanimous consent the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The committee amendment was agreed to.

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

RECOGNIZING THE DEFENSE INTELLIGENCE AGENCY ON ITS 50TH ANNIVERSARY

Mr. REID. Mr. President, I ask unanimous consent the Intelligence Committee be discharged from further consideration of S. Res. 86, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 86) recognizing the Defense Intelligence Agency on its 50th Anniversary.

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

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table with no

intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 86) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 86

Whereas, the Defense Intelligence Agency was created in 1961 as the United States lead military intelligence organization, approved by Secretary of Defense Robert McNamara on July 5, 1961, and activated on October 1, 1961;

Whereas, with military and civilian employees worldwide, the Defense Intelligence Agency produces military intelligence to warfighters and policymakers in the Department of Defense and the intelligence community, to support United States military planning, operations, and weapon systems acquisition;

Whereas the Defense Intelligence Agency possesses a diverse and expeditionary workforce that conducts all-source analysis, intelligence collection, and information technology infrastructure support around the world;

Whereas the Defense Intelligence Agency plays a critical role within the Department of Defense, the combatant commands, the intelligence community, and the Defense Intelligence Enterprise through the Defense Attaché System, Defense Counterintelligence and HUMINT Center, National Defense Intelligence College, National Media Exploitation Center, and National Center for Credibility Assessment;

Whereas the Defense Intelligence Agency leads the defense all-source analytic community including the Directorate for Analysis and four specialized centers known as the Underground Facility Analysis Center, the National Center for Medical Intelligence, the Joint Intelligence Task Force-Combating Terrorism, and the Missile and Space Intelligence Center, as well as synchronizes the analytic efforts of the Army National Ground Intelligence Center, Office of Naval Intelligence, Air Force National Air and Space Intelligence Center, Marine Corps Intelligence Activity, and ten United States combatant command intelligence centers;

Whereas the Defense Intelligence Agency has throughout its history provided intelligence support to United States policy makers and military commanders in both war and peacetime during significant national security events including the Cuban Missile Crisis, the Vietnam conflict, the Cold War and its aftermath, operations against state-sponsored terrorist organizations, Operation Desert Storm, and in support of United States military and coalition operations in Somalia, the former Yugoslavia, and Haiti;

Whereas, since the terrorist attacks of September 11, 2001, the men and women of the Defense Intelligence Agency have worked diligently to deter, detect, and prevent acts of terror by providing intelligence support to United States and coalition forces in support of the Global War on Terror, Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom; and

Whereas the Defense Intelligence Agency and subordinate organizations within the Agency have been awarded seven Joint Meritorious Unit Awards reflecting the distinctive accomplishments of the personnel assigned to the Defense Intelligence Agency: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the men and women of the Defense Intelligence Agency on the occasion of the Agency's 50th Anniversary;

(2) honors the heroic sacrifice of the employees of the Defense Intelligence Agency who have given their lives, or have been wounded or injured, in the service of the United States during the past 50 years; and

(3) expresses gratitude to all the men and women of the Defense Intelligence Agency for their past and continued efforts to provide timely and accurate intelligence support to deliver overwhelming advantage to our warfighters, defense planners, and defense and national security policymakers in the defense and security of the United States.

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 181, S. Res. 182, and S. Res. 183.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no interviewing action or debate, and any statements be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 181

(National MPS Awareness Day)

Whereas mucopolysaccharidosis (referred to in this resolution as ''MPS'') are a group of genetically determined lysosomal storage diseases that render the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas MPS diseases cause complex carbohydrates to be stored in almost every cell in the body and progressively cause cellular damage;

Whereas the cellular damage caused by MPS—

(1) adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system; and

(2) often results in intellectual disabilities, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas symptoms of MPS are usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas research has resulted in the development of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway as of the date of agreement to this resolution;

Whereas, despite the creation of new remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, which prevents the treatment of many of the symptoms of MPS;

Whereas the quality of life of the individuals afflicted with MPS, and the treatments available to those individuals, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases; and

Whereas the lack of awareness about MPS diseases extends to individuals within the medical community;

Whereas the cellular damage that is caused by MPS makes MPS a model for the study of many other degenerative genetic diseases; and

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2011, as ''National MPS Awareness Day''; and

(2) supports the goals and ideals of ''National MPS Awareness Day''.

S. RES. 182

(Expressing the condolences of the United States to the victims of the devastating tornadoes that touched down in the South)

Whereas during the month of April 2011, a historic series of powerful storms and tornadoes tracked across the South;

Whereas preliminary estimates of the National Oceanic and Atmospheric Administration indicate that more than 600 tornadoes were produced by storms that occurred across the United States in April 2011;

Whereas preliminary estimates of the National Oceanic and Atmospheric Administration indicate that 305 tornadoes were produced by storms that occurred across the South during the period of April 25 through 28, 2011;

Whereas the previous record number of tornadoes occurring during the month of April was 267 tornadoes, which was set in April 1974, and the previous record number of tornadoes during any month was 542 tornadoes, which was set in May 2003;

Whereas the National Oceanic and Atmospheric Administration estimates that there were at least 358 fatalities as a result of the storms and tornadoes in April 2011;

Whereas as of the date of approval of this resolution, the number of fatalities resulting from the devastating storms and tornadoes in the State of Alabama is approaching 250;

Whereas there were 38 fatalities resulting from the devastating storms and tornadoes in the State of Tennessee;

Whereas tornadoes in the State of Mississippi resulted in at least 35 fatalities, at least 163 injuries, and at least 2,500 damaged homes, of which approximately 1,000 were severely damaged or destroyed;

Whereas as of the date of approval of this resolution, the total number of fatalities in the State of Georgia is at least 15;

Whereas tornadoes and massive storms in the Commonwealth of Virginia resulted in at least 6 fatalities, destroyed more than 160 homes, and caused damage to more than 800 homes and businesses;

Whereas a number of tornadoes touched down in the Virginia counties of Gloucester, Goochland, Halifax, Middlesex, Pulaski, Shenandoah, and Washington;

Whereas in April 2011, devastating storms and at least 30 tornadoes resulted in 24 fatalities in the State of North Carolina;

Whereas the Tuscaloosa-Birmingham tornado of April 27, 2011, which caused at least 65 fatalities and more than 1,000 injuries, had a maximum width of 1.5 miles and a track length of 80 miles;

Whereas Smithville, Mississippi, a town of fewer than 900, lost 15 of its citizens, as well as its post office, school, city hall, most of its churches, and almost every home;

Whereas an Enhanced Fujita category 5 (referred to in this preamble as an ''EF5'') tornado is defined by the National Weather Service of the National Oceanic and Atmospheric Administration as the rarest and most severe type of tornado, with sustained winds of greater than 200 miles per hour and that results in total destruction of well-built, structurally-sound buildings;

Whereas 3 of the 5 EF5 rated tornadoes recorded in the United states since 2000 occurred as part of the April 25 through 28, 2011 tornado outbreak in the States of Mississippi and Alabama;

Whereas the Washington County, Virginia tornado traveled approximately 14 miles and had a maximum path width of 2 miles;

Whereas the National Weather Service estimates that 40 tornadoes hit the State of Tennessee from April 27 through 28, 2011;

Whereas the National Weather Service has confirmed that a total of 15 tornadoes hit the State of Georgia throughout the period of April 25 through 28, 2011, including a powerful EF4 tornado which devastated the city of Ringgold, Georgia;

Whereas dozens of rural communities throughout the South, including in the States of Alabama, Mississippi, Georgia, Tennessee, Virginia, and North Carolina, have been decimated by the devastating storms and tornadoes of April 2011;

Whereas more than 500 homes were damaged or destroyed in the State of Tennessee as a result of the devastating storms and tornadoes;

Whereas the massive storms impacted cities and towns in the State of Alabama, including Arab, Berry, Birmingham, Concord, Eclectic, Forkland, Fultondale, Hackleburg, Phil Campbell, Pleasant Grove, Rainsville, and Tuscaloosa;

Whereas President Obama declared 10 counties in the State of Tennessee to be in a state of major disaster and approved the request made by Governor Haslam for Federal disaster assistance;

Whereas the tornado that swept from Monroe County, Mississippi into Marion County, Alabama and destroyed Smithville, Mississippi was—

(1) the sixth deadliest tornado ever recorded in the State of Mississippi;

(2) the first EF5 tornado recorded in the State of Mississippi since 1966; and

(3) the first EF5 tornado recorded in the United States since May 2008.

Whereas the massive storms and tornadoes caused widespread damage in the Georgian counties of Bartow, Catoosa, Cherokee, Coweta, Dade, Floyd, Gordon, Greene, Habersham, Harris, Heard, Lamar, Lumpkin, Meriwether, Monroe, Morgan, Newton, Pickens, Polk, Rabun, Spalding, Troup, Upson, Walker, and White;

Whereas the massive storms and tornadoes caused widespread damage in the North Carolina counties of Bertie, Bladen, Craven, Cumberland, Currituck, Greene, Halifax, Harnett, Hertford, Hoke, Johnston, Lee Onslow, Pitt, Robeson, Sampson, Tyrell, Wake, and Wilson;

Whereas the tornado that swept from Neshoba County, Mississippi to Noxubee County, Mississippi was just the second EF5 tornado recorded in the State of Mississippi since 1966;

Whereas April 27, 2011, marks the third highest number of tornado-related fatalities occurring in a single day since March 18, 1925, when a series of tornadoes caused 747 fatalities across 7 States;

Whereas as of the date of approval of this resolution, the total number of fatalities resulting from the devastating storms and tornadoes remains unknown;

Whereas the suffering and distress of thousands of people affected by the storms and tornadoes is ongoing, particularly for those who lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is critically needed in many of the devastated regions;

Whereas the local emergency responders, National Guard, and many ordinary citizens of the affected regions have risked their lives to save others;

Whereas throughout the crisis, doctors, nurses, and medical personnel in the affected regions worked expeditiously to ensure that hospitals, medical centers, and triage units provided needed care;

Whereas many faith-based organizations and other volunteer organizations and charities are supplying the victims of the storms and tornadoes with food, water, and shelter;

Whereas the Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina Emergency Management Agencies, the first responders in the affected communities, and countless volunteers immediately came to the aid of those affected by the storms;

Whereas the Governor of Alabama, Robert Bentley, the Governor of Tennessee, Bill Haslam, the Governor of Mississippi, Haley Barbour, the Governor of Georgia, Nathan Deal, the Governor of Virginia, Robert McDonnell, and the Governor of North Carolina, Beverly Perdue, reacted swiftly and with great leadership in the immediate aftermath of the destructive storms and tornadoes;

Whereas President Obama responded quickly and efficiently to approve the requests made by Governors Bentley, Haslam, Barbour, Deal, and Perdue for Federal disaster assistance;

Whereas in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made federal disaster assistance available for the State of Alabama and elsewhere in the South to assist in local recovery efforts; and

Whereas thousands of volunteers and government employees from across the United States have committed time and resources to help with recovery efforts: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the heartfelt condolences of the Senate to the families and friends of those who lost their lives, homes, and livelihoods in the tragic storms and tornadoes of April 2011;

(2) commends the resiliency and courage of the people of the affected States, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina;

(3) extends the wishes of the Senate for a full recovery for all those who were injured in the storms and tornadoes;

(4) extends the thanks of the Senate to the forecasters, first responders, firefighters, law enforcement personnel, volunteers, and medical personnel who took quick action to provide warnings, aid, and comfort to the victims of the storms and tornadoes;

(5) commits to provide the necessary resources and to stand by the people of the affected States, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina, in the relief, recovery, and rebuilding efforts; and

(6) stands with the people affected by the storms and tornadoes, including the people of the States of Alabama, Tennessee, Mississippi, Georgia, Virginia, and North Carolina, as those people begin the healing process following this terrible event.

S. RES. 183

(National Police Survivors Day)

Whereas the National Law Enforcement Officers Memorial in Judiciary Square in Washington, D.C. lists on a Wall of Remembrance the names of more than 19,000 law enforcement officers who have died in the line of duty;

Whereas in the United States, 1 law enforcement officer is killed every 53 hours;

Whereas in 2010, 152 law enforcement officers lost their lives in the line of duty;

Whereas on May 14, 1983, on the eve of the 2nd annual National Peace Officers' Memorial Service, 10 widows of fallen law enforcement officers came together to discuss the lack of support for law enforcement survivors;

Whereas 1 year later, that discussion led to the formation of Concerns of Police Survivors, Inc. at the 1st annual National Police Survivors' Seminar, which drew 110 law enforcement survivors from throughout the United States;

Whereas Concerns of Police Survivors, Inc. has grown to serve more than 15,000 surviving families of fallen law enforcement officers by providing healing, love, and the opportunity for a renewed life;

Whereas Concerns of Police Survivors, Inc. and its 52 chapters throughout the United States provide a program of peer support and counseling to law enforcement survivors, help survivors obtain the death benefits to which they are entitled, and sponsor scholarships to enable children and surviving spouses to pursue postsecondary education;

Whereas Concerns of Police Survivors, Inc. sponsors a year-round series of seminars, meetings, and youth activities, including the National Police Survivors' Seminar during National Police Week, retreats for parents, spouses, and siblings, and programs and summer activities for children;

Whereas Concerns of Police Survivors, Inc. helps law enforcement agencies cope with the loss of an officer by promoting the adoption of standardized policies and procedures for line-of-duty deaths; and

Whereas Concerns of Police Survivors, Inc. inspires the public to recognize the sacrifices made by law enforcement families by encouraging all citizens of the United States to tie a blue ribbon to their car antenna during National Police Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 14, 2011, as ''National Police Survivors Day''; and

(2) calls on the people of the United States to observe ''National Police Survivors Day'' with appropriate ceremonies to pay respect to—

(A) the survivors of the fallen heroes of law enforcement; and

(B) the fallen law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to the community.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 16.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 16) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 16) was agreed to.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to H. Con. Res. 46.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 46) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 46) was agreed to.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent to proceed to H. Con. Res. 50.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 50) providing for a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider laid upon the table, and there be no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 50) was agreed to.

MEASURES READ THE FIRST TIME—H.R. 1229 AND S. 990

Mr. REID. Mr. President, I am told there are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

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

Mr. REID. I now ask for the second readings en bloc, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read the second time on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the reappointment of Sheryl B. Vogt, of Georgia, to the Advisory Committee on the Records of Congress.

ORDERS FOR MONDAY, MAY 16, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 16; 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 for debate only until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will be around noon on Tuesday, May 17, on the confirmation of the nomination of Susan Carney, of Connecticut, to be a U.S. circuit court judge. Senators are encouraged to come to the floor on Monday to debate the Carney nomination.

ADJOURNMENT UNTIL MONDAY, MAY 16, 2011, AT 2 P.M.

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 5:56 p.m., adjourned until Monday, May 16, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

POSTAL REGULATORY COMMISSION

MARK D. ACTON, OF KENTUCKY, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016. (REAPPOINTMENT)

ROBERT G. TAUB, OF NEW YORK, TO BE A COMMISSIONER OF THE POSTAL REGULATORY COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2016, VICE TONY HAMMOND, TERM EXPIRED.

COMMODITY FUTURES TRADING COMMISSION

MARK P. WETJEN, OF NEVADA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING JUNE 19, 2016, VICE MICHAEL V. DUNN, TERM EXPIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

NAADIA LISA PORTER, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ENRIQUE A. BRUNET, OF TEXAS
RYAN ANDREW LAIRD MCGONAGLE, OF WASHINGTON
CHRISTINE N. NTEIREHO, OF VIRGINIA
ROSHANAK SALIMI, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

DEPARTMENT OF COMMERCE

JAY BIGGS, OF OHIO
MARIA B. GALINDO, OF NEW JERSEY
JOSHUA HALPERN, OF NEW YORK

DEPARTMENT OF STATE

OWEN GILBERT ABBE, OF VIRGINIA
CASEY L. ADDIS, OF THE DISTRICT OF COLUMBIA
RYAN J. ALSABAGH, OF VIRGINIA
LAUREN A. ARESTIE, OF VIRGINIA
STACEY ANNE BA, OF KANSAS
KEVIN M. BARRY, OF VIRGINIA
DAVID G. BEAVERS, OF VIRGINIA
JULIE ANNE BEBERMAN, OF THE VIRGIN ISLANDS
RAIN CHE BIAN, OF NEW YORK
IAN MITCHELL BILLARD, OF MISSOURI
CHRISTINA J. BOBADILLA, OF FLORIDA
CARL D. BOOKSING, OF VIRGINIA
KENNETH C. BRENNAN, OF VIRGINIA
MICHAEL DAVID BREWER, OF NEW YORK
ROBERT A. BRINK, OF VIRGINIA
JAMES M. BRODT, OF VIRGINIA
M. LAURA BROOKINS, OF THE DISTRICT OF COLUMBIA
KEVIN J. BROSNAHAN, OF THE DISTRICT OF COLUMBIA
THOMAS V. B. BROUNS, OF CALIFORNIA
ANGELA Y. BROWN, OF FLORIDA
WYATT L. BUSBEE, OF VIRGINIA
JOHN K. BYINGTON, OF VIRGINIA
MEAGAN M. BYXBEE, OF WEST VIRGINIA
MERLYN CALDERON, OF CALIFORNIA
ADRIANA CALEJO, OF MARYLAND
BRIAN W. CAMPBELL, OF NEW YORK
DAVID SCOTT CAMPBELL, OF NEW MEXICO
TANYA R. CANADY, OF MARYLAND
DAVID RYAN CARR, OF OREGON
MARIYAM A. CEMENTWALA, OF CALIFORNIA
CHRISTINA CHARCHAR, OF VIRGINIA
DANIEL J. CHASSEN, OF THE DISTRICT OF COLUMBIA
ALICE B. CHEUNG, OF VIRGINIA
JOSHUA L. CHU, OF VIRGINIA
EMILY KATHLEEN CINTORA, OF ARIZONA
WILLIAM BENJAMIN COCKS, OF VIRGINIA
ERIC C. CONCHA, OF FLORIDA
ANDREW WILLIS COOK, OF VIRGINIA
DEVIN WAYNE COOPER, OF VIRGINIA
DIANA L. COSTA, OF MISSOURI
EVA HELENE D'AMBROSIO, OF INDIANA
JANE L. DENHAM, OF TEXAS
RANDALL E. DEPAUL, OF MARYLAND
JOE DICKERSON, OF VIRGINIA
MATTHEW J. DILBER, OF VIRGINIA
JORDAN T. DOVER, OF VIRGINIA
AIMEE DOWL, OF CALIFORNIA
PHILIP MARTIN DREWRY, OF TEXAS
J. SPENCER DRISCOLL, OF WASHINGTON
PAUL A. DUFRESNE, OF VIRGINIA
ANDREW SCOTT DUNN, OF THE DISTRICT OF COLUMBIA
THOMAS M. EDSALL, OF VIRGINIA
TRACY ELLERBY, OF MARYLAND
JOHN D. ELLIOTT, OF GEORGIA
ANDREW J. ELLIS, JR., OF MARYLAND
CHRISTOPHER ELSASSER, OF MARYLAND
ANGELA K. ENG, OF VIRGINIA
SCOTT EPSTEIN, OF VIRGINIA
ANNA ESTRINA, OF NEW YORK
NICOLE M. FINNEMANN, OF MICHIGAN
TERRENCE FINNERAN, OF FLORIDA
CATHERINE DELIA CAMPBELL FISCHER, OF CALIFORNIA
BON FLEMING, OF THE DISTRICT OF COLUMBIA
CLAUDIA S. FOSS, OF VIRGINIA
RUTH A. GASKELL, OF VIRGINIA
BRYAN M. GIBLIN, OF MARYLAND
KENNETH W. GIBSON, OF VIRGINIA
WILLIAM C. GILBERT, OF MISSOURI

KAREN ANDREA GLOCER, OF FLORIDA
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ROBERT E. GROSSMAN, OF NEW YORK
ALEXIS HART HAFTVANI, OF CALIFORNIA
JERROD E. HANSEN, OF WASHINGTON
JEFFREY WILLIAM HERMANSON, OF VIRGINIA
VALERIE E. HILL, OF VIRGINIA
JOHN OMAR HISHMEH, OF VIRGINIA
NOAH BENJAMIN HOGAN, OF INDIANA
JULIA MAGDALENA HOZAKOWSKA, OF PENNSYLVANIA
JASON HUGHES, OF MISSOURI
CHERYL O. IGIRI, OF THE DISTRICT OF COLUMBIA
OGNIANA VASSILEVA IVANOVA-SRIRAM, OF NEW YORK
KYLE B. JEMISON, OF VIRGINIA
JOHN P. JENKS, OF MARYLAND
JESSICA R. JOHN, OF THE DISTRICT OF COLUMBIA
ERIC W. JOHNSON, OF THE DISTRICT OF COLUMBIA
RUFUS H. JOHNSON, OF VIRGINIA
STACI R. JOHNSON, OF VIRGINIA
ADRIENNE A. JONES, OF VIRGINIA
ANDREW J. JONES, OF THE DISTRICT OF COLUMBIA
ELIOT S. JUNG, OF NEW YORK
KHULOOD KANDIL, OF FLORIDA
JAMES R. KAWKA, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER A. KELLAND, OF VIRGINIA
DEREK R. KELLY, OF NEW YORK
JOHN THOMAS STUART KENNEDY, OF FLORIDA
JOHN H. KENT, OF VIRGINIA
JUSTIN M. KERNS, OF VIRGINIA
KIMBERLY KERR, OF UTAH
DAE GUN KIM, OF CALIFORNIA
MICHAEL R. KISELYCZNYK, OF VIRGINIA
DANIEL D. KOHANSKI, OF CALIFORNIA
JEREMY K. KOLOSOVSKY, OF THE DISTRICT OF COLUMBIA
JAY J. KOMMERS, OF VIRGINIA
KIRSTEN M. KRAWCZYK, OF VIRGINIA
ROBERT MATHEW KUBINEC, OF VIRGINIA
PETER M. LAPPE, OF MARYLAND
MARY LEBEAU, OF FLORIDA
CHUNG JOON LEE, OF CALIFORNIA
FRANK LEE, OF MARYLAND
JACOB JOSEPH LEVIN, OF ILLINOIS
LAURA E. LIPINSKI, OF VIRGINIA
GINA C. LOPRESTO, OF VIRGINIA
JENNIFER G. LUKOWITZ, OF NEW YORK
HOLLY M. MACKEY, OF VIRGINIA
DIANE D. MAENDER, OF THE DISTRICT OF COLUMBIA
CHARLES S. MAFFEY, OF VIRGINIA
MICHELLE D. MALLOY, OF VIRGINIA
DENISE R. MARQUES, OF VIRGINIA
PAUL EDWIN MASTIN, OF COLORADO
TRINA C. BRISCOE MATTHEWS, OF MARYLAND
ALEXANDER MAYER, OF TEXAS
DIMITRY MEDVEDEV, OF NEW JERSEY
KELLY R. MERRICK, OF CALIFORNIA
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WILLIAM JAMES MISKELLY III, OF INDIANA
THOMAS R. A. MONTGOMERY, OF CALIFORNIA
DAVID D. MOO, OF MISSOURI
ANDREW NELSON, OF CALIFORNIA
MICHAEL A. NILI, OF VIRGINIA
MANUEL A. ORELLANA, JR., OF MARYLAND
BRENDAN OWEN, OF VIRGINIA
STEVEN C. PAGE, OF VIRGINIA
JOSEPH ROBERT PALOMBO, JR., OF NEW HAMPSHIRE
DAVID D. PEMBERTON, OF VIRGINIA
JEREMY ROSS PETERSON, OF WASHINGTON
RICHARD T. PHELAN, OF VIRGINIA
DANIELLE M. PICARIELLO, OF VIRGINIA
GAVIN DOUGLAS PIERCY, OF ALASKA
JONATHAN PINOLI, OF FLORIDA
ALLEN LEWIS POWELL, OF VIRGINIA
PAUL PROKOP, OF WASHINGTON
JOHN E. REEKE, OF VIRGINIA
THERESA ANN REPEDE, OF VIRGINIA
NATHANIEL DAVID RETTENMAYER, OF VIRGINIA
MICHELLE J. RIFFE, OF VIRGINIA
KEVIN J. RILEY, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER R. RINGENBACH, OF VIRGINIA
DANIEL O'MALLEY RITTENHOUSE, OF NEW YORK
BRUCE W. RITTER, OF VIRGINIA
JAMIE AZI ROBERTS, OF THE DISTRICT OF COLUMBIA
TAM T. ROBERTS, OF VIRGINIA
DAN ROSENTHAL, OF FLORIDA
MARTIN PAUL RYAN, OF WISCONSIN
MINDY NICOLE SARAFI-WIGGIN, OF VIRGINIA
ROBERT LAWRENCE SCHWARTZ, OF THE DISTRICT OF COLUMBIA
BRIAN A. SEIFIPOUR, OF VIRGINIA
BRIAN A SELLS, OF OHIO
GREGORY SIZEMORE, OF COLORADO
ANDREW R. SMITH, OF VIRGINIA
JEFFREY S. SMITH, OF VIRGINIA
DAMIAN J. STAFFORD, OF NEW YORK
JAMES E. STEVENSON, OF VIRGINIA
LAURA ANN SWANSON, OF VIRGINIA
ERIC SY, OF VIRGINIA
EARL SYMONDS III, OF VIRGINIA
JENNIFER ANN SYMONDS, OF VIRGINIA
DANIEL S. SZASZ, OF VIRGINIA
JESSICA N. TAI, OF VIRGINIA
DENIS TEST, OF CONNECTICUT
STEPHANIE P. THOMAS, OF VIRGINIA
KENNETH S. TOMLINSON, OF VIRGINIA
JOSEPH E. ULMSCHNEIDER, OF MARYLAND
JASON J. VAN NORMAN, OF VIRGINIA
SHARON VANDENABEELE, OF MICHIGAN
JACQUELINE D. VAUGHAN, OF VIRGINIA
JULIA B. VELAZQUEZ, OF VIRGINIA
HALIMA KAMRAN VOYLES, OF INDIANA
KARIN S. WALLACE, OF TEXAS
BRANDON THOMAS WATKINS, OF VIRGINIA
KATHY A. WEHRLY, OF WASHINGTON
CAROLEE ANNE WILLIAMSON, OF MINNESOTA
WARREN WILSON, OF TENNESSEE
KATHERINE W. WINKLER, OF VIRGINIA
ABRAHAM D. WISE, OF WASHINGTON
TODD G. WITT, OF VIRGINIA
ALEXANDER T. WOLF, OF THE DISTRICT OF COLUMBIA
JEFFREY GORDON WOODAHL, OF VIRGINIA
DEREK H. WRIGHT, OF INDIANA
JENNIFER T. WU, OF THE DISTRICT OF COLUMBIA
SETH F. YEAGER, OF VIRGINIA
NICHOLAS ZINSMEISTER, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 16, 2010:

RONALD D. ACUFF, OF FLORIDA
MARA R. TEKACH-BALL, OF FLORIDA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM L. NOONEY

CONFIRMATION

Executive nomination confirmed by the Senate May 12, 2011:

THE JUDICIARY

MICHAEL FRANCIS URBANSKI, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA.