



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, WEDNESDAY, MAY 25, 2011

No. 73

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

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

Let us pray.

Shepherd of our souls, You enable us to lie down in green pastures, as You restore our hopes. Let Your love fill and rule our Senators as they seek to serve You by serving this land we love. May they be willing to pray for one another with the awareness that they are wrapped in a blanket of mutuality and are the heirs of a common destiny. Lord, empower them to live such exemplary lives that people will see their good works and glorify Your name. Relieve their necessities, lighten their burdens, as they cheerfully submit to Your gracious will.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 25, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E.

GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business for an hour, with the majority controlling the first half, Republicans controlling the final half. Following morning business, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which is the legislative vehicle for the PATRIOT Act extension.

I filed cloture on the motion to concur with respect to the PATRIOT Act extension last night. Under the rule, the cloture vote will occur 1 hour after we convene tomorrow. Additionally, we are working to reach an agreement to vote on the House Republican budget. We will notify Senators when an agreement is reached and votes are scheduled.

### MEASURE PLACED ON THE CALENDAR—S. 1057

Mr. REID. Madam President, S. 1057 is at the desk. It is due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1057) to repeal the Volumetric Ethanol Excise Tax Credit.

Mr. REID. I would object to any further proceedings with regard to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

### MEDICARE

Mr. REID. Madam President, for weeks Americans old and young have been speaking out against the Republican plan to kill Medicare. It is not just Democrats. Republicans have been speaking out against it too.

Newt Gingrich called it a radical plan and "right-wing social engineering." Several Republican Senators have similarly spoken out, calling it what it really is, a plan that would shatter a cornerstone of our society and break our promise to the elderly and to the sick.

Last night, though, the most important voices were heard. American voters had their first chance to do something about it. They went to the polls and resoundingly rejected that plan and the candidate who ran on that plan's promise to dismantle Medicare.

In a special congressional election in upstate New York, the Republican plan to kill Medicare was the No. 1 issue. It was the No. 2 issue. It was the No. 3 issue. It is what the voters most cared about and were most scared about, as well they should be.

Here is what it would do: It would turn over seniors' health to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatments seniors get. It would ask seniors to pay more for their health care in exchange for fewer benefits. That is a bad deal all around.

What is telling is not just that the voters rejected this plan, it is that the Republican candidate pushing the Republican plan to kill Medicare was rejected in a very Republican district.

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



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The district, which stretches from Buffalo to Rochester, has been in Republican hands for four decades. It produced influential Republicans such as Jack Kemp, whom I served in Congress with. He served in the Cabinet. He ran on the Presidential ticket as a vice presidential candidate.

Last night's special election was held to replace a Republican Congressman who won that seat by a 3-to-1 margin. JOHN MCCAIN won the district in 2008. George W. Bush won the district 4 years earlier. Last year's Republican candidate for Governor in New York lost in a landslide. But he won big in that district. That is how conservative it is.

Democrats in Congress and even some candid Republicans know the Republican plan to kill Medicare is irresponsible and indefensible. Last night voters showed the country and the Congress that they know it too.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### LACK OF A BUDGET

Mr. MCCONNELL. Madam President, sometime today or tomorrow, Senate Democrats will have an opportunity to show what kind of future they believe in. They can vote for one of the Republican plans to get our Nation's finances under control, each of which involves the kind of tough choices we will need to make to bring down our deficits and debt, or they can vote on the President's plan, which continues the unsustainable status quo. A vote to preserve our very way of life or throw it in jeopardy.

It is interesting; when the President first announced his budget, most people panned it as tepid and irresponsible. The Washington Post summed it up pretty well by saying the President punted. Yet Senate Democrats embraced it.

The senior Senator from New York said the President's budget should have bipartisan support.

The chairman of the Budget Committee gave the President, "good grades for a beginning."

Other Democrat Senators called the President's budget "a step in the right direction" . . . "an important step forward" . . . "a good start" . . . and "a credible blueprint."

One even described it as "wise."

That was then. How about today? Well, if we are to believe the news reports, every single Democrat in the Senate now plans to vote against the President's budget. They do not even want to use it as a starting point. Why? We got the answer earlier this week from Senator SCHUMER, when he indicated that Democrats now believe avoiding this debate altogether helps them in the next election.

In other words, they think it is better not to keep track of our Nation's finances at all than to support any plan that does. So much so that they are about to reject a budget that even they embraced a few months ago. They will vote against every budget that comes to the floor, including the President's.

Six weeks after the Democrat co-chairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, Democrats are ready to call it a work period without supporting any of the proposals that have been made, without producing anything of their own.

Nothing. That is their answer to this crisis.

Their focus is on an election that is still almost 2 years away.

I think it is a mistake. At a moment when our debts and deficits threaten the very future of our Nation, Democrats have no excuse for proposing no vision of their own. There is no defense.

Washington is currently on pace to spend about \$1.6 trillion more than it takes in this year, three times the biggest deficit we ever had before President Obama took office.

Members of the President's own Cabinet admitted last week that Medicare is in need of urgent reform if we want to preserve it for future generations.

Congressman RYAN has shown courage by proposing a budget that would tackle these problems.

Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week. More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total abdication of their responsibilities. And there is no excuse for it. We have an obligation to come up with a plan. Democrats are officially abdicating that responsibility this week.

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#### RESERVATION OF LEADER TIME

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

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#### MORNING BUSINESS

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

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

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#### REMEMBERING EDWARD LAWRENCE O'BRIEN

Mr. KERRY. Madam President, in the course of our lives, one of the most

difficult moments we face is to say goodbye to a parent. No matter how old we are or how old they are or even how long they've struggled with illness and infirmity, when you lose your mother or father, you are reminded again what it means to be someone's child, and it hits you right in the gut just how much you depend on your mother and father. It is difficult, and it has been particularly difficult for the O'Brien family of Marshfield Hills, MA, which just this month lost their patriarch, Edward Lawrence O'Brien, who was an extraordinary blessing to his family, and his friends, but also to the country he loved, which he served in the U.S. Navy. And his passing is a profound loss to us all.

Ed leaves behind his loving wife Marge, his brother Gene, 6 devoted children and 17 adoring grandchildren. His son Drew has served the people of Massachusetts as my State director for almost a decade, living the spirit of public service that Ed instilled and inspired in all of his family. Ed was, to borrow a phrase Tip O'Neill liked so much, "a beautiful person," and I enjoyed meeting him on several occasions. Our last meeting will be with me forever, when I had the privilege of presenting him with his World War II medals for his service in the Pacific. He was so content and had such a great smile on his face, a twinkle in his eye which never deserted him even as he bravely battled and accepted the illness that would take him from his family after 86 years extraordinarily well-lived.

Ed served proudly in the Navy during World War II, including the invasion of Okinawa. He embodied what we now know as "The Greatest Generation" of Americans who defended America and saved democracy for the world. He earned numerous decorations, including the Combat Action Ribbon, the Asiatic Pacific Campaign Medal with a silver star and a bronze star, and the European-African-Middle Eastern Campaign Medal.

Ed was a patriot who stood by his country and his family with equal measures of devotion. Indeed, the mass lovingly put together by his family told the story of a man who loved his friends, who loved his family, who loved his God—the God who, in the words of the old Irish hymn he enjoyed so, was his vision, his battle shield, his sword for the fight, his dignity and his delight. In his eulogy for his father, Drew O'Brien offered great comfort to all who mourned with him, especially Ed and Marge's 17 grandchildren. "For the rest of your life," Drew told them, "carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him."

Drew's eulogy is a wonderful tribute to a father's legacy and a son's enduring love and today I would like to share it with my colleagues in the U.S. Senate by having it printed in the CONGRESSIONAL RECORD. And with that request, I would also like to—on behalf of

my entire office and all those who know and love Drew—again extend our deepest sympathies and condolences to the entire O'Brien family: Michael O'Brien, his wife Kathryn and their children, Michael, Caroline and Elizabeth; Jim O'Brien, his wife Irene and their children, Johanna and Theresa; Kevin O'Brien, his wife Rozilyn and their children, Daniel, Christopher, Sean and Julia; Joanne O'Brien Hudson, her husband Richard and their children, Mary, Anne and Meaghan; Lawrence O'Brien, his wife Patty Roper and their children, Siobhan, Rachel and Kate; and Drew O'Brien, wife Michelle Consalvo and their children, Natalie and Matthew.

And to Drew, I would also like to say that, having lost my own father now 11 years ago this summer, please know that while the hurt of the loss never goes away, with the passage of time you remember the good moments and the best lessons more and more. You'll always look up and see your Dad proudly looking over you. And because Drew is such a gift to all of us, I also wish to thank Ed and Margaret, his dearest "Margie," for the extraordinary family they created, nurtured and loved. And to Ed O'Brien, this great Navy man now at rest on still waters in heaven, I bid you "fair winds and following seas."

Madam President, I ask unanimous consent that the eulogy by Drew O'Brien be printed in the RECORD.

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

IN REMEMBRANCE OF DAD

(By Drew O'Brien, May 16, 2011)

My family and I want to thank everyone who is here with us this morning, and all who came through MacDonalld's yesterday for participating in these celebrations of Dad's life. I think I speak for everybody when I say it was overwhelming in its comfort. Thank you so much.

For my brothers—Michael, Kevin, Jim, Lawrence, our sister Joanne and me—a special thank you has to go out to each of our spouses and our families. Kim, Lyn, Irene, Rick, Patty and Michelle. You were all so patient and supportive when we had to stop the clock of our everyday lives to help Dad. Dad loved and cherished each of you, and I know he recognized and appreciated the sacrifice you made.

There are people, too many to list, who have helped us and Dad over the past few months, in hospitals all around Massachusetts. They are owed a personal debt of gratitude that simply cannot be repaid. But they deserve our recognition this morning. Thank you to all of them.

We are here this morning to celebrate and honor the long and blessed life of Edward Lawrence O'Brien, just eight days shy of his 85th birthday.

How to do that with brevity, simplicity and accuracy?

In a word: love.

He was all about the love.

He loved his garden. He loved to take a ride in the car with Mom on a nice Sunday afternoon, usually after an early Sunday dinner—which he also loved. He loved his Irish heritage deeply and he loved his still-ongoing genealogy project. He loved to go flounder fishing right off the South Shore here.

He loved to go camping—loved a good campfire and loved it when we were all around it. He loved to travel—and he and Mom traveled a lot in his long retirement. He loved a nice hot cup of tea, and he loved a glass of cold beer. Sometimes two. He loved newspapers, especially his Patriot Ledger. He loved crossword puzzles. He loved a good spy novel—Robert Ludlum and John LeCarre. He loved jazz and big band music. He loved Brooklyn, his hometown. He loved Bishop Loughlin High School there. He loved the University of Missouri. He loved the United States Navy. He loved Liberty Mutual, where he spent so much of his life. He loved to watch TV shows and movies, and was one of the first people I knew to get a TiVo. He amassed a video collection that would make most production houses either envious, or initiate a lawsuit. He loved to get underneath a car and change the oil or fix the brakes. He loved to watch a good basketball game and, back in the day, he played a pretty good one too. He loved his yard, his grass and his flowers—and he knew that a rainy day in May was good for them, and we need to remember that on this rainy day in May. Inside that yard on Idylwilde Circle was a house he loved. For a kid from Brooklyn, it was almost a dream come true.

I say "almost" because it's what he put in that house that made the dream come true. His two big loves: his family and his faith.

We can't talk about family without talking about Mom. He called her Marge, sometimes Margie. He loved her so much and was so devoted to her. For nearly 57 years, they were side by side in marriage, and they were rarely apart. Together they made a home for us that, despite the occasional adolescent chaos, inspired a love and devotion that we all hold for each other still and have extended to our own families. Together they are the best examples of parents you could ever ask for or imagine. Thank you, Mom and Dad.

My brothers and sister know that the finest way to honor Dad's life is to bring comfort and love to Mom in the days ahead. I know we will all do that and do that together.

All six of us know how much Dad loved us and how devoted he was to us and he showed it in many different ways. He was the one who taught you how to throw the ball, ride the bike or shoot the basket. He fixed the dollhouses, "fine tuned" the science projects—usually long after we had gone to sleep, and quietly replaced the windows broken by either a stray elbow or a stray basketball. He pushed us in school, steered us towards college, was always there to talk about issues at work and shaped us into the men and woman we all are today. We are all blessed and fortunate to call him our Dad.

For almost twenty-six years he was Grandpa—his favorite role in life. All seven—of his grandchildren are here this morning—he loved you, found excitement and joy in you and the things you did and thought you were the greatest things to walk the earth. Take comfort today in the fact that he knew how much you loved him. For the rest of your life, carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him.

Dad's brother, our Uncle Gene, is here today with us, along with his family. Uncle Gene knew Dad longer than anyone and his sense of loss is profound and sad in ways that many of us simply might not understand. Thank you Uncle Gene for loving Dad so much and for so long.

And thank you to all our cousins and relatives who came—many from long distances—to be with us to honor Dad today.

Dad's other big love in life is the reason we are all gathered together this morning at

Saint Christine's: his faith. This church was a very important part of our lives growing up—in many ways an extension of our own home. All of us here this morning can draw comfort and strength in the fact that Dad believed very deeply in God, and that he practiced that belief every day—not just in attending daily Mass, but in everything he did. He believed deeply in the Rite of the Eucharist—the very Mass we celebrate this morning. Most important of all, he believed deeply in the Resurrection and in Eternal Life. His faith was a special gift. That gift is still here and all of us can find comfort and solace and inspiration in it.

I'd like to leave you with one final thought this morning.

In addition to being all about the love, many of you know that Dad was all about the conversation. We've all heard it so much these past days—how friendly he was, how nice he was to talk to. He had what the Irish call the "gift of gab." And he was well-known and beloved for it.

He'd smile at and talk to people anywhere he was—the post office, the bank, the grocery store, the waiting room at the dentist's office, South Station, outside of church, inside of church—did not matter if you were a neighbor, or a complete stranger. It is an amazing attribute and it is not lost on me that perhaps the wrong person in the family got involved in politics.

Admittedly, it could get a little exasperating. You'd be on your way with him somewhere, usually under some timeline, you'd turn around and he wouldn't be there. He was back at the last intersection asking the bike courier where he went to school and what he was going to do with his life. And questions were not the end of it, there was always an "advice-dispensing" component as well—"you should go to UMass" or "you should try Harvard Extension" or "you should try and get yourself some office experience." It was classic Dad.

One gray morning last December, I arrived at work early and decided to run some Christmas errands. We knew Dad was sick, and I was worried and sad. As I walked down Washington Street in Boston, I found myself saying hello to the morning commuters, hurrying in the cold to get from the T station to their offices. Complete strangers. A few looked at me like I was insane, but most of them smiled back, said "good morning" and I even got an occasional "Merry Christmas." It felt good. It lifted my spirits. And I understood.

It was Dad. It was his spirit. It was his love. It was his faith.

And that same spirit and love and faith of his—they are all here with us today and will be every day.

In the days ahead, take a moment to say hello to someone you don't know. And when you do, think of my Dad—his spirit, his love, his faith.

God Bless you Dad. We love you and we miss you and we will never forget you. Rest in peace.

Mr. KERRY. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## Patriot Act

Mr. UDALL of New Mexico. Madam President, I know Senator BLUMENTHAL is coming to speak and Senator KERRY ended a little bit early. I wish to get up for a couple minutes now, and when Senator BLUMENTHAL comes in I will yield to him because he has some time reserved.

I wish to talk this morning a little bit about the procedure and what we have gone through, in terms of the PATRIOT Act.

I am very discouraged to see the path we are headed down in terms of the PATRIOT Act. I was in the Congress, as the Presiding Officer knows, when we voted almost 10 years ago on the PATRIOT Act. It was a sad occasion then because it was right after 9/11 and that horrible tragedy had happened to our country. But we rushed, in a very big way, to move forward with a piece of legislation, the so-called PATRIOT Act. That act ended up being something I think many of us regret.

I wish to read a short passage from the Washington Post at the time, which I think showed the haste in which we acted, where we infringed on our constitutional rights, and I think the Post says it all. They noted:

Members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.

I can tell you that, at the time, that is the way it was. We were on the floor, we had the vote, and nobody knew what was in the bill. I remember one Congressman waiving a copy of the bill, saying there is only one copy on the floor and it is hot off the Xerox machine. So it is unfortunate we moved so quickly, with so much haste.

Almost 10 years later, we have not had the debate we need to have on this piece of legislation. The greatest deliberative body has not weighed in with amendments. We have not moved forward in a serious way to try to tackle this piece of legislation that is so important to our country, important to our freedom, and important to our liberty.

What are the problems we should be dealing with? Just very quickly—I know my colleague, Senator BLUMENTHAL, is here, so I will quickly move on. But two things have happened that indicate we have some serious problems with the PATRIOT Act. No. 1, in March of 2007, the inspector general of the Department of Justice, in a report concluded that “the FBI engaged in serious misuse of national security letter authority.” The report also said that “in many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI’s own internal policies.”

So there we have an inspector general telling us that the executive branch, with the piece of legislation, moved way beyond where they should. That is something we should take a hard look at. I have an amendment, and I know others do, on that.

There have also been courts that have looked at parts of the PATRIOT Act and found that act to be unconstitutional. It is incumbent upon us, when we have a ruling such as that, to look at it and offer amendments and try to make changes.

I harken back to what I remember reflecting on, on that day when we passed the act. Benjamin Franklin—talking about our precious freedom and liberty—said this, and I will paraphrase. He said something along these lines: Those who would sacrifice liberty for security deserve neither. So that is where we are today.

The so-called PATRIOT Act was enacted nearly a decade ago. Hastily passed by a Congress left reeling in the wake of a devastating terrorist attack on our Nation. Its supporters described it as a way to protect our Nation from similar attacks in the future. But this far-reaching piece of legislation went much farther than that. The PATRIOT Act’s most enduring legacy is this: It gave the Federal Government the power to undermine the constitutional right to privacy of law-abiding citizens.

I was a Member of the House of Representatives at the time. One of only 66 Members to vote against passing the PATRIOT Act. It was an unpopular vote at the time. But when the details of the new law were examined, its breaches on our civil liberties became clearer. And the truth came out. As I have said, the Washington Post noted, “members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.”

I also voted against the reauthorization of the PATRIOT Act in 2006, as well as the FISA Amendments Act of 2008. In February, I once again opposed the extension of three controversial provisions of the PATRIOT Act: roving wiretaps . . . government access to “any tangible items” such as library and business records . . . and the surveillance of targets who are not connected to an identified terrorist group.

Back in 2001, I said on the House floor that I was “unable to support this bill because it does not strike the right balance between protecting our liberties and providing for the security of our citizens.”

I went on to explain that “the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.”

And that is exactly what we should do. To govern in a post-9/11 world, we have to strike a delicate balance: We must prevent the terrorist actions of some, without infringing on the constitutional guarantees of the vast many. We are failing to strike that balance today by forcing reauthorizations of the PATRIOT Act without scrutinizing the long-term ramifications of the law.

Voting for the PATRIOT Act in the shadow of the 9/11 attacks was justifi-

able for many; that horrific day created an unparalleled sense of urgency. Today, we are once again up against a sense of urgency to renew the controversial provisions of the law set to expire this week.

But it’s no longer due to a recent attack. Instead, the urgency has been created by the false argument that our Nation will be more vulnerable to attack if we dare to let the provisions expire.

Let’s be honest in this debate—not act hastily out of false fears. Even if the provisions expire, the sunsets contain an exception for ongoing investigations. And the government can continue to use those provisions beyond this week.

Perhaps the real fear is that the time it would take for real debate might postpone our Memorial Day recess. We were promised a real debate on this reauthorization, and we should have it!

With a decade of hindsight, more voices from very different places on the political spectrum agree—the entire law bears scrutiny and debate. We can no longer neglect our duty. It is our responsibility to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

I have filed two amendments that I hope the Senate will consider and vote on.

The first is very simple. It extends the expiring provisions until September so that we can have a real, substantive debate and an open amendment process. This is what we thought the 3-month extension passed in February was intended to do, but adequate floor time was never scheduled and we have been extremely limited in our ability to offer amendments.

This is by no means an ideal solution. In fact, I voted against the short-term extension in February. But if our options are an extension until September and an extension until 2015, I am willing to accept the lesser of two evils. I thank Senator MERKLEY for co-sponsoring this amendment.

The second amendment I have filed would reinstate a sunset provision for national security letters. This provision was in Senator LEAHY’s bill that was reported out of his committee and is in his amendment, but I feel strongly that it should also be considered as a stand-alone because of the importance of this issue.

National security letters do not require a court order. They are a form of administrative subpoena issued by FBI agents and other officials. A March 2007 report by the Department of Justice inspector general “concluded that the FBI engaged in serious misuse of NSL authority.”

It also said that “in many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI’s own internal policies.”

I believe that there must be a sunset provision for NSLs to ensure that Congress periodically reevaluates this

power and is certain that it is not being abused.

I have also signed on as a cosponsor to several of my colleagues' amendments. Let me just comment briefly about some of these.

In addition to my NSL amendment, I cosponsored Senator PAUL's amendment that prohibits any officer or employee of the United States from issuing an NSL unless a FISA court judge finds that probable cause exists to issue the NSL. This would bring NSLs into compliance with the plain text of fourth amendment.

I am pleased to join Senators MARK UDALL and PAUL on an amendment that would eliminate the possibility of "John Doe" roving wiretaps that identify neither the person nor the phone to be wiretapped. This would protect innocent Americans from unnecessary surveillance and was part of the JUSTICE Act that I cosponsored in the last Congress.

I have also cosponsored MARK UDALL's amendment that would direct the attorney general to only delegate the authority for approving "lone wolf" surveillance to the deputy attorney general. It would also require the attorney general to provide notice to Congress of applications for "lone wolf" surveillance.

Finally, with Senator SANDERS, I have cosponsored an amendment that exempts libraries and bookstores from section 215 orders and NSLs. A similar amendment passed the House 287-238 in the 2005 PATRIOT Act debate, but was later dropped in conference.

The ACLU, the American Booksellers Association, the American Library Association, and the Campaign for Reader Privacy all support this amendment.

All of these amendments are designed to protect the civil liberties of all Americans and each deserves a full debate on the floor and an up-or-down vote by the Members of this body. Failing to do so is once again failing to provide the adequate time and consideration of this far-reaching legislation.

As a former Federal prosecutor and New Mexico's attorney general, I am familiar with the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. But I also believe that our Constitution must be guarded against encroachment, even in the name of security.

I yield the floor.

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

Mr. BLUMENTHAL. Madam President, I ask unanimous consent to extend my remarks to 15 minutes, if necessary.

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

(The remarks of Mr. BLUMENTHAL pertaining to the introduction of S. 1060 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

#### ENTITLEMENT SPENDING

Mr. THUNE. Madam President, last week I came to the Senate floor to talk about the crushing burden of debt that will soon be coming our way because of government spending, mainly driven by entitlement programs. I noted that our unfunded liabilities in Medicare and Social Security are over \$40 trillion. In fact, last week we received the reports from the Medicare and Social Security trustees which noted that Medicare is already running a cash deficit of about \$46 billion. Social Security is running a cash deficit of about \$32 billion.

For those who think we do not need to do anything because the so-called trust funds are not going to be in trouble until some point into the future, I think the important point to remember is that the trust funds and the IOUs that are the trust funds are not an economic asset that can pay cash benefits. At some point there is either going to have to be a massive tax increase, a huge reduction in benefits, or an incredible amount of additional borrowing.

What we project will happen with Social Security at some point in the future is that there will be about a 20, 25 percent reduction in benefits when we hit that wall, which suggests we ought to be taking steps right now to avoid that. The important point is, when we start seeing cash deficits where the payroll taxes that are coming in no longer exceed the amount of benefits they are paying out but, rather, are running deficits, that also adds to the overall deficit we are dealing with as a country.

We do not have the luxury of time. We cannot afford to wait. This is an issue that is upon us. Social Security and Medicare reforms are issues that need to be undertaken. If we do not do that, as I mentioned last week as well, we will see enormous increases in the amount of debt and the amount of deficits as a percentage of our GDP.

In fact, in the year 2035, if we do not change our ways, the amount of government spending—and this is under the current projection, which I believe is very conservative, and probably these numbers could be much worse—would comprise 35.2 percent of GDP. Government spending would comprise 35.2 percent of GDP, which is 60 percent higher than the historical average. The historical average of what the Federal Government spent as a percentage of our entire economic output for the last 40 years has been 20.6 percent. This year it is over 24 percent. If we stay on this current trajectory, as I said, in the year 2035, based on what I believe are very conservative assumptions—and this could be much worse than that—we would be looking at over 35 percent of our entire economy spent just on the Federal Government.

As I said, that is 60 percent higher than the historical average. In the

same year, deficits would be about 16 percent of GDP, and debt to GDP would be 185 percent. We would actually have a cumulative debt that is almost twice the size of our entire economic output, our entire GDP for that year.

These are more than just numbers for economists to look at; these have real impacts in real time. They affect people across the country today. I wanted to point out again, as I have mentioned in the past, the study done by economists Rhinehardt and Rogoff, which took a good look at countries, and particularly developed countries, that have acquired or accumulated the sort of debt level we are looking at in this country and the impact that has had on their economies. And in their analysis and their study, they came to the conclusion that when you reach a certain level of debt to GDP—in this case, 90 percent debt to GDP—you lose 1 percentage point of economic growth. In other words, economic growth will be 1 percentage point less than it would otherwise be because of that high GDP debt level the country is sustaining. They say that is at 90 percent. If we look at where we are today debt to GDP, we are about 93 to 94 percent. According to the White House's own economist, every time you lose a percentage point of economic growth, it costs you about 1 million jobs.

So having the kind of debt level we are carrying today creates a cloud over our economy, reduces economic growth, and reduces jobs. It is costing us job creation in our economy, which I think is what most of us believe we should be focused on, and if we are going to focus on jobs, we have to say there is a correlation between spending, debt, and jobs. I believe the sooner we acknowledge that, the quicker we address that, the better off we will all be and the sooner we will see the economy start to recover and expand and create jobs again. That is the impact that is happening now, and it only gets worse if changes aren't made.

When the government borrows money, obviously there is an impact in the private economy; there is less money for private companies and individuals to invest in equipment, plants, housing, and training. It crowds out these investments and instead allocates money—spends money—on less efficient, less necessary, duplicative, and oftentimes downright wasteful programs and projects.

If we don't get our arms around this level of spending and debt, it also means higher interest rates for individuals who want to borrow to buy a home.

It is clear to individuals and businesses across the country—even if it isn't clear to everyone here in Congress—that the government cannot continue to spend ever-increasing amounts of money without raising taxes. That creates uncertainty among individuals and businesses across this country and acts as a disincentive for them to invest. So because you have

uncertainty about what the impact of all this spending and debt will have on future taxes, a lot of capital continues to sit on the side lines not being deployed, not being put to work. That is happening simply because there is this uncertainty about what is going to happen and whether Washington is serious about getting this spending and debt issue under control and focusing on the fiscal problems we have as a nation.

I mentioned last week that Social Security benefits would automatically be cut by over 20 percent if that program is not reformed. This is not the result of the House-passed budget, contrary to what many are saying. This is the result of the current situation we face today with Social Security. Likewise, according to the alternative scenario of Medicare's own actuaries, the health care bill that was passed last year would lead to significant numbers of providers becoming unprofitable and who would, presumably, stop providing services if health care costs are not contained.

This assumes we don't have a debt crisis. The former Chairman of the Federal Reserve, Alan Greenspan, said recently that the odds of a debt crisis happening in the next 2 to 3 years are about 50 percent. So if you take that analysis and you take what Standard & Poor's has said about America's credit rating—they have warned of a possible downgrade in the U.S. credit rating in the next 2 to 3 years if serious changes aren't made—I think you can see why there is such a cloud hanging over our economy right now.

Some believe this debt crisis may not occur for a few years down the road. But I think one thing we know for sure is that it is coming. It is predictable. We don't know exactly when, but we know it is coming because you cannot continue to have these types of signals, this kind of not only anecdotal information but hard data describing the current state of our economy, the current state of Federal spending, the amount of debt to GDP we are continuing to increase year over year, and not believe we will have some significant and measurable impacts on our economy.

That is why it is so important that we take the steps necessary to avert this crisis. If we don't, we know what will happen. As our debt burden increases, investors from around the world are going to increasingly demand higher yields to lend us money, and that will further exacerbate our deficits. Interest alone will consume increasing amounts of our revenue until we can no longer pay our bills.

We have seen this happen in countries around the world. We know the magnitude of the actions those governments have had to take in response to debt crises in other places around the world.

Greece, for example, was forced to take loans out from the International Monetary Fund and has had to impose

a variety of austerity measures. These austerity measures have included laying off public sector employees, cutting their pay, freezing their pay for many years at a time, a 2-percent increase in their VAT tax—they have a value-added tax in that country—and a 10-percent increase in other taxes. They have also made dramatic cuts to pension programs and reforms to entitlement programs as well. Yet they are still paying, after all of that, very high interest rates. The yield on 2-year debt is over 24 percent in Greece.

In Ireland, they had to implement austerity measures of more than 9 percent of GDP—9 percent of their entire economy. In the United States, if you were to translate that into the impact it would have on our economy, that is the equivalent of raising taxes and cutting spending by \$1.3 trillion in 1 year—an astounding amount. But that wasn't enough. They are looking to implement another austerity plan of tax increases and spending cuts. That one is estimated to cost the average family in Ireland \$5,800 a year.

Those are the types of measures that have been forced upon, imposed upon some of these other countries around the world because they have seen the debt crisis we are trying to avoid in this country. At the same time, after having taken all these austerity measures, they have seen massive contractions in their economy, because we all know what happens when you start raising taxes and you create the amount of economic uncertainty I described earlier. It becomes very difficult for small businesses to invest and to create jobs. So, not surprisingly, you see these austerity measures leading to violence, protests, and general discontent. It appears now that Greece is seriously considering at least a technical default on some of their debt.

So that is, I guess, a picture of what our future will look like absent changes. We will have a shrinking economy, fewer government services, and dramatically higher taxes. That is what the experiences have been in some of these countries I just mentioned, and that is what we are headed toward absent serious, meaningful action in getting our spending and debt and our entitlement programs under control.

There is no reason to go down this path. The Senate will have the opportunity over the course of the next few months, at least, I hope, to vote on legislation that will start to address not only the near-term issues of discretionary spending and capping that and capping it into the future, in the near term and midterm, but also address the issue of entitlement reform. As I mentioned earlier, we cannot solve the debt problem, the fiscal problem, and the crisis our country faces without taking on the issue of entitlement programs. If we don't, our future will look like that of Greece and Ireland.

Today, we will vote—today or tomorrow; I am not sure exactly when—on a

series of budget proposals which are, in each and every case somebody's attempt to address this issue. We saw the House of Representatives act on a budget earlier this year—the so-called Ryan Budget—which they passed. We will get a chance to vote on that in the Senate. We have a couple of our colleagues on the Republican side who have come up with their own ideas about budgets and what we might do to address this fiscal crisis. We are going to vote on the proposal the President put forward, which is completely inadequate to the challenge. In fact, it increases spending over 10 years, dramatically increases debt, and dramatically increases taxes, which would have an incredibly detrimental impact on the economy. That is what the President put forward. We will vote on that today as well. Having said that, all these votes—although they are, I suppose you could argue, important in some respects—are going to end up being more symbolic votes because I don't think any of them will get the necessary votes in the Senate to pass.

What is ironic about the debate on budgets this week is that the only budget we are not voting on is a Senate budget. We have not had a budget now in the Senate for 756 days. This government spends \$3.8 trillion a year, and yet it has been 756 days since the Senate has passed a budget. So we have a couple of our Republican colleagues who are putting forward alternatives, we have the House that has put forward an alternative, but the Democratic majority here in the Senate has not, for 756 days, moved to bring a budget to the floor so we can have a debate and vote upon the fiscal priorities for this country and how we are going to spend \$3.8 trillion of the American people's tax money. That is a stunning development. I am on the Budget Committee in the Senate, and we have yet to even have a markup, and I don't anticipate we will in the near future.

Having said that, we cannot afford to wait to take on this Nation's fiscal challenges. I hope that, absent action on a budget here in the Senate, these discussions that are occurring right now between the Vice President and Senate leaders will yield a result that will enable us to at least move forward and address these fiscal issues, but it doesn't negate the responsibility we have as Senators to put forward a budget and to debate that budget.

Ironically, we are going to vote on the budget passed by the House of Representatives. I don't know this for a fact, but I have heard this is the case, that it will be the first time ever that the Senate will vote on a budget passed by the other body—in particular, by the other body when it is controlled by the other political party. This will be the first time in history. I think the Democratic leader wants to do that to make some political point, but I think we all know that our not passing a budget or at least debating a budget here in the Senate is a complete abdication of the responsibilities we have

as Senators to be good fiscal stewards of American tax dollars.

I would just close again today by saying we have seen our future. You can look at what is happening in Greece, you can look at what is happening in Ireland, and you can look at the types of austerity measures imposed by outside entities who have said: You make these changes or you are not going to continue to get IMF funding, for example. And even after all that, you are still looking at these interest rates in the 20-percent range, you are looking at economies that continue to contract rather than expand and grow. We need to create the conditions here that will enable our economy to grow and to create jobs, and it starts with getting Federal spending and debt under control.

One final point I will make, and this has to do with an issue that pertains to my State of South Dakota, but I think it ties into the broader point I am making about the economic uncertainty that is being created out there today for businesses.

There was a piece of legislation that passed a little over a year ago here—the Credit CARD Act—which put in statute a number of changes with regard to subprime credit card companies. That is all fine and good. I voted against it. We have companies in South Dakota that play by the rules, they have abided by the laws, and they are a heavily regulated industry. Yet Congress decided—over my objections—to move forward with legislation that would change the rules by which they play.

Well, that was all fine and good, but when it came time to implement those regulations, the Federal Reserve decided the statutory framework that was created wasn't quite good enough. So the initial regulations that were out there—this company reacted to those and tried to adapt its business model, but the Fed decided that wasn't good enough, so they took regulatory steps that went beyond what the statute had called for and made it even more difficult.

We predicted this at the time—we said: This is going to cost jobs in our State of South Dakota. Well, just this last week that particular company announced they are closing their operation in Spearfish, SD. That will impact 330 jobs in a town of about 10,000 people. Incidentally, the mayor of that city worked for this company. And there is a story here from the Rapid City Journal which describes the economic impact of these job losses and what it will mean to that community and to the entire area.

I can't help but think this is just another example of regulatory overreach, of regulatory agencies deciding they know best and going above and beyond what Congress called for in terms of legislative requirements and the legislative intent and taking regulations beyond that. So we have real-world impacts on people out there as a result of decisions made here in Washington,

DC, and when we tried to make these arguments to the regulators, they couldn't have been less concerned about jobs. We said this is going to cost us jobs.

This is just the beginning, by the way. There is another location in Huron, SD; Dakota Dunes, SD; and Sioux Falls, SD, and I think this is just the tip of the iceberg of what we will see in terms of job losses caused by regulatory overreach because a Federal agency decided they knew best and went above and beyond what even the U.S. Congress said with regard to this particular issue.

These are, again, real-life examples of decisions made here in Washington, DC, and the impacts they have in the real world. I hope we can put policies in place here that will encourage economic growth and job creation, not hinder it, not inhibit it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### MEDICARE REFORM

Mr. JOHANNIS. Madam President, I rise today to talk about the proposed Medicare reform. I have found the debate to be fascinating because it is proceeding as if there had been no changes to Medicare recently. Anyone telling you that there have been no changes is not being straightforward. Sweeping changes to our Medicare system were debated and they were passed in the most partisan way possible—only Democrats voted for them—and they were signed into law by President Obama. The President's new law already puts this fundamental health care program in significant jeopardy.

Some may come down to the floor, some may rise and say: MIKE, you are all wrong about this. They will want you to believe that the \$½ trillion in cuts to Medicare in the new health care law will actually extend the Medicare program. But in reality the health care law is not giving new life to this program at all. The Congressional Budget Office reports that Medicare will be insolvent in 2020, 9 years from now. Yes, that is right, complete insolvency in 9 years. That is the current plan voted on and signed into law by the President.

That analysis does not even account for the \$½ trillion cuts in Medicare to fund the health care law.

Don't believe me? We have consulted the experts. The experts say the health care law counts, or attempts to count, the same dollar twice. The Medicare Actuary says these cuts "cannot be simultaneously used to finance other Federal outlays (such as the coverage expansions under the health care law) and to extend the trust fund."

This can only mean either the new health care law does not have enough funding, to the tune of \$½ trillion or, in the alternative, Medicare is in more serious jeopardy than even the trustees' report points out, in jeopardy of

becoming insolvent much sooner than the experts predict.

So I stand here today and I tell you if you are 56 years old or younger and you are thinking about the day when you apply for your Medicare benefits, the experts say—sorry, you are out of luck. Under the current law of the land, that is the case. Again I point out that the President's health care reform was passed on the most partisan of votes—it did not get a single Republican vote—and every Medicare beneficiary will be impacted by the cuts to this program.

If you are out there saying: MIKE, I want to protect the poor, all I can tell you is the President's plan does not do that. If you are saying: But, MIKE, I want to protect the middle class, all I can tell you is that the President's plan does not do that.

What do we get out of that? According to the Congressional Budget Office, complete insolvency in 9 years. You see, the President's reform is founded upon the unrealistic assumption that doctors will continue providing the same services to patients with a 30-percent cut in a Medicare Program that is not covering their costs today. I just had doctors in my office saying: MIKE, we cannot continue to provide Medicare services if that cut occurs. Yet that is the current law of the land.

By comparison, one of the plans we may vote on this week protects Medicare beneficiaries over 55 by saying: Look, we are going to hold you harmless. Your benefits will not be changed at all. The plan says let's fix this physician payment formula so they do not have the 30-percent cut so access for Medicare patients can continue. The plan says let's protect those who are especially deserving of our support, those who are below 150 percent of the poverty level and truly cannot afford the health care they need.

You are probably saying: MIKE, what plan is that? The plan I am talking about is PAUL RYAN's plan. You tell me which sounds more severe in its approach, a plan that puts government bureaucrats in charge of controlling health care costs, robs Medicare of any potential savings to start a new entitlement, and in 9 years brings bankruptcy to Medicare, or a plan that empowers patients to choose their own unique plan, ensures Medicare savings are reinvested into the Medicare Program, and preserves Medicare by bringing costs back to sustainable levels, which is the Ryan plan?

I want to be clear that there are some things about this plan I would love to debate and change. For example, perhaps we could devise an incremental transition within the Medicare proposal. Maybe we need to evaluate if the medical savings accounts for those most in need should be indexed to something better than the general inflation rate. Maybe those below a severe poverty line should be exempted entirely. Perhaps some of the tax reform, including elimination of certain tax deductions, needs to be revisited.



We will have the opportunity to debate and make improvements, but only if we vote to proceed to the bill. But you know what, arms are going to be broken all over the place here this week to make sure that does not happen, because this is not a serious attempt to try to fix the problem. This is all about messaging for campaigns and political consequences. The reality is no plan is going to get enough votes. I will stand here and I will observe those arms getting broken. We will need orthopedic surgeons on the Senate floor to fix them.

Sadly, passage was never the intention here. These plans were scheduled for votes purely for the sake of messaging an important program that provides health care for seniors that by the Congressional Budget Office's definition will be insolvent in 9 short years. These votes are not designed to fix this problem. These votes, I guarantee, are all about political fodder for next year's election season.

I believe this is not what we were elected to do on the Senate floor. These antics are what rightfully embolden those who say Congress is incapable of solving these very hard problems. As the Senator from South Dakota indicated, today we mark 756 days since the Senate passed a budget. As a former Governor I cannot imagine going to the people of the great State of Nebraska and saying: You know, I have been thinking about it, we will not be doing a budget this year. I would be looking for a new State to live in.

Well, 756 days, and this week we are not even making a serious attempt to deal with it. With a deficit exceeding \$14 trillion, our Nation needs something greater than political symbolic votes which we all know will fail. Maybe, just maybe, we can muster the courage to take seriously our responsibility to seniors and to all Americans. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak to my colleagues as in morning business for 30 minutes.

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

#### THE BUDGET

Mr. GRASSLEY. Madam President, on February 14 President Obama delivered his budget to the Congress. I often describe to my constituents that Washington is an island surrounded by reality. Nowhere is this more apparent than with President Obama's February 14 budget. In presenting and defending his budget, President Obama and his staff have said his budget "lives within our means" and that "it will not add to the debt," and that "we are not going to spend any more money than we are taking in."

Obviously all you have to do is study the budget and you come to the conclu-

sion that these astonishing statements do not equal the facts. The Congressional Budget Office recently projected the deficit for fiscal year 2011, the year we are in, will exceed \$1.5 trillion. This is on top of a \$1 trillion-plus deficit in 2009 and 2010. Today, of every dollar spent, more than 40 cents is borrowed. Our country is on an unsustainable path. But you would not realize that by looking at the President's budget proposal. It does not recognize the serious fiscal crisis our country faces. What it represents is the status quo.

Over the 10-year period, President Obama's budget adds more than \$10 trillion in publicly held debt and \$14 trillion in gross debt. Does that sound like on February 14 he put before us a budget such that we are going to live within our means and not spend any more than we take in?

During this period of time, going up to 2021, debt held by the public would reach 87 percent of GDP, compared to a 50-year average of 35 percent. According to the Congressional Budget Office, "If those trends were continued beyond 2021, the resulting path of the Federal debt would be unsustainable."

In fact, CBO estimated that by the year 2040, under President Obama's budget, debt held by the public would be 117 percent. Is this the budget the Senate Democrats will support? Is this the fiscal path we are going to endorse? While President Obama claims we are living within our means, the smallest annual deficit will be \$748 billion. His budget does not even begin to put our country on the right path. The final 3 years of his budget have annual deficits totaling over \$1 trillion.

As former Comptroller General David Walker has stated, our country was founded on principles such as limited government, individual liberty, and fiscal responsibility.

The President's budget falls short on each of these three principles. It increases spending. It grows government as a percentage of our economy. It is clearly fiscally irresponsible, and because of the legacy of deficits and debt it creates, it will undoubtedly infringe upon the liberties of future generations.

In 2006, then-Senator Obama argued against raising the debt limit. He believed, at that time, the very need to raise the debt limit was a sign of leadership failure. By his own standard then, President Obama is not living up to his standard. So is that leadership failure? Would he admit that today? His "no" vote in that year was to make a point about needing to get serious about fiscal discipline. We are in the third year of President Obama's Presidency. We are in the midst of the third consecutive year of \$1 trillion of annual deficit. Deficits have gotten larger, not smaller.

Of course, I recognize many of my Democratic colleagues will come to the floor and argue they support the policies President Obama put forth in a speech later on—I guess in April—at

George Washington University. Unfortunately, for the Democrats, the leader of their party doesn't deliver speeches in legislative text. Speeches alone aren't going to solve the big problems we face in this Nation. We need serious solutions to our country's very serious problems. We need real leadership. The future generations of this country deserve no less, and that is what House budget Chairman RYAN has offered. That is what our colleagues on our side of the aisle, such as Senator TOOMEY and Senator PAUL, are going to offer to the Senate.

What have the Democrats offered to address the looming fiscal crisis? The answer is no resolution at all. So I have a blank page, representing the fact that they have no plan whatsoever. Are they going to allow a debate so they can offer their ideas to address our fiscal calamities? We just heard the Senator from Nebraska postulate that is not going to happen; that we are having a series of votes, but they are for show, not for real. The American people have sent 53 Democratic Senators to Washington. A budget can pass the Senate with just 51 votes. It doesn't take the supermajority 60 votes that so many issues on the floor require if we are going to get to finality. So far, we can see they have shirked their responsibility—nothing.

It has been more than 750 days since Senate Democrats offered a budget. What is the delay? I want to ask them: Where is your budget? I suppose they will argue that our Nation's fiscal situation doesn't require a budget or, perhaps, they have simply run out of ideas to address our deficits and our debt.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, said earlier this year that our debt—meaning our national debt, our accumulative debt—is the greatest threat to our national security. Surely, the Senate Democratic leadership would want to put an honest plan forward to address that threat. They don't even want to debate a budget.

This exercise is on a motion to proceed to a number of budgets, none of which were written by the Democratic majority. I guess they intend to vote against proceeding. They don't even want to debate a budget. Well, by this time, most of the time in the last 35 years, we have had a budget through the Senate. Instead of leading, they would rather demagogue the serious efforts put forth by Republicans. They are not going to stand and defend the defenseless budget their President submitted to Congress just 3 months ago. They are not going to write their own budget. It is still blank. They are not even going to vote to allow debate on budgets that were drafted by others. So are we witnessing a leadership failure similar to the one Senator Obama referred to in 2006, in his speech on the Senate floor? The Democratic majority would rather demagogue Medicare than produce and defend their own budget.

I presume there will be a lot of speeches in this town today, with



Democrats hitting their chests saying: We ran an election in New York State yesterday based upon the fact that Republicans want to kill Medicare. Well, I wish to put forth the fact that if we do nothing, as the trustees have said recently, there isn't going to be any Medicare in 9 years. I can put forth ample evidence that ObamaCare puts Medicare on a path to the rationing of care and reducing the number of doctors who are going to take Medicare patients. Already, Medicare is on a path to destruction if we don't intervene and do something about it. The sooner we intervene, the better. We ought to be intervening now in a bipartisan way instead of all the talk about partisanship and destroying it. There are some people in this Congress who know Medicare is a problem and the sooner we deal with it, the easier it will be to deal with it.

Medicare is a very important part of America's social fabric. It was intended to be that in 1966, and it is still that today. I intend to work to make sure it stays as a part of our social fabric. It is a commitment made to seniors today, and it is a commitment made to people who are not yet seniors today. It is a commitment made to all for the future. So it is very important that we, as stewards of the Medicare Program, take serious our charge to make sure it remains for future seniors.

With that in mind, I come to the floor to call out the most dangerous threat to the Medicare Program we face on the floor this week. Let's be clear. It is not the budget resolution authored by Congressman PAUL RYAN and passed by the House of Representatives. The most serious threat to the Medicare Program this week is those who propose to do nothing or offer no plan whatsoever for saving Medicare. Doing nothing is the most serious threat to Medicare. For all the talk about killing Medicare as we know it, the Democrats' do-nothing budget I have held up so often—the do-nothing budget—is the surest way to kill Medicare as we know it.

The folks coming to the Senate floor with nothing in their hands but criticism of these budget resolutions are irresponsible. By attacking the House budget resolution while proposing absolutely nothing, the Democrats are plunging their collective heads into the sand such as these ostriches sometimes are described as doing—ostriches acting as though everything with Medicare is fine and that doing nothing is a viable option.

Let's look at the facts. Last week, the CMS Actuary—and this is a professional person. He is not a political person but the President's Actuary—submitted his annual report on the fiscal health of the Medicare Program. Frankly, his conclusions are very disturbing. The Actuary confirms that the Medicare Program is already contributing to the Federal deficit. It is spending more than it takes in, and it will continue to do so throughout the com-

ing decade. The Actuary found—this professional person, this person that is the President's Actuary—found that Medicare will run out of money by the year 2024—5 years faster than his projection last year. For the sixth straight year, the report issued a funding warning showing that the Medicare Program is taking a disproportionate share of its funding from general revenue, thus crowding out programs such as defense and education. The situation is only going to get worse.

In 1965, when Medicare was created, baby boomers retiring today were then just teenagers. Today, we have 10,000 baby boomers retiring every day, with fewer and fewer workers paying into Medicare to support these additional retirees. The average couple turning 65 today paid over \$109,000 into Medicare over their lifetime but will receive over \$343,000 in benefits. Stop to think of that. Everybody wonders why Medicare might be in trouble today. The average person retiring today has paid in \$109,000 but will receive about \$343,000 in benefits. That just does not add up as a sustainable program. Anybody who says we don't have to do anything about Medicare and it will take care of itself—well, we can see how misleading that is.

When Medicare was created in 1966, the average American lived to be age 70. Today, thanks to incredible advances in medical care, the average American lives to be 79. These are the facts. So now, knowing these facts, is the time for Congress to recognize the reality of Medicare's fiscal crisis—and not just recognize it but recognize it and then do something about it.

Put simply, Medicare is unsustainable without serious, thoughtful action. This blank sheet of paper, a budget not being offered, is not a serious, thoughtful action. To say otherwise is to ignore the facts and to stick your head in the sand.

The Ryan budget, as it relates to Medicare, has had much discussion lately. It is simply a blueprint. Even if this page were filled in, a budget never becomes law; it never goes to the President of the United States. It is a discipline for the Congress of the United States. It does not become law. So anybody who says voting for a budget is voting to do something to Medicare is crazy. Actual policy, as we know, is going to be determined by other committees, other than the Budget Committee. In the House, it is most often the Ways and Means Committee. In the Senate, it is the Senate Finance Committee. Those are the committees that write the bill and that can say what is happening or not happening to Medicare. Anyone telling the public that if this budget blueprint is adopted, it will be a law doesn't understand how the legislative process works.

But this vote isn't even about a budget blueprint. The debate we are having is about a simple motion on whether we ought to even debate a budget. If the Democrats were willing to proceed

to an honest and open debate, we could talk about where we want to go with the Medicare Program at that time. If the Democrats were willing to proceed to an honest and open debate, we could debate steps to save the program. If the Democrats were willing to proceed to an honest and open debate, we could have amendments to improve the resolution as offered. Of course, the Democrats are not willing to proceed to an open and honest debate.

I agree that changing the nature of Medicare is a significant step. Requiring people who are 10 years away from retirement to expect to pay more for their health care in retirement is a significant change in policy. It should be thoughtfully considered, however, in the context of Medicare's serious fiscal difficulties. They aren't going to go away.

Describing this policy as ending Medicare for seniors is irresponsible and factually false. People who engage in this type of demagoguery are endangering coverage for the very people whom they claim to support because they continue to propose nothing. Where is the Democrats' bill? So far, this is it: a blank piece of paper, producing nothing.

I have great respect for the chairman of the Senate Budget Committee. I know he has tried to produce a budget. But, apparently, his leadership thinks that demagoguing Republican budgets is far more politically profitable than standing behind one of their own plans, so they have squashed all his efforts to produce a budget. Even though we know the Democrats have turned into ostriches when it comes to saving Medicare, we are fortunate to have a record over the past several years to examine.

So let's look at ObamaCare, passed solely in a partisan vote in 2010. It took a little more than \$500 billion right out of the Medicare Program to fund a new entitlement. So Medicare is in trouble. Take away \$500 billion from it, and start up a new program. Does that sound fiscally responsible? I have no doubt some folks may come to the floor to argue that the Medicare savings extended the life of the Medicare Program. But every reputable source that has analyzed that claim has appropriately tagged it as double counting.

The CMS Actuary, whom I referred to in the past, today continues to call some of the productivity cuts made by the Democrats in their health care reform bill unsustainable and unrealistic. And I say—he does not say it—I say it is going to bring rationing. So down the road, what sort of health care are seniors going to have? It is not going to be what they know today.

Of course, we all know the Democrats failed to resolve the sustainable growth rate problem, which is a formula for doctors' reimbursement, so the problem of physician payments continues to haunt the fiscal future of Medicare. If we do not do anything this year,

Medicare physicians will face a 30-percent pay cut. Imagine that. Today many Medicare patients already are being denied the care and personal choice they deserve because the AMA, the American Medical Association, has said one in three primary doctors is limiting Medicare patients, and more than one in eight of those doctors is forced to deny Medicare patients altogether.

Our seniors already face the pain of a broken Medicare system. Yet the Democrats remain ostriches with their heads in the sand because they have no Medicare solutions they want to offer.

Perhaps I am being too hard on the Democrats. President Obama—perhaps speaking for the Democrats or perhaps not—has put an option on the table for addressing Medicare spending. He did it in a speech at George Washington University on December 13. Of course, we will not be able to vote on that here today because, as Senator MCCONNELL said yesterday, you cannot vote for a speech. But at least we should consider the option the President put on the table.

In his speech, President Obama suggested we should control costs in Medicare by tasking the Independent Payment Advisory Board that was set up under ObamaCare to do even more than what we proposed a year and a half ago when the bill was passed.

You might ask, What is the Independent Payment Advisory Board in ObamaCare? Well, it was created by the Democrats' health care bill. It is a 15-member panel of unelected advisers who would make binding recommendations on how to reduce Medicare spending when spending is projected to exceed a certain level. Effectively, their recommendations have the force of law without congressional intervention to replace the cuts they might suggest and that under the law would take a 60-percent majority. And you know it is very difficult to get 60 votes in this body for any one thing.

That law says the board cannot make decisions that directly relate to premiums, deductibles, or copayments that Medicare beneficiaries pay. It says the board cannot change the eligibility criteria for Medicare benefits. So then, what can the board do, you may ask? Well, it is going to zero in on provider payments, doctor payments.

I want to repeat a statistic I quoted earlier because after the payment review board gets done, you are going to have more than the one in three primary doctors not taking Medicare patients that presently is the situation. We have one out of eight doctors denying Medicare patients altogether. In other words, they are not going to see Medicare patients; and that is today. It is going to get worse when this payment review board gets done.

According to the Joint Economic Committee, today Medicare allows medical providers to collect 89 percent of the cost of services provided to seniors. Under the President's proposal, by

2022, Medicare providers will only be allowed to collect 66 percent of the cost of services provided to seniors. Reductions will clearly restrict seniors' access to quality health care.

Let me sum up what we do know about the Democrats' actions on Medicare because it is already on a path to destruction. So, of course, I get a little bit upset when I hear people on the other side of the aisle saying Republicans want to do away with Medicare, when it is part of the social fabric of America and we want to keep it as part of the social fabric of America and we want to do it not only because it is a Federal program, but we want to do it because it is tied in with a lot of corporate retirement health plans where it becomes a primary payer and the corporate health plan becomes a secondary or additional payer.

I sum up by saying, they have enacted already \$500 billion worth of cuts to fund a new entitlement called ObamaCare. Many of those cuts are described by the independent CMS Actuary as unsustainable. They have yet to find a way to fix the doctor reimbursement formula called the sustainable growth rate. And still, the President has proposed further reducing payments to providers.

Of course, what is that going to do for seniors in America? It is going to reduce access. This will make it harder for seniors to find providers willing to treat them. This will drive some providers out of the business of providing services to seniors. In other words, they cannot afford it.

There is one simple word to describe this approach, and it is a word I do not take lightly. The word is "rationing" of health care for seniors in America. It may not be direct overt rationing, but you have to have your head buried very deeply in the sand not to realize that is going to be the outcome of policies already put in place by this President through ObamaCare. And then they want to accuse us of destroying Medicare?

So I get back to what today's debate is all about. I think we ought to seriously be having a legitimate floor debate rather than a series of political show votes today. I will vote for the Senate to begin debate on the Ryan budget and the other Republican budgets as they are offered because I do not have a chance to vote on anything from that side of the aisle because, see, it is a blank sheet of paper. There is nothing there that the majority party—not the minority party; they are the majority party—has suggested. I will vote to begin debate, not that I support any of their budgets in their entirety. I will vote to begin debate because our fiscal situation demands serious efforts or giving serious considerations, and in no area, as I have made clear in my remarks today, is this more critical than in Medicare because Medicare is on a path to bankruptcy.

People who support the Medicare Program and care about those who will

count on that program today and for many years to come are willing to put serious plans on the table for debate. It is our responsibility to ensure Medicare's survival for future seniors. Doing nothing is worse for Medicare. The surest way to kill Medicare as we know it is the Democrats' do-nothing plan. Demagoguery is irresponsible. So I would suggest: Pull your head out of the sand and join a real debate to save Medicare for the future.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that following my remarks, Senator MCCASKILL be recognized to speak for up to 15 minutes, and following her remarks Senator SESSIONS be recognized to speak for up to 20 minutes.

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

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

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

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

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

## HEALTH CARE

Mr. WHITEHOUSE. Mr. President, 50 years ago on this day, President John F. Kennedy addressed a joint session of Congress, and he presented to our Nation a bold challenge. He said:

I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

It was and remains a memorable challenge. To meet it would require long-term commitment and unprecedented resources. It had great risk, and it had no simple solution. But President Kennedy put his faith in the talent and dedication and discipline of America. He believed his challenge could mobilize our country to meet this challenge and succeed. And he was right.

President Kennedy's goal to put a man on the Moon and return him safely in 10 years was clear, was direct, and was accountable. The result was a vast mobilization of public and private resources that collaborated in innovative ways to achieve that singular purpose. And we did.

I come to the floor today to call for a similar challenge to reform our health care delivery system. While the goal now is different, the urgency and the need to mobilize both public and private sectors toward a common and vital purpose is the same. Our massive budget deficit poses a real threat to our economic and national security. The Chairman of the Joint Chiefs of Staff identified it the other day as the single greatest threat to our national security, our Nation's debt.

There is also common ground that the skyrocketing costs in our health care system are at the heart of our Nation's fiscal problem. I do not agree much with Congressman PAUL RYAN, but we do agree on that point. He has said if we are to be honest about our debt and deficit, at its heart is a health care problem. So now is the time for our country to set out a clear challenge, as President Kennedy did, that will address our health care cost problem.

That challenge must stand on two facts: One fact is that our health care cost problem is a system-wide problem. Republican proposals to end Medicare as we know it fundamentally misdiagnose the problem. Most everybody in America knows it does not matter who our insurer is, whether we are insured by Medicare or Medicaid, the VA or TRICARE, United or Blue Cross, in the last decade, costs across all insurers have gone through the roof. Indeed, just today in the news, Secretary Gates is reported to have said—about his Defense Department budget—everybody knows we are being eaten alive by health care. We have a system-wide health care cost problem, not a Medicare problem.

Health care expenditures are nearly 18 percent of our gross domestic prod-

uct. The next least efficient country in the world spends only 12 percent of its GDP on health care. We would have to go far down the list of our competitor nations before we find a country that has as poor health outcomes as America has, even though we spend vastly more for our care. We have a system-wide health care cost problem and a system-wide health care quality problem.

The second fact is, the health care cost problem and the health care quality problem are related. We have at our disposal an array of health care reforms that will reduce the cost of health care while improving the quality of health care. These types of reforms—new models of care coordination, quality improvements in hospitals, paying for quality not quantity to our physicians, and reducing overhead costs in the system—all have one liability; that is, they do not lend themselves easily to estimates of cost savings. Because of this, there is less attention than there should be to the great potential of these reforms. Bowles and Simpson, Domenici and Rivlin have all conceded this in our Budget Committee hearings.

The promise of these reforms is immense. The President's own Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system without hurting the quality of care. That is about \$700 billion a year. The New England Health Care Institute said it is \$850 billion a year. The Lewin Group has estimated the potential savings at \$1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill. The savings are there, and they are considerable.

The question is, How do we get at them? Well, let's first look at the affordable care act that we passed. The affordable care act's delivery system reforms provide many of the tools that we need to drive down costs and improve the quality of care.

As we were working on that bill, I had a regular meeting in my office of experts from around the country, from the business community, from the labor community, from the NGO community, who really were dialed in to the delivery system reform problem in this country.

We met regularly, we met early in the morning, and every time we asked the same question: What more can we put in this bill to make sure it has the tools to get these reforms done? By the time that bill passed, we were in agreement that everything we could want was in that bill.

It provides a tool box with five major strategies we need to deploy. The first is quality improvement, which will save the cost of medical errors, of misdiagnosis, of disjointed and uncoordinated care.

The clearest and simplest example is reducing hospital-acquired infections which affect nearly 1 in every 20 hospitalized patients in the United States.

They cost us about \$2.5 billion in unnecessary health costs every year.

The tens of thousands of deaths that are associated with these hospital-acquired infections are tragic. It is made all the more so by the fact that they are essentially preventable. Simple reforms, such as following a checklist of basic instructions—washing hands with soap, cleaning a patient's skin with antiseptic, placing sterile drapes over the patient—result in huge reductions in rates of infection and in costs.

So, first, quality improvement. The second strategy is prevention. The most inexpensive way to deal with disease is to prevent it in the first place. More than 90 percent of cervical cancer, for instance, is curable if the disease is detected early through Pap smears.

The third strategy is payment reform. We must pay doctors for better outcomes, not for how many tests and procedures they order. Rhode Island has a promising "medical home" primary care payment strategy already underway.

The fourth strategy is simplifying administrative processes to reduce overhead costs. The insurance industry in this country has developed a massive bureaucracy dedicated to delaying and denying payments to doctors and to hospitals.

So to fight back, the doctors and the hospitals have had to hire their own billing departments and expensive consultants. All of that, the entire war over payments between insurers and hospitals and doctors, adds zero health care value. It only drives up costs.

Finally, the fifth strategy is a robust, secure health information infrastructure. Health information technology was, years ago, estimated by the Rand Corporation to save \$81 billion a year. Savings may very well be higher as the system builds itself out. Not only is a robust health information infrastructure a good end in itself, but those four other delivery system strategies are empowered and advanced and expanded by robust health information infrastructure.

These five delivery system reform strategies hold the promise to deliver the enormous savings we need to extract from our health care system, and to do so in the most humane way, by improving the quality of care. The debate we need to have on our health care cost problem must focus on delivery system reform, on how we can implement these delivery system reforms from the recent health care reform bill as quickly and as effectively as possible.

This is what brings me back to President Kennedy's speech on space exploration. President Kennedy did not say: I am going to see to it that America bends the curve of space exploration. Had he said that, the speech would have been consigned to oblivion, and we would likely not have put a man on the Moon on time. Instead, he made a memorable challenge with a clear objective: Put a man on the Moon, bring

him back safely, within a decade. Everybody could know whether that had been done. It was a clear and accountable purpose, and it galvanized the entire Federal bureaucracy toward that common purpose.

We can and must do the same with health care delivery system reform. We can and must have a clear challenge to strive toward.

It is not enough to talk about bending some health care cost curve. Our country has the talent and discipline to accomplish extraordinary things. We can significantly bring down costs in our health care system. I notice that the junior Senator from Minnesota has just taken the chair in the Chamber. Minnesota knows well what can be accomplished through these kinds of delivery system reforms because companies such as Mayo, Gundersen Lutheran in Wisconsin, Intermountain in Utah, and Kaiser in California are all doing this kind of work effectively already. We can significantly bring down costs in our health care system. We don't have to be last or the least efficient country in the world in providing health care to our people. We can do this while improving the quality and the experience of health care for Americans.

I will conclude by saying that tackling these issues won't be easy. But to go back to President Kennedy's speech, he said:

We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard. . . .

I urge my colleagues and the administration—we cannot afford to fail. Let's raise the stakes. Set a hard challenge. The future of our Nation's fiscal health certainly depends on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

#### MISSOURI DISASTER

Mrs. McCASKILL. Mr. President, this is a place that runs on words. The Senate is a place where there is always a great deal of speeches given and words spoken. Every once in a while, something comes along in life when words are completely inadequate. What happened in my State in the last few days is very difficult to express in words. I did want to take a few moments to recognize an incredible occurrence in the southwest portion of my State.

Having been there all day yesterday and arriving very early in the morning and spending time with the people of Joplin—with Missourians who have come to Joplin from every corner of our State, with Federal officials, I do want to take a short amount of time to recognize the tragedy and to rejoice in the response.

So many parts of this response, in fact, are the kinds of things we should celebrate. But the loss of life is staggering. An F-5 tornado, we now know, is the strongest tornado classification—in fact, this is the most devastating tornado we have had in this

country in almost 60 years. The loss of life is staggering—122 lives. It is, unfortunately, a reality that that toll will probably continue to rise—I hope only slightly—in the coming days. But yesterday, there were another five or six confirmed deaths.

The loss of property—over 8,000 buildings were damaged; 2,000 homes are gone. When I say gone, I mean gone. I have responded to many natural disasters in Missouri during my time as a public official—a lot of tornadoes and flooding. I have never observed a scene that even comes close to what I observed yesterday. Walking among the rubble, you realize that what you are walking through is people's lives that have been spread far and wide, and that, in many ways, cannot be recovered, cannot be made exactly as they were before. From the air, the swathe of damage was incredible. We were able to get up there—because the weather finally cooperated—to look at the damage from the air. Governor Nixon and Mr. Fugate, the Administrator of FEMA, and I, with other officials, went up in helicopters yesterday morning. As you look down upon Joplin, from the air it looks like a stove mill. Through the middle of Joplin, miles and miles long and wide, surrounded by green, it looks like a massive amount of toothpicks. The trees are all gone. Many hundred-year-old trees are lying on their sides. The trees—what is left standing of them—have most of the bark ripped off by the force of the wind that swept through Joplin shortly before 6 p.m. on Sunday evening.

The emotional toll of this devastation is one you can't calculate. But you see it on people's faces. What I observed yesterday was friends and neighbors who were standing by hoping for a miracle, and firefighters dug under the rubble at the Walmart hoping they would find someone there who was alive. I witnessed other people going through the rubble of their homes. In talking to them, I think the initial reaction for the people of Joplin was intense gratitude that they were alive. Now it is being replaced with the reality of their loss and what they have lost—from schools, to churches, to a hospital that employs over 2,000 people in a community of just 50,000. This is an incredible loss. But the pain is palpable on these people's faces, and that is why it is so important that we don't lose sight of what they are going to need over the coming weeks, months and, yes, even years.

The response I witnessed, in terms of what was on the ground, was remarkable—from Federal, State, first responders in local communities, and obviously the officials of Joplin, Missouri, all working together seamlessly as a team. The Federal Government—unlike many disasters where they wait several weeks to declare a disaster—obviously understood that the flexibility and the immediacy of the response was incredibly important in this instance, and they declared a disaster within 18

hours. FEMA had people on the ground. Within 12 hours, the National Guard deployed. They had National Guardsmen there before midnight. Since that moment on, more and more people have been responding with more and more assets to help the people of Joplin and the recovery effort.

I want to call out particularly the fire chief in Joplin and the city manager there who have done remarkable work. The fire chief lost his home. As I walked through the firehouse going to the command center, I heard barking in one of the rooms. I said, "Is that a K-9 unit?" They said, "No, the fire chief is living here with his family because his home is gone. That is his dog." So as he lost his home, he obviously had to turn to the important job of initially fighting fires, and then, obviously, participating in an unprecedented effort of search and rescue over the following 48 hours.

I am very proud of our National Guard. We have over 200 guardsmen there as we speak. They have done, as always, remarkable work. I talked to one man who had just finished duty in Poplar Bluff, with the flooding, and immediately came over to help in Joplin with the tornado response and recovery.

The State of Missouri Governor Nixon has been on the ground for much of the last 72 hours, along with his team. He is bringing his cabinet heads to Joplin to work on various parts of this over the next 48 hours, along with subcommittee members from the Federal Government, housing, HHS, to be of assistance.

Let me take a minute to talk about the first responders. I am so proud of the police and firefighters I encountered yesterday. I am so proud of these men and women. As I looked around, I realized there were search and rescue teams from every corner of our State. Task Force 1 from central Missouri and almost 100 Kansas City firefighters were there. I had an opportunity to visit with many of them as they were attempting a rescue on the scene yesterday afternoon. At 3 o'clock in the morning—yesterday morning—a caravan from St. Louis of over 100 firefighters and all of their equipment and assets rolled down I-44 to get to Joplin to help their brothers and sisters, in terms of this effort. St. Francis County, Camden County—you name it—from all over the State, police and firefighters and public safety officials responded to Joplin.

Frankly, people need to realize that the assets spread all over Joplin today, the emergency vehicles, K-9 units, HAZMAT teams, mobile rescue units that allow people to do very difficult rescues in very difficult circumstances—the vast majority of those assets were bought with Federal dollars. The vast majority of that equipment that came to these Missouri departments came from Federal grants. A lot of these guys worked without sleep for days. As I talked to them and

thanked them, it was almost as though they resented being thanked because, to them, this is what they do.

I tell you, one thing yesterday gave me was an incredible passion to fight for these folks' pensions and salaries. These are not the people who are causing economic chaos in this country. These are not the people who deserve to be diminished in public discussions about what they receive for their work. These are the best we have, and they deserve every dime of pension they have bargained and fought for.

I am so proud of Joplin for its response. This is a community of great faith. This is a community that will come together, as a lot of Midwest communities do in circumstances when their neighbors are in trouble. Everywhere I have gone—in fact, our phones are ringing off the hook—people are saying: What do we need to do to help Missourians?

The most important thing people can do right now is give blood, donate to the Salvation Army and Red Cross, and wait to hear from the officials from Joplin about when volunteers are needed. Right now, too many volunteers swarming into Joplin could cause more problems than it could solve. People need to check with the local Red Cross in Ozarks, and they need to check in with the city Web site. When there is a call for volunteers, it will go out, and those volunteers will be needed. But for now, the most important thing people can do is give money and blood.

The other thing I think we can do for all of the people who lost their lives in this tragedy is to have a plan when there is a tornado warning. Many families—and I think we are guilty of it in the Midwest maybe more so than other places in the country because we hear sirens and tornado warnings a lot. I grew up with that in Missouri. I will be honest, I probably have never taken it seriously enough. But that will not happen again in my life. My family will have a plan. My family will know where to go and what to do if, in fact, there is a tornado warning. Don't ever assume a tornado warning is not serious. These sirens rang at approximately 5:17 in the afternoon, and the tornado touched ground at approximately 5:41. So there was 20 minutes there.

By the way, the weather people here deserve a great deal of credit. Nobody visually sighted this tornado. It was all done through radar. The fact that they were able to identify this tornado and make that warning 20 minutes ahead of time was very important. I cannot imagine the loss of life we would have had if it hadn't been for that 20-minute warning. Having said that, there were people who were not taking it seriously. There were people who didn't know exactly where to go or what to do. So, please, have a plan for your families as a tribute to all those who lost loved ones in Joplin on Sunday night.

We will survive this, with God's grace and determination. Joplin will roar

back because of the values that are held so dearly in that part of our State—in fact, in our entire country.

We will come together, and we will do this. But make no mistake about it, the satellite cameras are going to pack up sometime in the next 48 hours. All those satellite trucks are going to go back from where they came. This will fade from the front pages. Just like the junior Member from Minnesota who is presiding right now, at the point in time the bridge collapsed, there was a great deal of attention, and then the attention goes away.

In this instance, we are going to need to sustain the support to this community far beyond the headlines, far beyond the satellite trucks going home. We have to get these schools open in September. We have to get this hospital rebuilt. We have to make sure this community is not left stranded without the assistance it needs.

There is no question that we have to be careful about the way we spend Federal money. But with all due respect to Congressman CANTOR, I have a hard time believing that if this were in his congressional district, he would be talking about how additional disaster relief would not be available unless we found some other program from which to take it. It must be available. This cannot be a political football. We must provide the assistance. That is what Federal tax dollars are for, to provide assistance when there is no assistance available for communities and for States because of the wrath of Mother Nature. We must be there for them. We all must stand with Joplin. All of America must stand with Joplin. And we will.

My heart goes out to the families for their losses. I congratulate the people of Joplin for their response. I say "bless you" to all those first responders. Through the greatest tragedy sometimes comes the greatest strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the fine remarks of my friend from Missouri. Seeing the damage that was done by the tornadoes in Alabama, they have far exceeded anything I have seen before. I appreciate more than most the damage and difficulties the people of Missouri are going through. I know there will be emergency funding for that. There is a legitimate question as to whether we ought to not find that emergency spending someplace in our budget where it can be recovered that is not so important. But I know we will process that as we go forward.

#### UNSUSTAINABLE BUDGET PATH

I truly believe our Nation is facing an economic crisis, but it's not so much what I believe but what every expert we have heard from believes and has testified to. Mr. Erskine Bowles, who cochaired the debt commission, who was appointed by President Obama, said, along with Senator Alan

Simpson, his cochair, in a written statement to the Budget Committee, that this Nation has never faced such a predictable economic crisis. In other words, the deficit levels we are operating with are so high and they create such danger to the economy that we have to get off this path. Every expert has said we are on an unsustainable path.

Many people have thought the problem we are dealing with today places a burden on our children and our grandchildren; therefore, it has removed to some degree the immediacy of the problem. But that is not what Mr. Bowles said. In his testimony before the Budget Committee just a month or two ago, he said that we could have a financial crisis. When asked by the chairman when, he said 2 years, maybe less, maybe more. Senator Simpson said it could be 1 year.

We are taking a risk with the American economy. This has been echoed by Moody's bond ratings, and it has been echoed by S&P, which warned that our debt rating for our government debt could be downgraded. Alan Greenspan has made similar comments. Alice Rivlin, former OMB Director under President Clinton, made those comments. Pete Domenici, who cochaired a debt commission with Alice Rivlin, former chairman of the Budget Committee in the Senate, said to us with real passion: I have never been so afraid for my country. That is what Pete Domenici said.

We know we have to take action, and now we are heading today to 756 days since the Senate has passed a budget. We have not passed a budget. I say with confidence that in terms of a real, long-term threat to the American future, this Nation has never had a greater danger financially and in terms of debt because the problems we face are more severe than even in the nineties when we turned our business around and in 3 years balanced the budget. It is going to be harder to do it now.

We went through World War II. We borrowed money. But we had a vibrant, growing economy and growing population, and we promptly moved our way through that, and growth took care of us. But we cannot expect that the level of growth that according to the experts we can reasonably predict will be sufficient to get our house in order.

When you do not have enough money and the course you are on is unsustainable, you need to develop a plan that puts you on a sustainable path. How simple is that? That is grownup talk. How do you do it? What is our mechanism in the Congress?

This is a budget. This is title II, section 271 through et seq, and it has the Budget Act. We passed a Budget Act. It is law. Clever Congress did not put any penalties on it, so we can violate it and not go to jail. We do not have to personally pay fines. But it represented a serious commitment by a previous Congress that we needed a budget. They

also made as part of that budget law that it could be passed with a simple majority so it could not be filibustered. That was one of the reasons budgets sometimes failed to be passed. At a time when they were thinking about the future, they said: Let's make the budget passable by a simple majority. It also has a timeline in it. It says the Congress must pass a budget by April 15. We are long past that date—long past it. Are we going on to a third year now without a budget?

Mr. President, 1,000 days without a budget while our country is on a debt path unsustainable to a degree that threatens the future of America economically—yes, that is where we are heading.

People say: Surely, JEFF, that is not so. Surely there is some plan.

There is not any plan—not a plan to pass a budget. What there is a plan to do is not pass a budget. It is irresponsible. It is unwise. It is dangerous for our future because we are on a certain path, a predictable path, as the debt commission told us, to financial ruin. Our debt-to-GDP ratio will reach 100 percent by September 30 of this year. That is above the level that economic experts tell us puts our country at risk. Indeed, when we passed a 90 percent debt-to-GDP ratio, economists Rhinehardt and Rogoff, who completed a massive study of national defaults of economies around the world by sovereign states, warned that at that level you reduce the growth in the economy by at least 1 percent of GDP. The average was higher than that. They said on a median level, it is 1 percent of GDP, and they used that number—1 percent growth that we don't get. Well, some think we may not get 2 percent growth this year. Would we have gotten 3? If we get 1, would we have gotten 2? One percent growth in GDP is a large thing in an economy the size of ours. It increases tax revenue significantly. It increases jobs. According to experts, 1 percent of GDP growth means 1 million more jobs. A decline of 1 percent in our economy represents a loss of 1 million jobs. This is not a little-bitty matter.

On Monday, I objected. I realized what is going on in the Senate, that there is no plan to deal with this situation, that there is a gimmicked-up scheme to bring up a series of budget votes that the majority leader knows will not pass. Indeed, he intends to bring up a vote on a budget that he and all his colleagues intend to vote against—the most responsible one out there, the House budget, passed by the Republican House. That is what they want to bring up for a vote and vote against. But the Budget Act does not say bring up a House budget. It says each House—the Senate and the House—should bring up its own budget and pass it on the floor. It should go to committee. None of the budgets we will be voting on have gone through committee. We have had no markups in committee. We never even had a markup on the budget. Why? What is this? What is going on?

Let me share with my colleagues why we are not having a legitimate process to produce a budget at the most critical financial time in our history. It is about politics. Does that surprise anyone? This is what Democratic staffers were quoted as saying in a Wall Street Journal article a few days ago. What did they say about it? Did they say: We have a plan to solve America's future. Did they say: We have a plan to reduce our debt and get us on a sound path. Did they say: We understand the future of the country is endangered by unsustainable debt growth. No, they did not say that. This is what they said:

As a political matter, Senate Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

They do not want to produce an honest budget, a budget that would make a difference, because it would have some unpopular items in it. I ask, is that responsible leadership? I suggest it is not.

It goes on:

Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes . . .

What does that mean? It means their budget, if they produce one, would call for higher taxes, and they do not want to do it. They do not want to propose a budget that reduces spending. They do not want to produce a budget that has higher taxes. Why? Because they are playing politics rather than serving a national interest. That is just plain as day. I wish it were not so, but there is no other explanation for why this Senate preparing to go into recess Friday for Memorial Day without having even commenced hearings on a budget.

This is what they decided to do. I am quoting from the article:

Senate Democrats plan to hold a vote on the Ryan plan—

The House budget—

hoping to force GOP senators to cast a vote on the Medicare overhaul that could prove politically difficult.

Give me a break. Is that what it is all about? Is that what we are here for? It is not what many of my Democratic colleagues tell me. They tell me they know we are on an unsustainable path and we have to do something. But why are we going through this charade, to bring up one, two, three budgets and vote them all down and then say: Well, we tried. Maybe we will have some secret talks over here and we will plop something down right before some emergency date and demand everybody vote for it, not having a chance to read it. Is that what the process is going to be instead of an open process where the Budget Committee has open hearings, amendments are offered, a budget is voted out of committee, it comes to the floor, and there is a guaranteed 50 hours of debate? But the process comes to an end. The Budget Act states that we cannot filibuster it. There is only

limited time of debate, but there is an opportunity to debate, an opportunity to offer amendments.

We are told Senator REID does not want his members to have to take tough votes. None of us like to take tough votes. None of us likes to take tough votes. Isn't that what we are paid for here? Isn't that why they send us—to vote on important, tough issues that impact the future of our Nation? I am telling you, we are so far off path it is stunning to me.

I quoted his staffer earlier, but what about Senator REID himself, the Democratic leader of the Senate? Anybody who has worked with Senator REID likes him, and I enjoy working with him. I respect him. I know he has a difficult job, but at some point one has to stand and lead. He is not leading and neither is President Obama. But this is what Senator REID said just a few days ago—I think Friday.

There is no need to have a Democratic budget, in my opinion.

Well, there is a need, a statutory legal requirement that we send a budget out of the Senate.

Then, he said:

It would be foolish for us to do a budget at this stage.

Why does he say it would be foolish? I think my good friend, Senator REID, has taken his eye off the national interest. He has taken his eye off the crisis our country faces, and he has his eye on politics. He means it would be foolish politically. He has a scheme, and this is what his scheme is. He is going to bring up the House budget—the Ryan plan. In all honesty, it is the only plan I have seen in my time in the Senate that comes close to providing a long-term alteration of the unsustainable fiscal path we are on. It deals with it. It makes some tough choices, but they are not unbearable and I think most of them will actually work.

It is not perfect. I don't promise that I would vote for everything in it. But it is a historic plan to put America on a sustainable financial course. I thought they could have reduced spending more in some areas, frankly. But it puts us on a sustainable course. It was produced by the House Budget Committee. They had public hearings, the committee voted on it, they brought it to the floor, and it passed in the House of Representatives, in the way the Congress of the United States is supposed to operate.

What does our leader in the Senate and his colleagues who support him do? They make a decision to do something political, not responsible. They are not putting forth the vision they have for the future, but they are going to bring up the Ryan budget so they can all vote against it. I don't think that is responsible. I don't think it is responsible at all.

I am not going to participate in this scheme to have a series of votes. Count me out. I am not supporting it. I am not going to give my consent to it.



That is the way I see it and I don't think that it makes sense. If I did, I would change my mind. But as I see it, it makes no sense for me to, in any way, consent to a process that is designed to fail. The whole process is designed to fail. With a simple majority in the Senate, our Democratic colleagues can pass any piece of legislation. They have 53 Members. They can win the vote. If they put up a good budget, they might have some Republicans—maybe all the Republicans, if we reached a bipartisan agreement. But there is nothing close to that. We have not approached this in any realistic way, and I am concerned that we are off track.

Senator SCHUMER, who once headed the Democratic Senatorial Campaign Committee—he designed all that—is a Senator who is considered to be a guru of politics around here. He is good, and there is nothing wrong with being a smart politician. But at some point politics goes too far. This is what he said on May 23 regarding the Ryan budget.

We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It is that simple.

That is an open statement of raw politics. Where is the national interest? Where is the response to Mr. Bowles, a leading Democrat, to Alice Rivlin, a leading Democrat, and their principled cries that we do something about the debt crisis we now find ourselves in? Nowhere.

My colleagues want to go home, and they intend to go home—go home Friday. Our soldiers are out there, and they are not getting to come home from Iraq and Afghanistan. They are going down roads where bombs might be planted and they are putting their lives at risk. They do not get to come home. Their business isn't finished yet. But we plan to go home, apparently, not having done anything but having gone through a political exercise that is an embarrassment to the Senate at a critical time in our Nation's financial history—a very critical time.

President Obama utterly ignored, in his completely irresponsible budget, the fiscal commission that he himself created to seek a national consensus on funding. I have to say the President's budget is nowhere close to what is necessary to avoid our fiscal nightmare. That is not a JEFF SESSIONS quote. That is a quote from Erskine Bowles, who cochaired the Commission, when he saw the President's budget plan that was submitted a couple months ago. He said it is nowhere close to where the Administration will have to go to avoid our Nation's fiscal nightmare.

So that is what the President has done, and the Senate has done nothing. They will not even hold a markup and propose a plan. Why? They think it is politically unwise. They think they

can gain more politically by refusing to produce a budget, by attacking the House Members who produced a budget—as they are required to by law—that is honest and would make a huge long-term difference in America. It would put us on a sustainable path, not leave us on an unsustainable path.

I will conclude with a quote from the preamble to the fiscal commission's debt report. This is what they wrote to us. Remember now, Senator REID's plan is to bring up the House budget and have all his Members vote it down so they can attack Republicans for having the audacity to propose any changes in Medicare—and not even in the 10 years of the budget. It is the out-years they are complaining about, and it is not law. Any change will not become law until it passes both Houses of Congress. But it is a vision that could work to make Medicare sound and actually save it.

They think they can scare people by saying we are going to end Medicare, so they are going to vote on it. That vote, in the minds of our Democratic politicians, shows that they are defending Medicare and that all the Republicans oppose Medicare. But the American people are getting too smart for that. I don't believe they are going to buy that story any longer. They know Medicare is on an unsustainable path and that it cannot continue.

The Medicare actuaries and trustees have reported today that it is going to go bankrupt a number of years sooner than was originally expected. But this is what the debt commission said about the need to have a plan to fix our future:

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from the shared sacrifice and common purpose. The national interest, not the special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

Isn't that a reasonable request—don't shoot down an idea unless you are prepared to present a better one in its place? That is exactly the opposite of what our Democratic leadership is proposing. They are proposing to bring up a budget they say they do not like. They are going to vote it down without producing anything in its place. That is not responsible leadership, it is not respectful of the budget process, which is required by law, and it is not in the national interest. It is not in the national interest.

Yes, we are going to have to deal with tough issues. We find ourselves in a fix, a deeper hole than we should ever have been in, and the American people punished Congressmen and Senators last year because they were unhappy, and they were right to be. There is no way any Member of this Congress can stand before their constituents and justify a deficit this year of \$1.6 trillion

and defend or justify a spending program in which 40 percent of every \$1 we spend this year is borrowed. How can that possibly be called sanity? It is insanity. That is why every one of these people is telling us we have to change and why PIMCO, the largest bond company in the world, has said they are not buying any more American debt. They believe we need to get serious and make some serious changes.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. SESSIONS. I thank the Chair.

I will just wrap up by saying that is why I think the process planned for this week is unacceptable and I do not intend to support it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent that at 2 p.m. today, Senator PAUL be recognized for up to 1 hour for debate only; that following Senator PAUL's remarks, the Senate then proceed to a period of morning business for debate only until 5 p.m., with the time equally divided between the two leaders or their designees; further, that the final 5 minutes be reserved for the majority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I reserve the right to object and I will object at this time and would like to review that unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, under the unanimous consent request propounded by the Senator from Oregon, I will remove my objection. I will not object.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I and Senator CANTWELL be recognized now as in morning business.

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

#### OIL AND THE COMMODITY FUTURES TRADING COMMISSION

Mr. WYDEN. Mr. President, Senator CANTWELL and I were joined on May 11 by 15 other Senators who wrote to the Commodity Futures Trading Commission to request that agency, which has a key role in consumer protection, take immediate action to impose position limits on crude oil futures. We asked that they would act by Monday, May 23.

Position limits are limits on the number of contracts that a financial speculator can buy or sell at any given time. It is extremely important that consumers have this protection so we do not see these speculators increasingly dominate the market. As the Presiding Officer knows, we have a lot of folks who need gas to get to work and

get to school. We have trucking companies that depend on affordable fuel. We have restaurants that need fuel. They are all getting clobbered today.

Financial speculators who do not buy oil or consume oil are constantly pulling more of the oil out of the commodities market. What is so troubling about the approach of this key agency is they pretty much said they are not going to do anything soon. We have no sense of urgency. It is not a priority for them to try to tackle this issue. In fact, they are not even going to use their interim authority. They will not even use the interim authority they said they were going to use last year to protect the consumer at this crucial time.

This is particularly unfortunate because somehow they have reached the judgment that the only thing they ought to be moving on is to try to set limits as they relate to commodities generally. I can tell you, my phone is not ringing off the hook about the question of cocoa prices. The American people are not up in arms about what is going on in the cocoa market today. They are concerned about the fact they are getting clobbered on gas pricing. The fact is, 40 percent of the oil futures market is now dominated by financial speculators, and it is way past time for the Commodity Futures Trading Commission to act to tamp down excess speculation and its impact on higher prices.

Senator CANTWELL serves with me on the Senate Energy Committee. She has been a leader on this issue. She has constantly tried to blow the whistle on this practice of speculation. It is not the only reason gasoline prices are so high, but it clearly is a significant factor. If the financial speculators are taking so much of the oil and future oil out of the market to essentially hold this dominant position, that means there is going to be fewer opportunities for that person who is trying to get gas at the pump, the person who runs the restaurant, the trucking company, and why it is so important that we have position limits.

This is a crucial consumer issue. The Commodity Futures Trading Commission's refusal to act quickly is especially upsetting because this agency knows better. They know better. Yet they wrote to Senator CANTWELL and me and Senator COLLINS and colleagues that they were not going to do much of anything anytime soon.

In January of 2010, after holding three public meetings on fuel prices, the agency proposed to set position limits on four key energy commodities: crude oil, natural gas, gasoline, and heating oil. At the time, crude was around \$75 a barrel.

Congress was so concerned about the need to control financial speculation that it expanded the agency's authority to set speculation limits last July as part of the financial reform legislation. That legislation specifically directed the agency to set limits on non-

agricultural commodities such as crude oil within 180 days of enactment. That date has long passed. So rather than getting started on crucial protections for American consumers and businesses, the agency withdrew its January 2010 position limit proposal for energy commodities and basically started all over. It is inexplicable, in my view, that they would not even use their interim authority to take steps to help the consumer who is certainly going to be concerned about gasoline prices as we move into this Memorial Day weekend.

This past January, instead of issuing a final rule within the 180 days called for by the financial reform legislation, they issued another proposed rule. While it is certainly true Congress gave the agency expanded authority to set limits on multiple speculation holdings in the financial reform bill and not just future contracts, the result is there is not any limits at all. That is the bottom line for the consumer today.

Under the schedule proposed by the agency in January's recent proposed rule, final position limits are not going to be imposed until the first quarter of 2012, almost a year from now. That is what it is going to take based on the signals the agency is sending today, and at least one of the Commissioners at the agency, Bart Chilton, has pointed out that this is really contrary to the deadlines in the financial reform law.

We know most Americans walking on Main Street have not heard of the Commodity Futures Trading Commission, but that certainly does not diminish its role in overseeing the commodities markets. That is why I have been pleased to join with Senator CANTWELL and other colleagues to continue to press this agency to get out of the regulatory swamp and take steps to go to bat for the consumer and wring the excess speculation out of the oil market sooner rather than later. The agency was directed by the Congress to set speculation limits on more than two dozen commodities.

As I have indicated, I am sure setting position limits on commodities such as cocoa is important, but cocoa is not driving the American economy the way oil is every single day. Americans use about 19 million barrels of oil a day, and two-thirds of the price of a gallon of gas is the cost of the crude oil used to make it. So setting limits on speculation on crude oil is going to have an impact on the price at the pump. The American people and our economy cannot afford to pay the hundreds of millions of dollars a month in additional fuel prices that come out of their wallets while they wait for the Commodity Futures Trading Commission to act. The agency ought to get about doing what it proposed more than 16 months ago, and that is rein in speculation, the speculation that is driving up the prices at the pump. The agency ought to do it now, before more Americans face financial hardship.

The country is obviously entering into the peak summer driving season. That is why I and Senator CANTWELL and Senator COLLINS urged the agency to move, and move now. I wanted to outline the agency's history of foot dragging.

I see we are joined now by Senator CANTWELL, who has been our leader in this cause. I say to my colleague, I so appreciate her leadership. This most recent response that we received from the Commodity Futures Trading Commission shows once again no sense of urgency, no sense of priority, not even a willingness to use the interim authority that they could use to go to bat for the American consumer.

I want it understood I am going to do everything I can to be the Senator's partner in this cause until we get these position limits set and get these basic protections that our consumers deserve.

Mr. President, I yield the floor now that Senator CANTWELL is here.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Oregon for his stalwart attention to energy markets and to the concern that many west coast residents have over high energy costs. Senator WYDEN has long been a vocal critic of what's happened in some electricity markets, and trying to figure out what has happened with the oil markets and why the west coast pays higher gas prices than any place in the country. We still wanted to know why. People say we were an isolated market, and that is why we were paying the highest gas prices. Then Hurricane Katrina hit and our prices still went up, even though we were supposedly an isolated market.

So Senator WYDEN has long been a person coming to the Senate, fighting for the consumer, saying we should not be gouged by higher prices on energy.

Energy is the lifeblood of any economy. We know what manipulation looks like in the Northwest because we saw it with Enron. When our electricity markets were manipulated, everybody said it was the environmentalists not allowing us to construct new generating facilities. Well, when we finally exposed the audiotapes, we realized that it was just pure market manipulation. In fact, what we found out is that people were taking the futures market and basically making plays in the futures market while they also had the ability to affect the physical supply market and spot prices for electricity. So by combining those schemes with different things such as "Get Shorty" and "Fat Boy" and all of these names they came up with, Enron was able to convince utilities and various customers that the supply was tight and that they were going to have to pay more for electricity in the future and consequently they ought to keep paying these high prices. Well, thanks to a lot of hard work by a lot of individuals and ultimately the Department

of Justice, the Enron schemes were called for what they were—just out-and-out market manipulation.

My colleague, Senator WYDEN and I, screamed loudly about that situation and said we wished the Federal Energy Regulatory Commission would have acted a lot sooner on that issue, and if they would have acted sooner, we would have saved a lot of jobs in the Northwest. We would have saved a lot of industries. A lot of people lost their jobs, their retirement, their homes over those high electricity prices.

Thank God the result was such that we were able to pass new legislation in 2005, making it a Federal crime for anybody to manipulate natural gas or oil markets. I should say FERC has used that authority over the last several years to recoup millions of dollars from violations by industry officials who continued to perpetrate the same kind of scheme of going into the futures market and holding positions in the futures market and then taking physical supply and being able to affect the physical supply and demand.

So this is something that is amazing to us from the west coast. I know my colleagues, including Senator FEINSTEIN, Senator BOXER, Senator MURRAY, and I have all been on the same page. Senator MERKLEY has been a loud voice on this issue. We have been through this nightmare. That is why I have to say first and foremost that we find it appalling that someone would propose H.R. 1, or the Ryan budget, that would take away policing ability from the Commodity Futures Trading Commission on the type of activity that would allow them to properly regulate these markets.

We saw what happened. What we are so appalled about is it seems as though it is now happening again in the oil markets. In fact, we see today on the front page of the New York Times “U.S. Suit Sees Manipulation of Oil Trades.” So the commodities commission is finally saying now: Yes, we are looking at this case. And it should be no surprise what they actually see because it is the same shenanigans that happened in electricity, the same shenanigans that happened in natural gas, and, yes, the same shenanigans are happening in the oil markets.

That is the commodity agency that says in this case there was a close relationship between the physical oil price and the price of the financial futures which moved in parallel. So basically what happened is that in the oil futures market, these individual companies and traders took large positions. In fact, their positions were so big—and that is what Senator WYDEN has just described. If this agency would come in and set position limits, people wouldn't be able to come in and move the market in such a significant way. But at the same time, it is alleged that these companies actually had millions of barrels of physical crude oil and they actually had no commercial use for the oil. So here we have people buy-

ing the physical supply—again, to manipulate and help tie it into the futures market—when they don't have any commercial need for it. That is why it is so important to have the CFTC do its job and to interpret who are legitimate hedgers, such as airlines, farmers, people who actually need the physical supply, juxtaposed to these large institutions that are just coming in and moving the market.

So what is amazing is that at one point in time, what they had as far as physical supply—for somebody who didn't even have a commercial use, at least according to this New York Times article—was two-thirds of the excess barrels available at Cushing. So here is somebody who had the physical supply and was controlling two-thirds of marginal oil supply and then controlling the futures market. So they were basically making money on the upside and they were making money on the downside. That is what the CFTC is alleging in its case. I think it is one of the first cases in which a small group of traders are being charged in the potential role of manipulation of gas prices.

I don't have to tell the Presiding Officer how critically important this is. I have been home recently and paid \$4 a gallon for gasoline. Many people are starting what is soon going to be the summer driving season, and they are outraged at the price of gasoline. It is hurting our economy. People who have to commute to work every day, people whose businesses depend on reasonable fuel costs are getting gouged with these prices, and we have Federal regulators who need to be more aggressive at investigating these cases.

I will say I am very happy the Obama administration and the Department of Justice appointed a task force. That is exactly what we need. We need every Federal agency that has oversight of these markets, whether it is the physical market with the FTC or the CFTC and the commodities market, to work together with the Department of Justice to make sure these schemes are not continued to be perpetrated on the American public.

Our economy is too important to have this kind of activity continue to wreak the kind of havoc it has on our system. When we think about it, it is not as if we don't know what the scheme is. We have seen it time and time again with these other energy markets. So the question is whether we are going to be aggressive and make sure the CFTC has the tools it needs, which means not cutting its funding as the Ryan budget or H.R. 1 wants to do, and that it actually takes seriously its role and responsibility and starts setting position limits, starts the day-to-day activity, because the value Senator WYDEN and I are down here talking about, instead of this case that now is going to be investigated—how many days, months, and years did we live with the potential of higher fuel costs?

If this case is correct, how many days did we live with the higher cost, and

how long will the investigation take, versus if the CFTC was actually implementing the law and the rules we gave them and enforcing position limits? It would be policing the market on a day-to-day basis and preventing consumers from paying one dime or one penny more than they needed to pay for high fuel costs.

It used to be that these oil markets were for legitimate hedgers.

My colleague and I represent a very robust agricultural community. We grow lots of different products in the Northwest, probably over 200 different agricultural products. We depend on the commodities markets to hedge for the future. But that market was created, after the Dust Bowl devastated so many farmers, to give them a chance to legitimately hedge. Now, all of a sudden, it has been captured by these large financial institution players. It used to be that those who really needed to hedge, such as farmers and airlines, controlled 70 percent of the market. Now they are only 30 percent of the market. Seventy percent of the market is these large players, just as was described in this article—people who are out there basically using their financial weight to move the market in a direction that then they can sell on the futures market and benefit from it. It is outrageous. It is outrageous that our economy has to put up with this, that individuals have to put up with this.

I know my colleague from Oregon and I are going to be out here, and we are going to be loud and consistent until we have the rules and regulations in place to make sure these markets are properly policed. We don't have to wait another day. We don't have to wait 1 more day. The commodities commission could be doing this job. They don't need another legislative bill from us. They don't need another vote from anybody on the commission. They can use their emergency authority. They can implement these rules today and help consumers save on high fuel prices.

So I hope my colleagues will help us in this effort to bring up the issues and make sure the American public understands what is going on so we can bring the pressure to bear on getting proper regulation in place.

I thank the Chair.

Mr. WYDEN. Would my colleague yield for a question?

Ms. CANTWELL. Yes.

Mr. WYDEN. My colleague has made a very eloquent case with respect to how this hammers the people who need oil on a daily basis—farmers and truckers and restaurants. The Senator from Washington juxtaposed their position compared to the speculators. Those people have a lot higher tax rate, for example, than do the speculators. So there is one advantage after another that the speculators have over the people about whom my colleague and I are concerned.

Is it the understanding of my colleague that the next best step to help

those people and small businesses who need oil on a daily basis is to get the CFTC out of the regulatory swamp and to enact these position limits?

Ms. CANTWELL. Well, when we are paying \$4 a gallon for gasoline, we are affecting and impacting everybody who moves a product for business or anybody who commutes to work for any kind of distance. I know my colleague has probably heard, as I have, from a lot of small businesses that when fuel costs become the second largest expense, it is hard for them to continue to do business.

So my colleague is right. The CFTC could basically address this by just implementing the authority we gave them under the financial regulatory reform legislation we passed. That is all they have to do. Now, I would say to them that they already have the emergency authority. They have so many tools at their disposal.

I am glad they are investigating this case. I think this case is illuminating of the type of scheme that might include the details which are so familiar to my colleague and me of prior schemes and how people work them. But I would say that an investigation of these schemes is only going to go so far in helping the American consumer. If they take another 6 to 8 months to investigate these schemes, a lot of people are going to lose their jobs. So why not implement the rules they have right now, put them in place so we can protect consumers, and certainly don't pass legislation here in the Senate or in the House that is going to take away the ability to stop the kinds of activities that drive up higher gas prices by manipulation.

We want enforcement, we want it now, we want protection of consumers, and we will continue to be vocal about this issue. I thank my colleague from Oregon for joining me today to talk about this issue.

Mr. WYDEN. I thank my colleague. I think it is critically important that the Senate know we are going to keep the heat on, on this issue. Senator CANTWELL and I have tried to point out that the agency is dragging its feet. They could use their existing authority. We think the kind of shellacking the American consumers and our small businesses are taking is not right. We are going to continue this fight until they get the consumer protections they deserve.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### HEALTH CARE

Mr. BARRASSO. Mr. President, as you well know, I come to the floor each

week with a doctor's second opinion, and it specifically relates to the health care law, the law that was passed now over a year ago, with many promises made by the President, one of which was that if you like your coverage, you can keep it. We now know that is not the case, as he had promised. He also talked about this driving down the cost of health care. We have seen the cost of health care going up.

Last week, I came to the Senate floor and talked about something that is not known very well. It is a part of this law. It is called the so-called Independent Payment Advisory Board. I gave five specifics as to problems with this board. So today I wish to give another five specifics, and I think these are things every single American needs to know about the mandates that are part of this health care law and what is going to happen to them as more and more components and parts of this health care law are implemented.

People refer to this board as "IPAB"—not "iPod" but "IPAB"—and it stands for the so-called Independent Payment Advisory Board. But I will tell you, this is a Washington board. It is not independent. I believe it is going to be very harmful in terms of the health of the American people.

This board often goes unnoticed, and one of the reasons is it actually does not become operational until after the 2012 elections, until 2013. But it is an extremely powerful and extremely dangerous part of the President's health care law. It is a Washington board. It empowers 15 unelected and unaccountable bureaucrats, 15 full-time Washington bureaucrats, who will decide how Medicare's dollars are spent. These Washington bureaucrats will use basically price controls, and they will use price controls to ration medical care and services all across the country.

You remember, Mr. President, when then-Speaker of the House NANCY PELOSI said first you had to pass the bill before you got to find out what was in it? Well, now, as more and more Americans learn about this rationing board, they will again voice their opposition to the President's health care law.

I will tell you, I want to pick up today where I left off last week. I want to share with the American people an additional five things they need to know about this board.

The No. 1 thing today is the President wants to keep this board under the radar. He and his administration simply want to disguise the long-term impact this board's price controls will have on our seniors on Medicare. If he does so successfully, the patients on Medicare will be the big losers.

He wants to promise the American people that the board will achieve great Medicare savings, but he does not want to explain to the American people exactly what those Medicare cuts will do and how the American people will ultimately pay the price in their health care.

The President and Washington Democrats have historically supported policies giving government the power to set health care prices. Make no mistake, the President is using this Washington board as a Trojan horse to accomplish that goal. This is exactly why this board is not going to be set up until after the 2012 elections. The American people will not face the true impact of this board and the cuts it is going to have on their loved ones until after the Presidential election next year. The President's plan depends entirely on keeping the true purpose of this rationing board well below the radar.

Here is a second concern; that is, the opposition to the President's payment advisory board, interestingly enough, is bipartisan. Even members of the President's own Party know that creating a Washington board to cut Medicare payments and ration medical services is bad policy when it comes to our seniors.

Even Representative PETE STARK of California, the ranking member of the House Ways and Means Health Subcommittee, said in an April 19, 2011, New York Times article:

In its effort to limit the growth of Medicare spending, the board is likely to set inadequate payment rates for health care providers, which could endanger patient care.

There you have a statement by a member with ranking stature of the Democratic Party in the House.

Now let's take a look at what someone else said. She announced her support for legislation which would repeal the President's Payment Advisory Board. This is Representative ALLYSON SCHWARTZ of Pennsylvania. Actually, she is a strong champion for the health care law. She is also vice chairman of the New Democrat Coalition. She had a statement that came out on April 15, 2011—income tax day—saying:

Congress is a representative body and must assume responsibility for legislating sound health care policy for Medicare beneficiaries, including those policies related to payment systems. Abdicating this responsibility . . . undermines our ability to represent our constituents. . . . I cannot condone the implementation of a flawed policy that will risk beneficiary access to care.

Third, the President's payment advisory board sets prices and it gives Washington more power, not patients. In most cases, Medicare payments to doctors—and Members of the Senate from both parties understand this—are already well below market rates. That is why doctors often limit the number of Medicare patients they see. In more severe cases, doctors stop treating new Medicare patients.

Allowing a rationing board unlimited power to control Medicare prices is only going to drive Medicare payments lower, and it is going to drive more doctors away from seeing Medicare patients. My concern is the prices are going to be driven so low by this rationing board that the government will force doctors, hospitals, and other medical providers to stop offering any care to Medicare patients.

Random and punishing cuts to Medicare provider payments will not make this program any more efficient. It will not make people's health care better. But it will reduce the supply of medical care to our seniors on Medicare.

The Washington board's ability to set prices gives it unprecedented control over personal medical decisions, and that is wrong. Those decisions should be left to the patient and his or her doctor alone, without the interference of 15 Washington bureaucrats.

No Washington bureaucrat should ever have the right to stand between a patient and his or her doctor. At its core, the debate about the President's Independent Payment Advisory Board centers around a few questions: Do the American people want a Washington board of unelected people whom they do not know making their personal health care choices for them or do they want to have the freedom and choice to make their own health care decisions? Do they want Members of Congress, the people whom they send to Washington, to be able and to be held accountable—do they want those Members of Congress to explain exactly what spending cuts are being discussed and need to be made to ensure Medicare's solvency?

As we know, we all heard just last week, Medicare is going to be bankrupt even 5 years faster than it had been thought in the past. Interestingly enough—this is No. 4—President Obama doubled down on this, on the President's Independent Payment Advisory Board.

In his April 15 spending speech to the Nation, he doubled down on his commitment to this Washington rationing board. In the speech, he said he actually wants to give the Board more power to slash Medicare payments to providers. Apparently, expanding his rationing board is one of the only tangible proposals that the President has to reform Medicare and reduce the debt.

The American people sent us to confront our financial and fiscal crisis head on and to come up with solutions to solve the problem. They did not send us to cower behind boards and commissions and empty promises. They asked us to come to Washington with the courage, the strength, and the political will—the political will—to make tough spending decisions. Rather than stand up to the challenge, the President chose to go all in, placing his bet on 15 bureaucrats yet to be identified.

He asked the American people to trust him that this rationing board will squeeze out Medicare savings, at the same time, not impacting—he says—our seniors' access to medical care. But I do not think this is a bet our Nation's seniors should take or should be willing to take.

Finally, No. 5, members of my party, the Republicans, are working to repeal the President's Independent Payment Advisory Board. Senate Republicans are taking a stand against this rationing board, against more government

control. Senator JOHN CORNYN of Texas has introduced S. 668. It is the Health Care Bureaucrats Elimination Act. This bill repeals the President's Independent Payment Advisory Board, ensuring Medicare patients can get the care they need from the doctor they choose. I am proud to be a cosponsor, an original cosponsor of this piece of legislation.

That is why I come to you again on the floor with a doctor's second opinion, as somebody who, for a quarter of a century in Wyoming, has taken care of patients on Medicare—many patients on Medicare—to provide a doctor's second opinion that this health care law is bad for those patients. It is bad for providers, the nurses, and doctors who take care of those patients, and it is bad for the taxpayers.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

#### THE BUDGET

Mr. CORNYN. Mr. President, I am glad I was on the floor to hear the distinguished Senator from Wyoming's comments about the Independent Payment Advisory Board, which is Washington, DC, gobbledegook, which translates into a rationing board which is going to limit seniors' access to care, as he so ably described. I appreciate him talking about that. It is a topic I will raise in a moment as part of my remarks. But I wish to express my appreciation to him for his remarks.

My larger concern is about our budget, the Federal budget. As one of our colleagues across the aisle told the media this week, he said he looks forward to voting on the Republican budget. That may seem a little odd because this is the Senate and, actually, the Senate does not have a budget. The Budget Committee on which I serve has not met to consider a proposal by the chairman of the Budget Committee and we have not had a chance to offer amendments to vote on it and then for it to come to the Senate floor so we would have a Senate budget to vote on.

Of course, what he was talking about is, he is looking forward to voting on the House budget. But I would say the Senate has not considered a budget for 750-plus days. No family, no business, no one in America, certainly no State can operate in this sort of fiscally irresponsible manner, only the Federal Government.

Now where are we? We are spending 43 cents out of every \$1 in borrowed money—borrowed from our kids and grandkids. The fact is, a newborn baby, born into this world today, inherits \$46,000 in debt because we have not had the courage to meet this challenge as we must.

My colleague also said that is going to be one of the defining issues of 2012, which, by the way, is an election year. I guess what he means is, this is going to be an election issue. I think he is right but not for the reasons he suggested.

First, I wish to refresh everyone's memory. It was just in December of

last year that the President's own bipartisan fiscal debt commission gave us a report, and truly a blueprint, for what I think would be a responsible start to dealing with this debt crisis we find ourselves confronted with.

That report—again a bipartisan report—proposed \$4 trillion in deficit reduction over 10 years. The report said: Federal health care spending represents our single largest fiscal challenge over the long run. As the baby boomers—people such as me and the Presiding Officer—retire and get older, health care costs will grow faster than the economy. Federal health care spending threatens to balloon.

As if on cue, the Medicare trustees issued a report just this last month with even a starker warning. Medicare's trust fund will be insolvent in 2024—about 13 years from now—and the gap between the promises Medicare has made to seniors and its funding—or ability to fund or pay for those services—is about \$24 trillion. That is the so-called unfunded liability of Medicare.

Those estimates are, according to the Chief Actuary, an optimistic scenario, although it is hard to be optimistic about a \$24 trillion unfunded liability. But we also know there have been other ominous warnings both here at home and around the world. The International Monetary Fund, in a working paper last month, noted our potential debt crisis.

The S&P rating agency downgraded its outlook for American debt—in other words, our ability to repay those bills—from stable to negative. PIMCO, the world's largest bondholder, no longer is purchasing American bonds, choosing to purchase other types of investment. That ought to be a warning to us.

If we needed any reminder, even the Chinese Communist Party has given an earful to visiting Senators about our debt, of which they happen to own about \$1 trillion. But they are worried about the value of their own investment and, hence, as Admiral Mullen said, we ought to realize that because of that situation, debt is the single largest national security issue facing America today.

Despite these ominous warnings and even reports from the President's own fiscal commission and a bipartisan one at that, the majority—Senator REID—our friends across the aisle, simply are not taking the fiscal situation seriously. In fact, the majority leader was quoted recently saying: It would be foolish, foolish for the leadership of the other party that controls the agenda on the floor and in committees, it would be foolish for them to propose a budget.

The White House has shown twice this year so far that it is not truly serious about fiscal discipline. In February, the President proposed a budget that completely ignored his own deficit commission. It had \$3.7 trillion in new spending, \$1.6 trillion in new taxes, and an additional \$13 trillion in debt.

At the time the President released his proposed budget, there were a number of my colleagues who were very impressed by it. Some called it responsible, others credible, others said it was a balanced approach, a good blueprint, a step forward, a careful evaluation, a solid starting point, and many other compliments as well. President Obama was so pleased with his budget proposal that he called it “our Sputnik moment.” But, of course, we know his Sputnik failed to launch. None of my colleagues who heaped praise on the President’s proposal were willing to pass a budget resolution or even take up one and have it be considered and voted on.

So President Obama tried again in another big speech in April, when he was finally brought, unwillingly, to the debate on our budget and on our debt crisis. In that speech at Georgetown in April, he called for higher taxes as well as automatic tax increases that would kick in if certain conditions were met. He called for deeper cuts in defense spending. He invented a new 12-year budget window to disguise the large deficits that would otherwise appear if it were the traditional 10-year budget window.

Then the President, I think beneath the dignity of his office, verbally abused the very people who had the courage to propose an alternative. Then, of course, we have heard the attacks he started, which have continued, the false attacks that Republicans want to “end Medicare as we know it.” Well, I will say Republicans do not want to end Medicare as we know it. That is an intentional falsehood. That is a lie. Republicans do not want to end Medicare as we know it. We are simply trying to inject some cold, hard reality, as observed by the President’s own debt commission, by the Medicare trustees, and everyone else who has taken a responsible look at the problem.

What is that reality? Well, the reality is that Medicare as we know it will end unless we do something to fix it and to save it. My colleagues want to talk about ending Medicare as we know it. They have short memories because it was these very same colleagues who took \$½ trillion out of Medicare to fund ObamaCare. They injected the rationing commission that my colleague from Wyoming just got through talking about and which I will mention again in a moment.

Many seniors found out, as a result of the health care bill that passed only along a party-line vote—only Democratic votes in the Senate—that many seniors have already lost their access to Medicare Advantage.

Other retirees are seeing that their former employers have canceled their health care plans and found themselves dropped into the Medicare system. It has never been explained to me how we can possibly cut \$½ trillion out of Medicare which, as I said earlier, already has \$24 trillion in unfunded li-

abilities. So we are exacerbating—we are making those liabilities worse, not better—to fund a new entitlement program.

I would ask: Who has changed Medicare? Who has made it impossible for us to continue, under the present course, to keep that promise to our seniors? Why is it so important that we work together to try to come up with a solution to fix it? Just when we think the debate could not stoop any lower and people could not act any more irresponsibly, we are confronted with political ads already about Republicans rolling a senior off a cliff in a wheelchair.

I know the American people are smart enough to figure that out. They realize this is just an attack ad, and they are smart enough to look at the substance. But what we need is a real debate and a discussion and try to work together to try to solve our problems, not just sort of “gotcha” politics, the sort of thing people have come to loathe about Congress and Washington, DC—not people working together to solve problems but people playing “gotcha” and focusing only on the next election, not on the next generation.

My colleague from Wyoming talked about the Independent Payment Advisory Board, and I realize that is a mouthful. But it is bureaucratese, Washington speak, for an unelected, unaccountable group of bureaucrats—15 of them—appointed who will actually have the job of cutting payments to doctors and hospitals, which will have the practical impact of limiting seniors’ access to Medicare benefits. What good is providing coverage to our seniors if they can’t find a doctor or hospital to treat them?

Well, this is good old-fashioned—I should say bad old-fashioned—price controls, and they don’t work. We have seen that already in Medicare. In my State of Texas alone, about a third of the doctors already limit their new Medicare patients, according to the Texas Medical Association. So if you live in the rural parts of the State, it is hard to find a doctor. We know the price controls of this rationing board will make this trend worse and accelerate it, leading to longer wait times and harder-to-access treatment.

If the board forces our seniors to wait longer for the life-saving treatments they need, does that change Medicare as we know it? Well, it surely changes Medicare as people have come to expect it and deserve it. Yet the President has done nothing but double down on this rationing board. You heard in the speech he made in April—the one I referred to a moment ago—at Georgetown. He said we are going to extract, in the first 10 years another \$½ trillion in savings from Medicare, and in the second 10 years, another \$1 trillion—\$1.5 trillion sucked out of Medicare. I have to ask, what do you think that is going to do to people’s access to a doctor and a hospital?

That is the President’s framework. It is not a budget. It is not the numbers

we are accustomed to considering and voting on, but that is his proposal. If the President’s proposal to cut \$1.5 trillion out of Medicare in the next 2 decades doesn’t change Medicare as we know it, then I don’t know what does.

We know the House of Representatives has labored mightily to produce a budget—the so-called Ryan plan. Many colleagues on the other side relish the fact that they have stood back and waited for House Republicans to act responsibly to try to wrestle with these problems and confront them, to tell the truth to the American people about the problem, and then they tried their dead level best to meet those challenges and deal with them like responsible adults. What did they get? A kick in the teeth—attack ads on TV.

Well, this will allow us, under the House proposal, to fix Medicare and to save it. Right now, it is on the road to bankruptcy and oblivion and, for the reasons I have observed, and others, it will not work. There are some on our side of the aisle who may have some problems with the details of the proposed House budget. But the responsible answer to that is, let’s take up and pass a budget in the Senate and give Senators on the Budget Committee an opportunity to offer amendments that would improve it, if they can, and then bring it to the Senate floor and do what we get paid for—take on these hard problems, confront them, debate them, and then make the best decisions we can on behalf of the people we work for in our States and across the country.

I think some elements of the House budget have an awful lot of appeal. In fact, we have seen, based on the experience with Medicare Part D, the prescription drug plan we passed earlier in the last decade, by injecting some market forces and competition and transparency, we can bring down prices and increase the quality of services. In fact, the Medicare prescription drug plan has come in 46 percent below what it was originally expected to cost. That is an example we can learn from and can begin to implement in trying to bring down costs and yet not ration access to care.

Indeed, the premium support model is advocated by many Democrats and Republicans and is similar to how the Federal Government provides health insurance for Federal employees, including Members of Congress. If it is good enough for Congress, why isn’t it good enough to consider for American seniors? Do Republicans want to “change Medicare as we know it”? We want to save it, we want to fix it, and we want it to be there as a promise that we can keep, as opposed to one we cannot keep, because it is on a path to bankruptcy and oblivion.

Our friends across the aisle say: No, trust us, we are from the government, we will fix it. The way they want to do it is with Draconian cuts to doctors and hospitals that will limit people’s access to health care. We believe the



transparency and choice and competition that has worked in Medicare Advantage and the prescription drug program can work here as well. If people disagree with me, I respect their right to do that. But why aren't we having a responsible debate on the floor and voting on a budget, as opposed to the irresponsible rhetoric, attack ads, and the campaign already begun for 2012? I am talking about from the White House to the Congress.

I think some of my colleagues firmly believe in their heart of hearts—they have been listening to political consultants, and they say the way to win the next election is to scare the living daylights out of our seniors. I think that is irresponsible. People should resist the temptation to do that to win an election and keep their job. Indeed, I find myself in agreement with some of the comments made by President Obama himself last summer. He said:

We're not going to be able to do anything about any of these entitlements if what we do is characterized—whatever proposals are put out there—as the other party is being irresponsible; the other party is trying to hurt our seniors; or the other party is doing X, Y, Z.

I agree with that, but that is not what we are hearing across the aisle and on the airwaves of America. That was the President's message in 2010. It obviously has changed since 2012, since he began his own personal attack on the only responsible budget proposal that has been made in April.

Unfortunately, I think it is a prematurely begun election campaign for 2012. It is an abdication of our responsibility to engage in this sort of "gotcha" politics, without trying to take on and confront the problem. I don't think it is responsible to try to scare seniors for political points. But also I don't think Republicans should allow ourselves to be merely punching bags and let the other side negatively characterize our motives or the seriousness of the problem our country faces.

What we need is to resist the temptation to engage in this sort of gamesmanship and to try to do our dead level best to fulfill our oath and do our job as representatives of the American people. I think they would welcome that. But all we have seen so far is the attacks and the "gotcha" politics, which I think will do nothing but earn their contempt, and deservedly so. We can do better and we need to try.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Minnesota.

**Ms. KLOBUCHAR.** Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### THE BUDGET

**Ms. KLOBUCHAR.** Mr. President, I rise to discuss the budget. I have long believed we need to get serious about the deficit. I have been listening to my colleagues across the aisle, and I be-

lieve we have to be responsible in the way we do it. That is why a year ago I was one of a handful of Senators who fought for the creation of the fiscal debt commission. In fact, a number of us came together and said we are going to get this debt commission or we won't vote for the debt ceiling increase. As a result, while we could not get the statutory fiscal debt commission, we got the debt commission. A lot of people thought it would result in a report that would sit on a dusty shelf, but it has been well received, and it is the blueprint for a group of Senators who are negotiating a bipartisan plan for the budget.

Like everybody, I don't agree with every single recommendation in that report. But I have, in fact, supported the bipartisan effort. I think there are a lot of good things in that report and a very strong way to reduce the debt in the long term.

This week, we are scheduled to vote on the Ryan budget. If it wasn't already crystal clear, this vote will show that a comprehensive solution to our fiscal challenges cannot be achieved by drawing ideological lines in the sand.

When the Ryan budget was first rolled out, some hailed it as courageous. But I have to ask how it can be called "courageous" when it protects the \$4 billion a year we give to oil companies, it fails to address some of the military defense spending that even Secretary Gates has said could be cut. Instead the House passed its budgets on the backs of the middle class and seniors. In Minnesota, we don't call that courageous.

Before we get into the policy, we should step back and look at the numbers. According to the CBO, our debt is currently projected to reach 67 percent of GDP in 2022, but under the Ryan plan debt would actually reach 70 percent of GDP by 2022.

So despite \$4.3 trillion in drastic and painful cuts—two-thirds of which would come on the backs of the middle class—the plan barely reduces deficits at all over the next decade.

Despite the fact that the budget doesn't achieve what it sets out to accomplish in deficit reduction, leaders in the House continue to try to frame the debate in terms of numbers. That is because when you take their plan to the American people and ask them, "Are these your priorities?" and, "are these your values?" the resounding answer is, "no." The American people want a reasonable, bipartisan plan that addresses our serious challenges. That House Ryan budget is not the answer. What this debate boils down to is not where we need to get but how we will get there.

I believe we need to reduce this debt. I believe we can reduce that \$4 trillion in the next 10 years. I believe there is a much better way to do it than what we have seen in the Ryan budget.

It may look like this plan to end Medicare that they passed in the House is reducing health care costs, but it

only does so by ending Medicare as we know it.

This plan would gradually replace Medicare with a system of vouchers that seniors could use to help buy private health insurance. This would put private companies in control of health benefits and cause seniors to pay more for their health care or get fewer benefits.

Because the voucher will fail to keep pace with increases in the cost of health care, the Congressional Budget Office estimates that seniors and the disabled would pay sharply more for Medicare coverage under the Ryan plan—an average of \$6,359 more in the first year, more than double the cost under current law.

Defenders of this plan say it won't affect anyone who is over 55 and that Medicare will be available for them. Unfortunately, this isn't true. The Ryan plan would repeal the part of the health care reform law that closes the Medicare prescription drug "doughnut hole." This is the gap in coverage where seniors have to pay all of the costs of their prescription drugs. Currently, that number is a little over \$3,600. This would mean seniors would have to pay much more out of pocket for prescription drugs. In Minnesota, that would cost our seniors \$40 million in 2012 in additional drug costs alone.

I believe we must do all we can to rein in health care costs. Minnesota has always been a leader in providing low-cost, high-quality health care, and I believe we can be an example of how we can reduce health care spending, while still delivering excellent care to patients.

For instance, if the spending per patient with chronic diseases everywhere in the country mirrored the efficient level of spending in the Mayo Clinic's home region of Rochester, MN, Medicare could have saved \$50 billion over 5 years. Medicare could have saved \$50 billion over 5 years by using the Mayo model—some of the highest quality health care in the world. So, yes, there are ways we can better deliver health care not only for less cost but also for better results.

Medicare must continue to institute further reforms including the creation of the accountable care organizations, reductions in payments to hospitals with high readmission rates, bundled payments, and a focus on fraud. These reforms are meant to incentivize doctors and hospitals to provide high-quality, efficient care.

The radical changes to Medicare that are proposed in the Ryan budget are not solutions to our long-term debt. There is a way to get the country on a better fiscal path, one where you are not doing it on the backs of our seniors. You would think that if you were going to take such a drastic step as any Medicare as we know it, you would put most of the savings toward deficit reduction. Instead, the Ryan budget uses its \$4.3 trillion in savings for \$4.2 trillion in tax breaks that would disproportionately go to the wealthiest

Americans. Again, instead of putting that money into deficit savings, it disproportionately puts the money in the pockets of the wealthiest Americans. At the same time the House Republican budget is disproportionately targeting seniors and the middle class, it leaves the Pentagon—which makes up 20 percent of the budget—virtually untouched. Defense Secretary Gates himself has mapped out several smart cuts and alternatives we can make to the Defense budget to save a net \$78 billion over the next 5 years. In the spirit of shared sacrifice, I agree we should include commonsense cuts to defense spending to reduce the Federal budget.

Those are just some of the ideas. This basically comes down to value. Look what we can save. We can save \$240 million—\$240 million—simply by negotiating prescription drug costs under Medicare Part D—\$240 million over 10 years. We can save \$4 billion annually—that is \$40 billion over 10 years—by taking away the tax breaks of the oil companies. We can save \$78 billion with the defense cuts I just discussed. We can bring the tax rates back to the Clinton levels for people making over \$1 million. Even if we set it at \$1 million, we save \$360 million over 10 years. That is real money. That is a budget that is based on values that protect the middle class.

When I talk to the people of my State, they want a plan that has shared sacrifice, that is reasonable, and that is bipartisan. They want a balanced and reasonable approach. They want us to come together on a plan that will strengthen our country. I look forward to continuing to work across the aisle to make this happen. Unfortunately, that is not what this Ryan budget is about.

Mr. President, I yield the floor.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

#### CHANGE OF COURSE IN AFGHANISTAN

Mr. BAUCUS. Mr. President, I rise today to call for a change of course in Afghanistan. On May 1, a targeted strike by U.S. forces achieved a central goal of the war that began in Afghanistan nearly a decade ago.

The death of Osama bin Laden by no means ends the threat posed by al-Qaida or other terrorist groups. However, bin Laden's death provides an opportunity for Congress and the White House to assess a new strategy for keeping America safe and defending our interests around the world.

Today, I am calling for three changes to our strategy in Afghanistan. First, we must begin handing responsibility over to Afghan forces and bring most of our troops home by the end of next year. Second, we should focus on fighting terrorism, not nation building. Third, our efforts to keep America safe from terrorism should center on where

most terrorist threats come from, Pakistan.

The United States should not be doing the work the Afghans should be doing for themselves. The Afghans need to stand up and take responsibility for the security of their own country.

The President has announced this July will mark the beginning of a transition of security responsibility to Afghan forces. However, in my view, the transition plan is too slow. We need to begin handing responsibility of security to Afghan forces immediately and aim to have most U.S. combat troops out of Afghanistan by the end of next year.

We should leave behind only a small force necessary to hunt down and kill terrorists in Afghanistan and help the Afghan military perform their duties.

We Americans are fortunate to have the best military in the world. These brave men and women continue to do everything we ask of them. They have spent almost 10 years fighting in Iraq and Afghanistan. Many of our troops have spent multiple years deployed overseas, hiking over frigid mountains, traversing hot deserts with heavy loads on their backs, and spending years apart from their families. But we don't hear these troops complain. These Americans continue to serve and to fight and to die for a country we all love.

Seeing these troops in action during my visit to Afghanistan last year was truly remarkable, very impressive. Their unwavering commitment has come, however, at a great price. As of today, 1,219 troops have been killed in Afghanistan, 11,411 have been wounded, 9 Montanans have died, and 50 Montanans have been wounded fighting in Afghanistan.

These Montanans hail from small towns such as Hungry Horse, Darby, Shepherd, and Troy. Behind each of these fallen warriors are dozens of broken hearts in their families and communities. Thousands more will suffer their entire lives with post-traumatic stress disorder or traumatic brain injuries that have thus far gone undetected.

These brave troops continue to fight because we ask them to and because they love their country. I receive letters from their families all the time, like this one from Janice Roberts from Malta, MT. Janice writes:

Our 27-year-old son is being sent on a third combat deployment to Afghanistan. This is his second ordeal in less than a year. Our son has not even recovered emotionally or mentally from the last two deployments. Truthfully, the only people who care about what is happening to our young troops are the military families.

This letter is a reminder we have a sacred obligation to our troops and their families. Any mission we ask them to accomplish must be vital—absolutely vital—to America's national security.

It is time we demand the Afghans shoulder more of the load. Afghan po-

lice forces stand at 285,000. In 2010, the Afghan National Security Force grew by 70,000. We have spent 10 years training them. It is time for the Afghans to do the job we have trained them to do.

As we draw down in Afghanistan, the Afghans will have to step up. As we withdraw, they will have the task of governing their own country. The Afghans will develop Afghan solutions to Afghan problems, and that is the way it needs to be.

Second, we need to invest more in killing terrorists and less on nation building. The raid that killed bin Laden relied on years of perseverance by intelligence officers, expensive surveillance technology, and the best special operations forces on Earth. We need to continue to make investments in these capabilities to see that other terrorists face the same fate as bin Laden.

As we invest more in counterterrorism capabilities, we do so knowing full well we are facing enormous challenges at home. The U.S. Government's total debt exceeds \$14 trillion.

Mr. President, I ask unanimous consent to proceed for another 5 minutes, and I will not ask for another extension.

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

Mr. BAUCUS. I thank my good friend for being so helpful.

The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, described the U.S. debt as the "biggest national security threat." Since September 11, 2001, we have spent over \$1.2 trillion in Iraq and Afghanistan. Just think of that—\$1.2 trillion. Every month we spend \$10 billion in Afghanistan. This is roughly \$1 out of every \$7 we spend on defense. This level of spending is simply not sustainable. We should focus on the core mission that led us to Afghanistan to begin with, and that is keeping America safe from terrorism.

Finally, and most important, our fight against global terrorism must begin to focus on Pakistan. In 2008, then-CIA Director Michael Hayden said:

Let me be very clear today. Virtually every major terrorist threat that my agency is aware of has threads back to the tribal areas of Pakistan.

A State Department report last summer reiterated this assessment and found that "al-Qaida's core in Pakistan remained the most formidable terrorist organization targeting the U.S. homeland."

We have invested enormous sums to build an effective partnership with Pakistan to fight terrorism. Since 2002, the United States has provided over \$18 billion in foreign assistance to Pakistan—the highest of any other country in 2009 except Iraq and Afghanistan. Yet it is no secret that Pakistan plays a double game. Osama bin Laden's hideout location raises serious questions.

I recently called upon Secretary of Defense Gates and Secretary Clinton to

take a hard look at whether Pakistan is doing enough to find and kill terrorists in its own country. I will not support providing funding to Pakistan until I view this assessment. I am gravely concerned about the commitment of Pakistan's military intelligence services to fighting terrorism.

During a visit to Pakistan last year, I made it clear to President Zardari and General Kayani that Pakistan must do more to eliminate safe havens within their own borders. We cannot accept excuses; we need results. Without progress in Pakistan, we cannot succeed in Afghanistan. But the sad irony is that our large troop presence in Afghanistan actually makes it harder to press Pakistan to crack down on terrorists and militants.

Most of the fuel, food, and ammunition for our troops in Afghanistan is imported through Pakistan. As long as we depend on the Port of Karachi for our supplies, we have limited leverage on Pakistan to force an end to this deadly double game. To effectively defend our Nation against terrorism, we need to begin withdrawing from Afghanistan and focus more on Pakistan.

Our military can do almost anything we ask it to do, but it can't do everything. To meet the growing challenges around the world, we need to start bringing our troops home from Afghanistan this July and complete the withdrawal by the end of next year. We need to work together to make the 21st century the American century—to focus on jobs, improving education, rebuilding roads and bridges, and making the American economy the best place to do business in the world.

The death of Osama bin Laden marks a turning point in history. We must take advantage of this opportunity to chart a new course in Afghanistan. I salute the brave men and women who made this day possible and who continue to serve overseas.

My thoughts are with the hundreds of Montanans serving in the Armed Forces. May God bless America and may He keep our brave troops safe.

Mr. President, I again thank my friend for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 1 hour.

Mr. PAUL. Mr. President, I come to the floor today to speak about the PATRIOT Act. I think it is a shame we are not going to be debating or having any votes on this act, particularly since it was promised by our leadership.

I would like at this time to yield the floor to my good friend, the Senator from New Mexico, if he would like to make a few remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me just say to my colleague from Kentucky, Senator PAUL, I very much appreciate his yielding a little time, and I am looking forward to

hearing some of his statements on the PATRIOT Act. I know this is an issue that is close to his heart.

I served with his father in the House, and I know he was very passionate on this issue. I know it is an issue on which the Senator from Kentucky campaigned and about which he has great passion, and he has brought that passion to the Senate floor. So I very much appreciate that and would like to work with him.

First of all, when we call it the PATRIOT Act, I put that in quotes and call it the so-called "PATRIOT Act." This is not a patriot act. Patriots stand up for the Constitution. Patriots stand up for the freedoms and liberty that are embodied in the Constitution. I think true patriots, when they are public servants, stand up and do what is right, even if it is unpopular.

One of the things I talked about a little earlier today was how the PATRIOT Act became law. I was over in the House of Representatives, serving with the father of the Senator from Kentucky, and I remember well what happened on 9/11 when the planes went into the Twin Towers in New York, and then shortly after a plane was coming into the Pentagon in Washington, and how we were all horrified at this incident and what had happened. What transpired on this legislation, this bill that later became law, the so-called PATRIOT Act, is everybody became so concerned that they decided we, the institution, the Congress, could not debate it; we had to just pass legislation we had not even read. So we did not have committee hearings. We did not bring in all the people who normally would be brought into the process, who understand the Constitution. We didn't do any of that. Within a matter of weeks after 9/11, we brought a bill to the floor of the House of Representatives without the normal preparation, and basically everybody was told we just need to pass this.

I remember one Senator—one Representative at the time—waving a piece of paper and saying: There is only one copy of this on the floor, and it is hot off the press. He had a piece of paper from the Xerox machine that was still hot. Those were the circumstances in which we voted, and that is how we got the so-called PATRIOT Act.

What has happened since then? Senator BAUCUS, my colleague here from Montana, talked about the capture of Osama bin Laden. We have been in Afghanistan, we displaced the Taliban government, we eliminated the training camps, we decimated al-Qaida, we captured bin Laden. We have done all these things, but one thing we have not done is come back and revisit the PATRIOT Act, taken a really hard look at it to say is it working or is it not and allow all the Senators here the opportunity to offer amendments.

I know the Senator from Kentucky has several amendments he would like to offer. I have an amendment that really focuses on what has happened

here today—in the last couple of days. We had an extension. We thought we were going to have debate. Because of the gridlock and everything that goes on here, we got jammed up. My amendment would say, let's not extend this for 4 years without open debate. It would say, let's take 3 months, do another extension, and really focus on the idea that when that 3 months is up, we are going to be allowed the time to have debate, to have discussion, to have very knowledgeable individuals who serve on the Judiciary Committee—I believe the Presiding Officer serves on the Judiciary Committee, others serve on the Judiciary Committee and have the expertise—with all that expertise come to the floor. I am on an amendment with Senator LEAHY which is a good, solid amendment that has to do with various aspects. I hope we can get that to the floor. We all have amendments, but we are jammed up in this process now. The amendment I would propose is that rather than 4 years, for 3 months what we do is organize ourselves so we can come back, we can have the debate, we can have an open amendment process and then move on to whatever we move on to. But at least the Senate will have worked its will.

We are told over and over—and I always heard it in my civics class—that the Senate is the greatest deliberative body. If we are a great deliberative body, we have not focused that deliberation on one of the most important aspects of our society; that is, our liberty and our freedom that is enshrined in the Constitution.

I find it a little ironic, in a way, the contrast we have today with the situation in the Middle East. We have many of these countries where the people of those countries are striving for more freedom, striving for more democracy, and we are supporting that effort. President Obama and many Members of the Senate, many Members of Congress are saying we think this is a good idea, that there is a striving for more freedom. But here on the floor of the Senate, we are not willing to analyze what this so-called PATRIOT Act has done to our freedom in the United States.

This is not just my view. There are some independent views as to why the PATRIOT Act needs to be examined, why the PATRIOT Act needs this open debate, needs deliberation. In March of 2007, the Justice Department inspector general came out and took a look at the PATRIOT Act process and the national security letters. As the Senator from Kentucky knows, a national security letter doesn't have court supervision. The FBI can issue a national security letter—an official in the FBI—without that kind of supervision. The inspector general concluded there was some serious abuse within the Department of Justice as to how the FBI and other officials were using national security letters. I put that information from an inspector general in the RECORD earlier this morning. It highlights serious problems. We have not

looked at that. We have not debated that. We have not allowed amendments on that national security letter. I think the Senator from Kentucky has one on that, which he is going to be talking about in a little bit.

Second, an independent branch of our government—the courts—has looked at the PATRIOT Act. Several courts have found provisions of the PATRIOT Act unconstitutional in terms of the fourth amendment, in terms of the first amendment, and many of those decisions are working their way up through the courts. It is only prudent that we, as the Senate, take a look at those rulings, analyze what the courts are saying, and then come back to this so-called PATRIOT Act and see whether we need to make changes based on what the courts have told us. We have those rulings. We have not taken a look at them.

We are at a point where we need deliberation. I very much appreciate the Senator from Kentucky speaking out on this issue.

Benjamin Franklin used to talk about our freedom and liberty that was in the Constitution, and I am paraphrasing here, but he would say that those who would sacrifice liberty for security deserve neither. That is a very powerful statement by one of the Founders of our democracy.

With that, I thank the Senator from Kentucky for yielding me time, and I look forward to hearing his comments on the floor and look forward to working with him so we can get an open, deliberative process here that will really serve America and move us toward the deliberative process I think we all want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. PAUL. I thank the Senator for his comments. I think what this shows is that it is a bipartisan effort that says we should protect our Constitution. Those on the left and those on the right who believe in the Constitution believe it should be protected. That brings together some of us who may not necessarily agree on all other issues, but when it comes to the Constitution, when it comes to the basic Bill of Rights, we are concerned both on the right and left, on the Democratic and the Republican side. The problem is that those of us who are concerned with the Constitution are in the minority of both sides, so we are being quieted down, we are being told to sit quietly in the back of the room and don't make waves. We want to have a debate over the PATRIOT Act because we are concerned about our liberties. We are all concerned about terrorism too, but we don't think you have to give up your liberties in order to combat terrorism.

On February 15, we extended the PATRIOT Act for 90 days. During that time and on the Senate floor on February 15, we were promised a week of debate, and we were promised an open

amendment process. We are now amidst a process where we will have no debate and no amendments. Do we fear terrorism so much that we will not have debate? Do we fear terrorism so much that we throw out our Constitution and are unwilling and afraid to debate our Constitution? I think it is a sad day that we can't do that. Are Senators afraid to vote on the issues of the day, afraid to debate the Constitution, afraid to have an open forum and debate whether the PATRIOT Act is constitutional? I think this does a great disservice to the voters.

They talk about this being the world's most deliberative body. We are unwilling to deliberate. We are unwilling to have questions broached as to whether the PATRIOT Act is unconstitutional. We have had 99 days since we extended it, 43 days in session, and we have had 56 votes. What does that mean in the context of things? We are setting a record for the least amount of votes ever to occur in the Senate. There are some important questions we should be debating, but unless it is a forgone conclusion, unless they have counted the votes and decided the outcome before we have the debate, we are precluded from debating.

Wendell Phillips, the great abolitionist, wrote, "Eternal vigilance is the price of liberty." The PATRIOT Act is a perfect example of how a lack of vigilance leads to loss of liberty.

In the aftermath of 9/11, we amended the Constitution with the PATRIOT Act. You say: Whoa, we didn't have an amendment to the Constitution, did we? We did not do it the way we are supposed to, but we did in reality amend the Constitution with the PATRIOT Act. How did this happen? We were fearful. Mr. President, 9/11 had happened, and we wanted to stop terrorism. All of us want that, but do we have to give up our constitutional liberties in order to do that?

How did the PATRIOT Act change the Constitution? How did the PATRIOT Act change the fourth amendment? In the fourth amendment, it says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The PATRIOT Act changed this. The PATRIOT Act changed the standard from probable cause, which is a long-standing position and standard within the courts which limits the police from coming into your house unless there is probable cause that you have either committed a crime or are in the act of committing a crime—we changed this to a standard we now call relevance. But that is changing the Constitution.

How do you change the Constitution by majority vote? It is supposed to be a supermajority in both bodies. Then it is to go back and be ratified by three-

fourths of the States. It is supposed to be difficult to change the Constitution, difficult to amend the Constitution. Why? Because we thought some of these rights were so important that we should not allow a majority to change them. Those of us who own guns and believe in gun ownership think the second amendment is protected from a simple majority taking away the second amendment. Likewise, the first amendment—those of us who prize the ability of the press to print and to respond and to hold beliefs, however unpopular, those of us who wish to have a country in which religion is not hampered and we can say what we believe and not have it hampered by the government, we don't believe a majority should take away these rights.

But a majority did take away part of the fourth amendment because we changed the standard of the fourth amendment from probable cause to relevance. So if they want to look at your records, they just have to say it is relevant. They don't have to say you are a terrorist. They don't have to say you are a foreigner. They don't have to say you are conspiring with anyone. They just have to say they have some interest in your library records.

How often is this going on? There is something called suspicious activity reports. Some of this was started before the PATRIOT Act, some of it is separate from the PATRIOT Act, but much of it was emboldened by the PATRIOT Act. The suspicious activity reports are where your bank spies on you. You may not know this is happening, you may not even know if they have spied on you, and they probably won't tell you. But if you made a transaction that involved more than \$5,000, you could well have been spied on by your bank and reported to the government.

Some people say: I am not doing anything wrong; I don't care if they look at my records. Here is the thing: If you look at my visa bill, you can tell what doctors I go to. If I see a psychiatrist and I don't want everybody to know it, that may be on my Visa bill these days. What magazines I read is on my Visa bill, what books I order from Amazon or another bookseller from the Internet, whether I drink alcohol, whether I gamble. There is a lot about your life that is involved in your financial records, and I think they do deserve protection and we do deserve a standard where we don't say, well, it might be relevant, or, we might just want to troll through all these records to see if anybody might be committing a crime.

This one is even worse than many of the other aspects because the suspicious activity reports do not begin with the government asking any questions. They tell your bank to watch you. Your bank is to watch you and to watch all of your transactions and to report to the government. So they have force.

You say: Maybe they are only reporting terrorists. Since 2001, since 9/11, 8

million suspicious activity reports—8 million—have been filed. Over 1 million of these are filed a year. The thing is, you could well ask for a Freedom of Information Act inquiry and ask whether you have been investigated by your government for your transactions.

My point is this is an invasion of your privacy. It does not have any judicial restraint upon it. And the other thing is, it may not even be good for finding terrorists. It may be they are getting so much information they cannot even read or listen to all the information. It is kind of like what they are doing at the airports. Because they insist everybody be searched and everybody be patted down, we are patting down 6-year-olds. A little girl in my town—her dad is a physician and practiced with me at my same practice—was patted down where they are putting their hands inside her pants. This is absurd—6-year-old girls.

The thing is, by doing that, they are wasting time on people who will not be attacking us and spending less time on people who will be attacking us. It is the same with banking records. If they are looking at your banking records, they do not have the time to spend looking at records of people who possibly would be attacking us. Eight million records have been looked at—no judge's order, no judicial review. This one is not even reviewed by anybody in government. They are giving this power carte blanche to banks, and they are telling the banks: If you do not spy on your customer, you will be fined. They estimate that \$7 billion a year is spent by banks complying with this order to spy on their customers.

The thing is, we are having trouble in our economy. The banks are struggling. The economy is struggling. We are having trouble with jobs. And yet we are going to add \$7 billion of costs onto the banks to spy on their customers.

Might there be an occasion where a bank transfer or bank activity could be a terrorist activity? Yes. If we are investigating those, let's ask for a warrant. You say: It will be too slow. We never get it. Warrants are almost never denied. There is a special court set up for the investigation of intelligence. It is called the FISA Court. It has been around since the 1970s. Before the PATRIOT Act, the FISA Court never turned down a warrant.

You say: These people are awful; we have to get them off the street. It doesn't matter, I don't want any restraint; I just want it done.

Unfortunately, that has been the attitude of the people up here and a majority of people after 9/11. The people were so frightened that they said: Do anything, I don't care.

The problem with that attitude is, even if you want to argue that has not been abused yet, what happens when people are elected to your government who decide they do not like your religion or you believe in a certain kind of marriage, and you want to say this and

they want to investigate you? There is no step to stop that. There is no step to say: Your church believes in this unorthodox belief or this belief that we do not call politically correct or it is no longer acceptable, but we want to investigate the banking records of the church and see if we can take away their IRS number or tax exemption. If you do not have any restraint to these activities, someday we will get a government that has no restraint and then goes forward to say: We want to get that church shut down because that church is saying something we disagree with or these people are reading these books we do not like.

This goes across the party aisle. The Library Association is concerned with this also, that people's books are being looked at. Think about it. Do you want the government to know what books you read? Do you want to be on a watchlist because of the books you read?

They say: Oh, there are provisions. We have made provisions. That will not happen.

The only way you have a real provision or protection is if you have procedural steps that say someone must review this before it happens.

If we have someone who we think is terrible and they need to be off the streets, if they are accused of rape, accused of murder, accused of robbery, accused of the most heinous crimes we can think of, and it is 2 in the morning, we call a judge and we get a warrant. It is almost never turned down. But it is one step removed from the police breaking down every door of every person they suspect and not having any kind of discussion with someone who has a level head, who is not part of the investigation.

Many up here will say we are in grave danger. If the PATRIOT Act expires, all things could happen and terrorism could break loose. What they are arguing, though, is that there is a scenario where we would not get warrants to investigate terrorism. That never existed. Before the PATRIOT Act, we were not turning down these warrants.

Some have argued that Moussaoui, the 19th hijacker—he was captured a month in advance of 9/11—many have said that if we only had the PATRIOT Act, we could have gotten him. That is untrue. There is a provision called the lone wolf provision in the PATRIOT Act, but we did not get Moussaoui because we did not do our job. We did not communicate well. The superiors to the officers and the FBI agents in the field did not even ask for a warrant. They turned down a request for a warrant without even asking the FISA Court for it.

We have the 19th hijacker a month in advance. We have his computer. When we do look at his computer on 9/12, we link him very quickly, within a matter of hours, to all the other hijackers. It is easy in hindsight to say we could have stopped 9/11, but to tell you the

truth, we have to look at the rules and say: Could we possibly have gotten that information? The answer is yes.

The FBI agent in Minnesota wrote 70 letters to his superiors. The FBI was told that Moussaoui was possibly an agent of terrorism. The French Government confirmed it. That was all we needed. With that information, had they gone to the FISA Court, they would have gotten a warrant. When the 9/11 Commission report came out, they acknowledged as much. Moussaoui's warrant, in all likelihood, would not have been turned down, and there is a possibility we would have stopped it.

The suspicious activity reports are particularly galling because they are businesses that are forced to spy on their citizens. There is another form of spying that goes on as well. These are called national security letters. These are like warrants. They go after your banking records, such as the suspicious activity reports, but they are a little more targeted in the sense that the government is asking for an NSL. But it is not a judge who asks for an NSL. The person who asks for an NSL is an FBI agent, essentially a police or law enforcement agent. The danger here is that we have removed the step where the police officer or the FBI agent would then ask for permission from a judge. That is my problem with these national security letters.

Some say: We are not doing that many of them. Initially, we were not. Now we have done over 200,000 national security letters. One of my reforms, if it were to take place, would be to ask judges to review these. I see no reason why they should not review them.

Some have said: You have no expectation of privacy. The courts have already ruled that you have no expectation of privacy in your papers or electronic records. This is the way it has been interpreted, but I think it has been misinterpreted. I think it has been interpreted that your banking records do not deserve privacy when they are not in your house, and I think it is an incorrect interpretation of the fourth amendment. The fourth amendment says that in your papers, you are to be protected. It does not specify those papers are in your possession or in someone else's.

At this time, I yield the floor to my good friend from South Carolina.

Mr. DEMINT. Mr. President, I thank Senator PAUL. I came down to the floor to thank him for bringing up a number of issues of concern and being willing to stand here and tell America what those concerns are.

I also respect his demanding the opportunity for debate and for amendments of such an important bill. It is extraordinary, particularly after the majority leader had promised in February that the PATRIOT Act renewal would get a week of debate with the chance to offer amendments. After a couple of weeks of doing absolutely nothing on the Senate floor, Senator PAUL and others were denied the opportunity to offer amendments that would

have brought up legitimate debates about the PATRIOT Act.

There are a number of things a lot of us would have liked to have learned more about, heard some of the arguments we have heard from Senator PAUL today. Unfortunately, that has been limited to a relatively small amount of time. It is, frankly, stunning to me that the majority is actually willing to let the PATRIOT Act expire rather than give Senator PAUL a few amendments. That is an extraordinary situation for the Senate that considers itself the world's greatest deliberative body when one of the most important pieces of legislation we could consider is jammed up against a break with no opportunity for amendment.

I do not want to interrupt Senator PAUL's flow because I think a lot of the things he is talking about are important that we consider. Unfortunately, they will not be considered. It does not sound as if his debates will be allowed and for the amendments to be considered. It sounds as if what they are going to try to do is blame him for us voting late or early. But I commend Senator PAUL for standing for good judgment and common sense on a matter of this importance. Whether we agree or disagree with all the amendments is not the point. It is too important to be handled this way.

I will allow Senator PAUL to continue, and I yield the floor. I thank him for what he is doing.

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

Mr. DEMINT. Yes, I will.

Mr. PAUL. Mr. President, not only are we not debating the PATRIOT Act, but does the Senator from South Carolina think we have given sufficient floor time to amendments and proposals as to how to deal with the debt problem?

Mr. DEMINT. Mr. President, I think the Senator from Kentucky knows the answer to that question. Some of us have reserved time between 2:30 p.m. and 3:30 p.m. for some give-and-take and some debate on the floor about the budget votes that will be this afternoon. But that time was canceled by the majority.

We have an impending debt that everyone in the world, except for those inside this body, seem to understand. We are in trouble as a country. The majority has not produced a budget in over 700 days, I think it is. At the same time, we are trying to negotiate how we will move forward on this huge important point of raising the debt ceiling which none of us want to do. We are avoiding the subject of balancing the budget. The majority leader has said these kinds of issues are off the table.

It is very frustrating, whether it is the debt ceiling, whether it is the PATRIOT Act and our homeland security, that we are spending weeks doing nothing, bringing up, in some cases, controversial judges who should not have been nominated in the first place,

spending day after day of floor time and not bringing up important issues. We are all concerned. I know America is concerned.

Again, I thank Senator PAUL very much for the willingness to bring out the point that we have something here that is very important to our security, to the privacy of every American. It needs to be vetted, debated, and amendments need to be offered. Yet this has been denied after a promise. I certainly encourage the Senator to continue. I thank him for his courage.

Mr. PAUL. Mr. President, one other question is, we will not all agree necessarily on the PATRIOT Act. The thing is, even for those who feel it is important it not expire, why would they not consent to some debate? I have asked for three amendments, three votes. We could do them in the next hour. We could debate and have this time and there would be no expiration of the PATRIOT Act for those who think it expiring is a problem.

Mr. DEMINT. Mr. President, as the Senator from Kentucky knows, he has 11 amendments he wishes to have considered. He was willing to compress the time so we could do that expeditiously. They would not agree to that. Senator PAUL is willing to compromise to three amendments. It sounds as though they do not want him to offer those amendments because, frankly, they do not want to take a vote on some of them that may expose what they believe. It is a frustrating situation for Senator PAUL. As our majority friends over here like to do, they cause the problem and try to blame it on us. As the Senator said, within a few hours, this could be decided and over. We could pass the PATRIOT Act. Folks could vote for or against what they want. We could send it to the House, and it could be done. It does appear the majority is willing to let this important legislation lapse just to stop the Senator from Kentucky from offering a few amendments. That is an extraordinary situation.

Again, I thank the Senator for yielding. I appreciate him getting this debate out on the floor.

Mr. PAUL. Mr. President, I do not quite grasp why they are so fearful of debate and fearful of votes, that they are willing to let the PATRIOT Act expire to prevent debate and prevent votes. The sticking point turns out to be an amendment basically on preventing gun records from being sifted through under the PATRIOT Act. People say: Well, what if someone—a terrorist—is selling guns illegally? Couldn't we get them? Yes, we could get them the way we get everybody else: Ask the judge for a warrant. Judges routinely do not turn down warrants. It worked for us for 225 years, until the PATRIOT Act, when we had a process, the fourth amendment, protecting us from an overzealous government. But it also worked to catch criminals.

At this time I yield the floor temporarily to my good friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I thank the distinguished Senator from Kentucky for standing up for the fourth amendment principles he has articulated today.

This is an important issue to all Americans. Americans are at once concerned about our national security. They want to make sure we can identify and apprehend those people who would harm us. At the same time, Americans are firmly committed to the idea of constitutionally limited government—the concept that regardless of how passionately we might feel about the need for certain government intervention, we can't ever allow government to be operated completely unfettered. We have liberty in place whenever government is controlled by the people, and whenever there are certain things that are beyond the reach of the government.

Senator PAUL has helped identify some key areas of concern that have been implicated by the PATRIOT Act. He has suggested that we ought to at a minimum have a robust debate and discussion over some amendments that might be proposed to the PATRIOT Act before we proceed. Three months ago we had a discussion, we had a vote, and there were a few of us who voted against the PATRIOT Act—not because we don't love America, we do. We want to protect America. We voted against it because we love America, because we believe in a constitutionally limited government, because we want to make it better. We want to make this something that can at the same time protect Americans but without needlessly trampling on privacy interests, including many of those privacy interests protected by the fourth amendment.

Bad things happen when we adopt a law without adequately discussing its merits. Years ago, when the PATRIOT Act was adopted, there were a number of people who raised some of these privacy concerns. For that and other reasons, Congress made the decision way back then—almost 10 years ago—to adopt the PATRIOT Act and adopt certain provisions of it subject to some sunset provisions so that Congress would periodically be required to debate and discuss these provisions. It does us no good if every time it comes up we are told we have to vote for it or against it; we can't really debate and discuss it or consider amendments to it.

We were told 3 months ago that at the end of May—and we are now here—we would have an opportunity to debate, discuss, and consider amendments. That opportunity has now been taken away from us and with it the chance to address many of these important privacy implications, many of which do implicate the fourth amendment in one way or another.

Senator PAUL has referred to some of them, including some of the implications of the national security letters



which, while not directly implicated by the expiring provisions at issue right now, are inextricably intertwined with other issues that are in front of us, including those related to section 215 orders and including the roving wiretap issue that is up for reauthorization.

So I speak in support of the idea of robust debate and discussion, especially where, as here, it relates to something that is so important to the American concept of limited government and so closely related to our fourth amendment interests. We ought to have robust debate, discussion, and an opportunity for amendment.

I thank Senator PAUL for his leadership in this regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. When we look at this debate and we talk about exactly where we should go from here and why it is important, it is important to look at the PATRIOT Act and say to ourselves: How do we protect our Constitution if we are not willing to protect all parts of it? So many conservatives are avid for the second amendment. I am one of them. I want to protect the second amendment. But I tell those who want to protect the second amendment that they can't protect the second amendment if they don't believe in the first amendment. If they don't believe in the first amendment, they can't have that voice that it will take. If they want to place limitations on groups that advocate gun ownership under the second amendment, that will limit the second amendment. But, likewise, they cannot protect the second amendment if they don't believe in the fourth amendment.

There is no reason we should allow a government to look at our gun records and to troll through all of them. If a government thinks someone is a terrorist, name that person, name the place, and show probable cause. Do we want to allow government to troll through our records? The government has looked at 28 million electronic records—28 million. They are just sifting through all of our records looking for what. I want them to catch terrorists, but I want them to look at the Constitution with some restraint to say this person is a terrorist or we suspect him to be so, for this reason. We need not be so frightened that we give up our liberty in exchange for security.

Some would say our government is full of good people who would say: I have not done anything wrong, and I don't have to worry about it. We are not worried about good government; we are worried about bad government. Jefferson said once upon a time if all men were angels, we would have no concern for constitutional restraint. But there have been times in our history and in the history of other countries where unsavory characters, where despotic characters have won election.

When Hitler was first elected in the 1920s and early 1930s, he was elected popularly. The thing is, they were so mad and upset over World War I that

they basically traded. They said: We want a strong leader. Give us a strong leader. But if we have rules that allow that strong leader to grab and do things, that is the real danger. At a minimum now, the danger is—it is a great danger to us if we allow this to go on if we get a despotic government at some point in time.

We are not worried about good people in government. We are worried about people who might be elected who would abuse these powers. It has happened. Look at what happened during certain administrations where people looked at IRS records of enemies. Look at what is happening now where the executive branch is looking at donor records for those who do business with government. If you are a contractor and you do business with government, they want to know who you donate to.

There are dangers to allowing the government to snoop through our records. It doesn't mean we don't want to stop crime, we don't want to stop terrorism. It means we need to have a rule of law, and we need to pay attention to the rule of law.

We proposed several amendments. One of them went through the Judiciary Committee. It was deliberated. It was amended. It was passed with bipartisan support, but we won't get a vote on it. It disappoints me that they are afraid to debate this on the Senate floor, and we will get no vote on amendments that were offered seriously to try to reform the PATRIOT Act to take away some of the abuses of it.

We offered three amendments to the PATRIOT Act. One was on the gun records. That apparently unhinged people who are afraid of voting on any gun issues. Because of that, we are all going to be denied any debate or votes.

Some will say: Oh, you are going to keep your colleagues here until 1 in the morning. Well, I think when they are here tonight at 1 in the morning, maybe they will think a little bit about why they are here and why we had no debate and why we had the power to have the debate at any point in time. I have agreed and said we can have a vote on the PATRIOT Act in an hour or 2 hours. We could have had a vote on the PATRIOT Act yesterday. But I want debate, and I want amendments. I think that is the very least the American people demand and this body demands, that there be open and deliberate debate about the PATRIOT Act.

One of our other amendments has to do with destroying records. Some of these records they take from us through the bank spying on us, or the government spying on us, are not destroyed. I think these records should be destroyed at some point in time.

For goodness' sakes, if you are not a terrorist, why are they keeping these records? There ought to be rules on the destruction of these records if you are not a terrorist and they are not going to prosecute you.

The fourth amendment says we should name the place and the person. We have one wiretap called the John Doe. They don't name the place or the person, and they are not required to. I think we should. Now, are there times when it might be a terrorist when we say, well, we don't want to name the person? We don't have to name them in public. We could name them to the FISA commission. I do not object to them being named and the name being redacted, but the name should be presented to the judge who is making the decision. I want a judge to make a decision.

James Otis—part of our revolution—for the 20 years leading up to the American Revolution, there was a debate about warrants. They issued what were called writs of assistance. They are also called general warrants. They weren't specific. They didn't say what crime one was being accused of, and the soldiers came into our houses. They would lodge soldiers in our houses, and they would enter into our houses without warrants. The fourth amendment was a big deal. We had passed the fourth amendment, and it was one of the primary grievances of our Founding Fathers.

I don't think we should give up so easily. I don't think we should be cowed by fear and so fearful of attack that we give up our liberties. If we do, we become no different than the rest of the countries that have no liberties. Our liberties are what make us different from other countries. The fact that we protect the rights, even of those accused of a crime—people say, well, gosh, a murderer will get a trial. Yes, they will get a trial because we don't know they are a murderer until we convict them. We want procedural restraints.

People say: You would give procedural restraints for terrorists? I would say at the very least, a judge has to give permission before we get records. The main reason is because we are not asking for 10 records or 20 records or 40 records of people connected to terrorism. We are asking for millions of records.

There are people in this room today who have had their records looked at. It is difficult to find out because what happens—here is the real rub, and this is how fearful they were. When the PATRIOT Act was passed shortly after 9/11, they were so fearful that they said: If a letter, a demand letter, a national security letter asks for records, you are not allowed to tell your attorney. You were gagged. If you told your attorney, they could put you in jail for 5 years. It is still a crime punishable by 5 years in jail.

If I have Internet service and they want my records on somebody, they don't tell me or a judge. We have no idea. There is no probable cause. This person might be relevant, which could mean anything, however tangential. If I don't reveal those records, I go to jail. If I tell my wife they are asking for my records, I could go to jail.

This secrecy on millions of records, this trolling through millions of records is un-American. It is unconstitutional. They have modified the Constitution through statutory law. We have given up our rights. It should be two-thirds of this body voting to change the Constitution and three-fourths of the States. We did it by 50 percent with one bill. The bill was hot when it came here. There was one copy of it. No one read it.

I came from the tea party, and I said: We must read the bills. I propose that we wait 1 day for every 20 pages so we are ensured they are reading the bills. The PATRIOT Act was hundreds of pages long and nobody read it. Not one person read it because it wasn't even hardly printed. There were penciled edits in the margin, and it was passed because we were afraid.

But we can't be so afraid that we give up our liberties. I think it is more important than that. I think it is a sad day today in America that we are afraid to debate this. The great constitutional questions such as this, or great constitutional questions such as whether we can go to war with just the word of the President, these great constitutional questions are not being debated because we are so fearful of debate.

I urge the Senate to reconsider. I urge the Senate to consider debating the PATRIOT Act, to consider amendments, and to consider the Constitution.

Thank you. I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate will proceed to a period of morning business with debate only until 5 p.m., with the time equally divided between the two leaders or their designees.

#### THE BUDGET

Mr. CONRAD. Mr. President, the budget circumstance we confront as a nation is clear. We are on a completely unsustainable course. The occupant of the chair knows this well as a very valued member of the Budget Committee. We are currently borrowing 40 cents of every dollar we spend. That, obviously, cannot continue.

The other side has criticized those of us on our side for not going to a budget markup. The reason we have not is this is not a typical year in which the Republicans put up a budget resolution in the body they control and we put up a budget resolution and we go to conference committee to work out the differences. Something very different is occurring this year. There is a leadership negotiation with the highest leaders of the Republican Party in the House and the Senate, the highest leaders of the Democratic Party in the House and the Senate, meeting with the Vice President of the United

States, on a plan to put in place a 10-year effort or perhaps a 5-year plan to deal with the deficits and debt.

In fact, the Republican leader has made this observation:

[The discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result, in the short term. And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

It makes no sense for us to go to a budget markup at this moment that would simply be a partisan markup when bipartisan efforts are underway.

Last year, for 8 months, I participated in the President's fiscal commission—10 Democrats, 8 Republicans. At the end of that emerged the only bipartisan plan that has come from anywhere so far. Five Democrats supported it; five Republicans supported it; one Independent. Mr. President, 11 of the 18 commissioners voted for that plan to get our deficits and debt under control. We have underway this new effort, a leadership effort, with the President represented at the table. We ought to give that a chance before we pass a budget resolution that may be required to implement any plan they can come up with.

The hard reality of what we confront is simply this: This chart shows the spending and revenues of the United States going back to 1950—more than 60 years of the revenue and expenditure history of the United States. The red line is the spending line. The green line is the revenue line. What jumps out at you is that spending as a share of our national income is the highest it has been in 60 years. On the other hand, revenue is the lowest it has been in 60 years as a share of national income. So that is the reason we have record deficits.

I hear all the time the other side of the aisle: It is a spending problem. When you have a deficit, that is the result of the difference between revenue and spending. We have a spending problem, yes, indeed—the highest spending as a share of national income in 60 years. We also have a revenue problem—the lowest revenue we have had as a share of national income in 60 years.

So now the House has sent us a plan, the Republican budget plan, and the first thing they do is cut the revenue some more. Revenue is the lowest it has been in 60 years, and the first thing they do to address the deficit is to cut the revenue some more. In fact, they cut, over the next 10 years, more than \$4 trillion in revenue. For those who are the wealthiest among us, they give them an additional \$1 trillion in tax reductions. By extending the top rate cuts, by extending a \$5 million estate tax exemption, by cutting the top rate down to 25 percent from the 35 percent it is today, they are giving massive new tax cuts to the wealthiest among us.

Their average revenue during the 10 years of their plan is 18.3 percent. You can see from this chart, the last five times the budget has been balanced, revenues have been around 20 percent: 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, and 19.5 percent. The revenue plan they have would have never balanced the budget in the last 30 years.

If we look at what has happened on the revenue side of the equation, here is what has happened to the effective tax rate for the 400 wealthiest taxpayers in the United States. Since 1995, when the effective tax rate on the wealthiest 400 was about 30 percent, that effective rate declined to 16.6 percent in 2007.

Warren Buffett has said that his executive assistant pays a higher tax rate than he does. Well, how can that be? The reason that happens is because Mr. Buffett has most of his income from dividends and capital gains, taxed at a rate of 15 percent. His executive assistant is probably taxed at a rate somewhere in the 20, 25-percent range.

We have a circumstance in which we have the lowest revenue in 60 years, and the House Republicans have sent us a budget that says: Let's cut it some more. Let's cut it another \$4 trillion, and let's give \$1 trillion of that to the wealthiest among us.

If you look at what our friends are proposing, when we have the largest deficits since World War II, they are proposing to give those who earn over \$1 million a year a tax cut, on average, in 2013, of almost \$200,000. For those earning over \$10 million, they would give them, on average, a tax cut of \$1,450,000—this at a time when we have record deficits. What sense does this make? It makes no sense.

What are they doing to offset these massive new tax cuts for the wealthiest among us? They have decided the answer is to shred the social safety net that has been created in this country over the last 60 years. They have decided to shred Medicare—shred it. They have decided to shred program after program so they can give more tax cuts to those who are the wealthiest among us.

Here is what a top former President Reagan adviser said when he looked at the House budget proposal. Remember, this is not a Democrat. This is a top former Reagan economic adviser. This is what he said. His name is Bruce Bartlett. He said in his blog about the proposal from the House Republicans on the budget:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairy tale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the Tea Party. A real act of courage would have been for him to admit, as all

serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

Let's go back to that chart that makes the point that Mr. BARTLETT is making: that the five times the budget has been balanced around here in the last 30 years, the last 40 years—1969, 1998, 1999, 2000, and 2001—by the way, those last four all during the Clinton administration—you can see what the revenue has been: nearly 20 percent of GDP in every one of those years. Revenue today is 14.5 percent of GDP. It is no wonder we have a problem with deficits. You combine the high spending we have now with the low revenue, and you have record deficits.

Our friends on the other side have decided the first thing you do when you have record deficits and the lowest revenue in 60 years is to go out and give more tax breaks to the wealthiest among us.

Here, as shown on this chart, is what they do to health care in the United States. No. 1, end Medicare as we know it. Replace it with a voucher system. They would reopen the prescription drug doughnut hole that means seniors have to pay more of their prescription drug costs. They would block grant Medicaid that ends the countercyclical nature of the program. They would defund health reform, increasing the number of uninsured by 34 million people. Mr. President, 34 million more Americans would not have health insurance if the plan that is before us would pass.

When I say they are ending Medicare as we know it, here is why I say that. Right now, in traditional Medicare, the individual pays about 25 percent of the cost. The rest is paid by Medicare. But look what the House Republican plan would do. It would dramatically increase the health care spending by seniors. Instead of paying 25 percent of the bill, seniors would be expected to pay 68 percent of their health care costs.

That is what the Republican plan is about: very generous additional tax breaks to the wealthiest among us. For those earning more than \$10 million a year, they would give, on average, a \$1,450,000 tax reduction. To make up for it, they would say to seniors: Instead of paying 25 percent of your health care costs under Medicare, you pay 68 percent. What would that mean in dollar terms? Seniors would go from paying \$6,150 a year to \$12,500 a year.

That is the Republican plan that is before us. That is the budget plan we are going to vote on later this evening. Anybody who cannot see that is a shredding of Medicare, that is a shredding of the social safety net, just is not looking very closely.

The former Republican Speaker called the House Republican Medicare proposal "right-wing social engineering." Those are not my words. Those are his words. Here is the interview. On "Meet The Press," on May 15, Mr. Gregory, the host, asked this:

Do you think that Republicans ought to buck the public opposition and really move

forward to completely change Medicare, turn it into a voucher program . . . ?

Mr. Gingrich's answer:

I don't think right-wing social engineering is any more desirable than left-wing social engineering. I don't think imposing radical change from the right or the left is a very good way for a free society to operate.

This budget that is before us is not just radical with respect to what it does to Medicare, what it does to the revenue of the United States. You look at every part of this budget, there are no savings in defense after we have had this massive defense buildup. From 1997 to 2011, you can see spending on defense has gone from \$254 billion a year to \$688 billion a year. Even the House Budget Committee chairman, Mr. RYAN, who is the architect of this plan, has said:

There are a lot of savings you can get in defense. There's a lot of waste over there, for sure.

That is what he said about defense spending. Here is what he did about it. He increases it dramatically, from \$529 billion—this is just the underlying defense budget; this does not count the war funding—he increases the regular defense budget from \$529 billion, in 2011, to \$667 billion by 2021.

He did not cut one thin dime. After saying there is lots of waste there, lots of places for savings, after the Secretary of Defense himself has said they have to restrain spending, after the Secretary of Defense himself has proposed \$178 billion of savings, the budget before us does not save one dime out of defense. Instead, it increases it dramatically from \$529 billion to \$667 billion, and that does not count war funding. War funding would be on top of it.

This budget before us, the Republican budget from the House, also takes some of the fundamentals of making our country strong and cuts them dramatically.

Education is No. 1. I was raised by my grandparents. My grandmother was a schoolteacher. She used to say: In our household, No. 1 is education, No. 2 is education, and No. 3 is education. We got the message.

Let me read what two of the country's foremost economists have said about the importance of education to the U.S. economy: an educated population is a key source of economic growth. Broad access to education was, by and large, a major factor in the U.S. economic dominance in the 20th century and in the creation of a broad middle class. Indeed, the American dream of upward mobility, both within and across generations, has been tied to access to education.

What does the budget that has come over from the Republican house do? It cuts education 15 percent, from \$91 billion to \$77 billion, from 2011 to 2012. Education, obviously, is not the only important pillar to our economy. Another important pillar is the infrastructure of the country; our roads, bridges, highways, airports. These are the things that support a vibrant and strong U.S. economy.

Here is the engineers' report card on America's infrastructure. Aviation, a D; bridges, a C; rail, a C-minus; roads, D-minus; transit, a D; the infrastructure grade point average, a D.

What do our colleagues propose in the budget that is before us? They propose cutting it 30 percent. Can you imagine what it is going to be like to try to get around this country if you go out and cut transportation 30 percent? Anybody who has driven on any of the roads across America, certainly the roads in any of the major cities, anybody who has gone through any of the airports, anybody who has gone on a rail system in this country, you think we are going to be better off if we cut the funding 30 percent? That is exactly what the Republican budget that is before us proposes.

We also know one of the near-term threats to the economy is what is happening to the price of gasoline. Since December of 2008, gasoline has gone from \$1.81 a gallon to \$3.85 on May 23—up \$2 a gallon.

Every economist has said this is hurting the economic recovery in this country. What do our colleagues in the House send us as a budget for energy, things that can be done to reduce our dependence on foreign energy? They cut it 57 percent—57 percent cut in the strategies designed to reduce our dependence on foreign energy—cut it 57 percent.

It does not add up. It does not make sense. It is not in the mainstream of thinking. This is a budget that if we poll the constituent elements, the American people, they reject it out of hand. They do not believe Medicare should be shredded. They do not believe that those who are the most fortunate among us ought to be given more tax reductions at this time.

With record deficits and a debt growing out of control, the first to be done is not to say to those earning over \$1 million a year: You get a \$200,000 tax cut; to those earning over \$10 million a year: You get a tax reduction of \$1,450,000 and then to turn around and slash much of what helps middle-class families in this country, whether it is education or infrastructure or transportation. That is the budget that is before us from our colleagues on the other side of the aisle.

We have other budget plans, the Paul budget plan, the Toomey budget plan. I will comment on those later. But I very much hope colleagues are listening, that they pay close attention to this debate, that they have a chance to evaluate what should be the position of this Chamber when we vote later this evening.

I believe this is a defining vote for this Chamber. Are we going to approve a budget that is truly radical in its scope and dimension, that fundamentally ends Medicare as we know it, and at the same time gives massive new tax cuts to the wealthiest among us? At a time when we are having the lowest revenue in 60 years, that cutting the

revenue of the United States by over \$1 trillion to give additional tax reductions to those who have already enjoyed dramatic tax reductions—I pointed out early in my presentation, the effective tax rate on those who are the wealthiest among us has declined dramatically during the recent years.

This proposal from the House of Representatives says: We will do even more to reduce the tax load on those who are the wealthiest among us. I do not think it adds up. Let me say to those who think: Well, at least the Ryan budget—the Republican budget—will reduce our deficits and get our debt back on track, we will solve that problem. Let me leave you with one number. The Republican budget from the House of Representatives that we will vote on later today increases the gross debt of the United States by \$8 trillion.

So anybody who thinks that shredding Medicare and giving these giant tax breaks to the wealthiest among us is going to solve the problem, that it is going to stop the explosion of debt is wrong. In the budget before us, the Republican budget from the House of Representatives, the gross debt of the United States in the next 10 years is increased by \$8 trillion.

For those who think the debt is already too high, you want to vote for a plan that is going to increase the debt, the gross debt of the United States another \$8 trillion? That is the Republican plan from the House of Representatives. That is the budget that is before us. That is the budget we are going to vote on later this evening.

I ask unanimous consent that following my remarks, Senator MERKLEY be recognized for up to 5 minutes and then Senator SANDERS be recognized for up to 5 minutes as well.

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

Mr. CONRAD. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. The American middle class is hurting. Workers are unemployed. Families are losing their homes. Parents are worried, for good reason, that their children will not have the same opportunity they had.

American people have sent us to do a simple agenda of creating jobs. They want a plan that will put our economy back on track and build a foundation for our working families to succeed.

The Republicans have produced a plan, a plan that is in consideration before us today. But is it a plan that responds to the pleas of the American people to create jobs and to help those Americans who are out of work and to put this economy back on track? The short answer is, unfortunately, it is not.

Perhaps it is a plan to invest in education. But then we look at the details and realize it savages the investment in education. Here we are as the first generation of American adults whose children are getting less education

than we got, primarily because the cost of tuition is outpacing the average wages that working families earn. That is unacceptable.

Perhaps the Republican budget decides to invest in infrastructure. I just came back from China with the majority leader and a delegation of 10 Senators and here is what we learned. China is investing 10 to 12 percent of its GDP in infrastructure. Europe is investing 5 percent. America is investing 2 percent. We are barely able to repair the infrastructure we have let alone add additional infrastructure for our economy to thrive in the future. But the Republican plan does not invest in infrastructure.

Perhaps it invests in energy, recognizing that we are sending \$1 billion a day overseas, that oil and our addiction to oil is half of our trade deficit, that both for national security and for strength of our economy and for a sustainable environment, we need to change this.

But, no, the Republican budget sustains our addiction to oil and withdraws our investment in American—red, white, and blue American-made energy.

Perhaps the Republican budget has paid attention to our Secretary of Defense who has listed \$175 billion in programs that are not enhancing our national security and therefore should be cut. But, no, the Republican budget paid no attention to that, and, in fact, increased and overrode the vision laid out by the Secretary of Defense.

So at a time when our middle class is struggling to get back to their feet, the Republicans did not address education or infrastructure or energy or defense but instead chose to do two things: end Medicare as we know it and give bonus breaks to the best off in our society—take away from seniors across America and give to those who earn more than \$1 million a year and a whole lot more to those who earn more than \$10 million a year.

That is the Republican plan. In the Medicare side, there are two components. The first is to reopen the doughnut hole. That is the hole into which seniors fall when, after they have some assistance with the first drugs they need, they get no assistance until they reach a catastrophic level. It is in that hole that seniors have been devastated—had their finances devastated. We fixed it. Republicans want to unfix it and throw seniors back into the abyss.

Then, instead of guaranteeing Medicare coverage for a fixed set of benefits for every senior—as Medicare does now—the Republican plan gives seniors a coupon and says: Good luck. Go buy your insurance. If the insurance goes up, too bad.

In fact, seniors would pay \$6,359 more a year. In my working-class community, that is real money. That is money senior families do not have. That is money families do not have because they are wrestling just to pay their

basic expenses through Social Security.

It is not the folks with golden parachutes who have multimillion dollar endowments from their previous work at the top of the economic pyramid. Most do not realize that \$6,000 will devastate the family budgets of our seniors across this country.

Indeed, under the Republican plan, whereas seniors contribute 25 percent of their health care costs today, they would, by 2030, pay 68 percent, more than two-thirds—more than two-thirds. That is devastating.

Indeed, this voucher plan from our colleagues across the aisle puts an insurance company bureaucrat in the middle of our medical decisions, telling seniors what they get to have and what they do not get to have. The bottom line is that if something is good for your health, the insurance company does not want to pay for it, does not want to put it in the policy, that is too bad.

One of Oregon's larger insurers is planning a 24-percent increase in the cost of health care next year—premiums up by 24 percent. Seniors' coupons, under the Republican plan, are perhaps 2 percent. So that does not work.

Colleagues, our citizens have sent us to create jobs, not to destroy the lives of our seniors and hand the funds over to the best off in our society. Let's come back to planet Earth, recognize we are here to fight for an economy that raises working families and let's defeat this budget tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent for an additional 2 minutes, and I thank my friend from Alabama.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection? Without objection, it is so ordered.

Mr. SANDERS. Mr. President, let me begin by saying that I get a little bit tired of being lectured to about deficit reduction and how significant a problem our deficit is by many folks who voted for legislation time after time over the last 10 years that, in fact, has caused the deficit crisis we are in right now.

Some of us voted against the war in Iraq, which will end up costing \$2 trillion to \$3 trillion, unpaid for. Some of us voted against the Wall Street bailout. Some of us voted against tax breaks for millionaires and billionaires. Some of us voted against the Medicare Part D prescription drug program written by the insurance companies. Those four programs have resulted in trillions of dollars in debt. To those people who voted for that, please don't lecture us about the deficit crisis. We didn't help to cause it.

The debate over deficit reduction comes at a very unusual moment in American economic history. While the middle class is in rapid decline, while

real median family income is going down, while wages for millions of workers are going down, while poverty is increasing, we also are at a moment when the wealthiest people in this country have never had it so good. Over a recent 25-year period, 80 percent of all new income went to the top 1 percent.

Today, as a nation with the most unequal distribution of wealth and income of any major country, we have the 400 wealthiest people in America—just 400 people—owning more wealth than the bottom 125 million. When we deal with deficit reduction, we have to take into consideration the decline of the middle class, the increase in poverty, and the growing disparity in income and wealth between the people on top and everybody else.

Given the reality of record-breaking corporate profits and the increasing wealth of the people on top, it should surprise no one that poll after poll shows that the overwhelming majority of Americans want our deficit crisis to be addressed through shared sacrifice—not just coming down heavily on working families and the middle class, the children, the sick, and the elderly. The American people, in poll after poll, have said they want everybody to contribute and help toward deficit reduction, not just the most vulnerable people in this society.

Unfortunately, the House-passed budget moves us in exactly the wrong direction. It would end Medicare as we know it by giving senior citizens inadequate vouchers to buy health insurance from private companies. Seniors would, on average, see their out-of-pocket expenses double by about \$6,000 a year. Seniors at the age of 65 would be given an \$8,000 voucher to go to a private insurance company.

Now, you tell me—if you are 65 and you are suffering with cancer or another illness—what an \$8,000 plan will do for you. It would be a disaster.

Furthermore, the Republican plan would cut, over 10 years, \$770 billion from Medicaid, vastly increasing the number of uninsured and threatening the long-term care of the elderly who live in nursing homes.

The Republican budget would also make savage cuts in education, nutrition, affordable housing, infrastructure, environmental protection, and virtually every program on which low- and moderate-income Americans depend. With all of the focus on spending cuts, however, the Republican budget does nothing to reduce unnecessary military spending at a time when our military budget is triple what it was in 1997.

What people in Vermont tell me is what people in Oregon are telling the Presiding Officer—that the time is now to begin accelerating our troops out of Afghanistan. It is the right thing to do public policy-wise, and it is certainly the right thing to do for our budget.

Here is the kicker of this whole thing: The House Republican budget

does not ask the wealthiest people in this country, whose tax rates are now the lowest on record, to contribute one dime more for deficit reduction—not one dime more. Yet we can voucherize Medicare, slash Medicaid, education, infrastructure, and environmental protection, but to ask the wealthiest people in this country to pay one penny more in taxes after they receive hundreds of millions of dollars in tax breaks, my goodness, we can't do that.

I have another issue—and not just with the Republicans. It has to do, frankly, with the Democrats and with President Obama. Will the President demand that any deficit reduction agreement end the Bush-era tax breaks for the wealthy? Will he stand up and be tall and fight for that important principle? Will the President fight to eliminate corporate tax loopholes? Will he end the absurd policies that allow the wealthy and large corporations to avoid taxes by establishing phony addresses in offshore tax havens? We are losing about \$100 billion a year from the corporations and the wealthy who stash their money in the Cayman Islands and Bermuda.

My hope is—and I think the American people are hoping—that the President will stand firm in fighting to end those absurd loopholes. As a Vermont Senator and a member of the Budget Committee, I will not support a plan to reduce the deficit that does not call for shared sacrifice. At least 50 percent of any deficit reduction plan must come from increased revenue from the wealthy and large corporations. We must have the top 2 percent of income earners, who currently pay the lowest upper income tax rates on record, start paying their fair share. Instead of making it harder for working families to send their kids to college, we must end the foreign tax shelters that enable the wealthy and large corporations to avoid U.S. taxes.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Republicans have 2 additional minutes.

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

Mr. REID. Mr. President, I am going to use my leader time, and I ask unanimous consent that time not take anything away from the debate on the budget.

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

Mr. REID. Mr. President, the national security of the United States is at stake, and the junior Senator from Kentucky is complaining that he has not been able to offer amendments.

Let me take a moment to set the record straight. As all of us and the Senator from Kentucky are well aware, we have worked long and hard in good faith to get an agreement to consider amendments. In fact, I offered him a solution that is more than fair. I proposed a consent agreement that would

have brought before the Senate six amendments, more than half of which—specifically four—were written by the Senator from Kentucky.

Unfortunately, in order to continue his political grandstanding, he rejected that offer.

It is unfortunate because the inability to reach an agreement has serious consequences. At midnight tomorrow, the PATRIOT Act will expire. Unless the Senator from Kentucky stops standing in the way, our law enforcement will no longer be able to use some of the most critical tools it needs to counter terrorists and combat terrorism.

If they cannot use these tools—tools that identify and track terrorist suspects—it could have dire consequences for our national security.

When the clock strikes midnight tomorrow, we would be giving terrorists the opportunity to plot attacks against our country, undetected. In the last several years, the government has stopped dozens of would-be terrorists before they could strike. Now the Senator from Kentucky is threatening to take away the best tools we have for stopping them.

Does this mean the PATRIOT Act is perfect? Of course not. Today, the Republican leader and I received a letter from James Clapper, a three-star retired general from the U.S. military, the Nation's Director of National Intelligence. He knows better than any of us the real effects of letting terrorist-fighting tools expire. In his letter, he wrote about our ability to conduct surveillance on foreign radicals, to track purchases of bombmaking materials, and other classified programs. All of these would expire with the PATRIOT Act, if we let it.

This is a particularly bad time to shut down electronic surveillance activities. As has been widely reported in the press, we recovered thousands of documents, photos, videos and other materials from Osama bin Laden's compound. This material has opened dozens of investigations and leads to new terrorist suspects and terrorist activities directed toward the United States of America. It continues to yield more and more information every day.

If the Senator from Kentucky refuses to relent, the government will be unable to fully pursue these leads. That would increase the risk of a retaliatory terrorist strike against the homeland and hamper our ability to deal a truly fatal blow to al-Qaida.

I repeat, Director Clapper, a retired three-star general, asked us not to allow a moment's interruption in the intelligence community's ability to protect the American people.

Some may be asking: Then why is the Senator from Kentucky holding out? What is keeping him from accepting an agreement to move forward—one that I think is more than fair to him and the Senate? We could have a couple of strong Democratic amendments and his amendment—four in

number. The reason is, he is fighting for an amendment to protect the right of terrorists, not of average citizens, to cover up their gun purchases. It is all dealing with a gun amendment.

We all remember the tragic Fort Hood shooting less than 2 years ago. A radicalized American terrorist bought guns from a Texas gun store and used them to kill 13 innocent soldiers and civilians. It is hard to imagine why the Senator from Kentucky would want to hold up the PATRIOT Act for a misguided amendment that would make America far less safe.

The Senator from Kentucky also complains that the Senate has not had a week of debate. We all would like to have more debate on this issue. The Presiding Officer would. We would like to have a lot of debate on other things. The Presiding Officer is one of the Senators who led an effort earlier in this session to make sure we have more robust debate. We made a little progress but not enough.

The Senator from Kentucky, who is complaining that we haven't had a week of debate, better come up with something a little better. Here is why. This matter has been before the Senate for 1 week now. I moved to proceed to the PATRIOT Act last Thursday. Today is Wednesday. As of today the Senate has been working toward passing this measure for 6 or 7 days. There is no question that Senators have had the opportunity to debate. The only question has been how Senators have chosen to use these last 6 days.

The bottom line is that no matter how long it takes to get there, we are going to have this vote, and the vote will win. We will pass the PATRIOT Act and do everything we can to keep the American people safe. It is up to the Senator from Kentucky whether those national security programs will expire before we get a chance to vote. That expiration date is important. If he thinks it is going to be a badge of courage on his side to have held this up for a few hours, he has made a mistake. It will set this program back significantly, and that is too bad. The clock is ticking, and the ball is in his court.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the difficulties the majority leader has and would agree substantively that the PATRIOT Act does need to be passed. It doesn't need to have any gap in it. As a former Federal prosecutor for 15 years, I agree that the Paul amendment to make our terrorist investigators go further and have more difficulty in obtaining gun records than the Bureau of Alcohol, Tobacco, and Firearms investigators for far more minor crimes is a bad policy. I see where he is coming from, but I don't agree with that.

I would say that Senator PAUL is a courageous, strong, new Member of the Senate. He has some deep beliefs. He is entitled to advocate for those. I believe he has tried to do that in good faith. He

thought he had an agreement to be able to offer his amendment, and the majority leader suggested he could offer amendments, but only the ones he approved, and he won't approve the one on guns.

I think that is not healthy, in the defense of Senator PAUL, that he would not have an opportunity to offer the amendment he wants to offer, not the one that is approved in advance by the majority leader. I think, to the extent that happens, it diminishes the great robust tradition of debate in the Senate. It is a difficult matter. I know people feel strongly about it. I wanted to share those thoughts.

#### THE BUDGET

My good friend Senator CONRAD, who chairs the Budget Committee, made his speech. I was disappointed in some of it. He said one thing very dramatic in his statement. We should think about it. He said the Ryan budget is insufficient because it allows \$8 trillion in new debt to be incurred by the United States over the next 10 years. Think about that. He says that is unthinkable and it really is dramatic that we would have that much debt accrue.

The only budget that exists from the Democratic majority is the President's budget. The President's budget, as analyzed by the Congressional Budget Office, without any doubt or dispute would add \$13 trillion to the debt of the United States in 10 years. They conclude that the President's budget—the one that was praised by the Democrats when it came out—would increase the debt, increase spending, and increase taxes more than if we did nothing. I call it the most irresponsible budget ever to be introduced because it makes our debt situation worse at a time in which we have never faced a more serious systemic debt crisis in America.

Senator CONRAD says Federal education spending, which is basically the Department of Education and some other programs, should not have its funding reduced. He did not acknowledge the fact that the President's budget proposes to increase education spending through the Department of Education by 10.5 percent next year, at a time when we are in record deficits. The Department of Energy is proposed to receive a 9.5-percent increase. The Department of State is proposed to receive a 10.5-percent increase. The Department of Transportation, with a phantom assumption of revenue from a source unidentified by the administration, is projected to receive a 60-percent increase to fund new high-speed rail and other priorities that have not been proven to be effective today. Even if they are effective, we do not have the money. Sometimes you cannot do things you would like to do because you do not have the money. To that extent, I would say we are on the wrong track.

Let me say about Congressman RYAN's budget proposal that it does significantly reduce spending every year. It completely changes the debt

trajectory. It reduces spending and deficits every year. It does not get to a balance in 10 years, but it eventually gets to a balance in the outyears, according to their projections. Of course, intervening Congresses will have much to say about it. It does change the debt trajectory, and it does put us on the right path. If passed, in my opinion, it would be the kind of budget that would create confidence in the international markets, create jobs and growth in America, create vitality in our businesses, and it is something that would be better than doing nothing and absolutely better than the inexcusable budget that has been presented by the Democrats—the only one they have presented so far.

I wanted to make those points.

Madam President, the simple fact is that the American people are furious with Washington. And they have every right to be. They work hard, pay their taxes, and play by the rules. They sacrifice for their families, contribute to their communities, and uphold this Nation's values. They have built up the greatest, most dynamic economy on the face of the Earth. But Washington has wasted their tax dollars, eroded our values, and placed this Nation's economy at grave risk.

Politicians have arrogantly believed that the rules don't apply to them. In the midst of a deep recession, as American families tightened their belts, Washington went on a historic spending spree. By the end of the first 3 fiscal years of the Obama administration, we will have accumulated another \$5 trillion in total gross debt. Our deficit this year alone will approach \$1½ trillion. Our annual budget has nearly doubled from what it was at the beginning of the decade.

This enormous surging debt prompted the Chairman of the Joint Chiefs of Staff to describe it as the greatest threat to our national security. At \$14 trillion it hovers over our economy like a dark cloud. It undermines confidence and fosters uncertainty. Studies show our crushing debt stifles job growth and robs us of as many as one million jobs a year.

We borrow \$5 billion a day, \$100 billion a month and, under the president's vision, we are on track to do the unthinkable: doubling our entire national debt in just 10 years. We are faced with what has rightly been called the most predictable economy crisis in our history. The question is not whether such a crisis will occur but whether we act in time to prevent it.

A major financial crisis is not just some hypothetical danger: it is very real and it is very serious. If the world loses confidence in our ability to control our spending and debt, our interest rates could dramatically spike. Greece saw its interest rates triple before its debt crisis hit. The rates for Ireland and Portugal quadrupled.

If the same were to happen to the United States we could become unable to pay the interest on our debt and face



a Greece-like debt crisis that plunges our country into a deep recession. This would not be some distant financial event, but an economic disaster felt most severely by everyday working Americans.

There is no reason we should be in this situation. America's workforce is the most productive on Earth. Our system of government is the envy of the world. But those who occupy the halls of power have failed to uphold the public trust. They have squandered this Nation's wealth and threatened our children's future.

So, again, the American people have every right to be furious.

They rose up in the last election and the big spenders in Washington took a shellacking. We saw the emergence of the Tea Party a diverse collection of Americans spread across the country who, after years of sitting silent, spoke out for the first time in their lives. They are good and decent patriotic Americans who fear for their country and for the future their children will inherit.

Their concerns are shared by the vast majority of Americans. Overall, more than 70 percent of Americans believe this country is on the wrong track.

To get back on the right track requires strong leadership. I have continued to hope that President Obama would rally the country behind needed reform. Unfortunately, the president seems determined to not only keep our country on its dangerous course but to accelerate our pace. He offered a budget in February a budget many Democrats praised that he and his budget director declared to the whole world would "not add more to the debt," "spend only money that we have each year," and "live within our means." But those statements were not honest. The President's budget never once produces a deficit less than \$748 billion. And the deficits climb to \$1.2 trillion in the 10th year.

And what about the Senate? What is this august body doing to confront this crisis? Is the Budget Committee meeting to work on a plan? Is there a Senate budget being considered on the floor today? Will we be amending a resolution on the Senate floor?

The answer to all of these questions is no. Today is the 756th day since the Democrat-led Senate passed a budget. In that time Congress has spent more than \$7 trillion. We have accumulated another \$3.2 trillion in debt. What do we have to show for it? Unemployment stuck around 9 percent, anemic economic growth, and the very real threat of a debt crisis.

But Majority Leader REID and the big spenders in the Democrat Party are determined to keep spending and spending and spending. The reason we have not seen a budget from Chairman CONRAD and the Democrat Senate is because they know that they can't put forward a plan that wins the support both of their caucus and of the American people. News reports confirmed

that budget proposal Senate Democrats were working on and then abandoned relied more heavily on taxes than savings. It would have cut only \$1.5 trillion over 10 years. That doesn't even come close to what we need to cut. We are going to spend \$45 trillion over the next 10 years. Our national debt will be 100 percent of GDP by the end of September.

House Republicans have stepped forward, fulfilled the duty they asked the American people to bestow on them, and presented an honest, courageous plan that will get the job done. It will save, or cut, around \$6 trillion. But Leader REID wants to use our floor time this week to simply vote down this plan while offering nothing in its place. He just wants to keep spending and spending and spending.

He is simply trying to remove himself from the spotlight that should be directed on the inability or unwillingness of his caucus to deliver a budget plan to the American people.

But the majority leader is more than happy to go into recess, more than 750 days since the Senate has passed a budget, and simply be content to have obstructed every single effort to reduce spending or impose budgetary control. He is content, it would seem, to send this Chamber into recess after he has failed miserably to protect this Nation from the financial danger ahead. He says "there's no need to have a Democratic budget." He says it would be "foolish" to present one. So we will just keep spending and spending and spending.

What is the real strategy here? The Democrat strategy is just to attack, vilify, and disparage House Republicans because they did the honorable thing and put forward an honest plan. Here is what Senator SCHUMER said earlier this week, speaking of today's votes:

We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It's that simple.

Medicare is going to be insolvent in about 10 years. House Republicans have a plan to save it. People may disagree on aspects of that plan, may have different ideas for implementation. But the House Republican plan will save Medicare. The Democrat Senate plan is to allow Medicare to go bust and to waste the Senate's time savaging the House Republican plan with a series of false, dishonest attacks. The Democrat Senate plan is to ignore the danger and just keep spending and spending and spending.

Chairman CONRAD, I am sad to say, called the House Republican plan "ideological," "partisan," "unreasonable," and "draconian." I was surprised to hear this given that the chairman served on the fiscal commission, which issued the following statement in the preamble to its report:

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from shared sacrifice and common purpose. The national interest, not special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

So after this week's mockery, what is next for the Senate? We will promptly adjourn for recess. The Senate will adjourn for Memorial Day—a time when we honor those who have kept this country safe. But the Senate has done nothing to protect this country from the economic danger that draws nearer each day.

If, after this shameful display, Majority Leader REID wants to adjourn for recess, all I can say is this: not with my consent. I will force a vote on it. Senate Democrats will have to stand before the American people, having more than 750 days since passing a budget, and declare that they will go into a 1-week vacation having not taken a single, solitary step to address our Nation's fiscal crisis. They have not even allowed the Budget Committee to meet.

We are told we don't need public meetings, that a small group of lawmakers and White House officials should meet in secret to hammer out some 11th hour deal that nobody sees or scrutinizes until it is adopted. Well, it is that kind of thinking that got us here in the first place. What this process needs is more sunlight, not less. First, we were told to wait for the Gang of Six. Now we are to supposed to wait for the Biden talks. But at what point will we just do our duty under the law and work on a budget? I firmly believe that the best way out of this debt crisis is to have an open, honest, and public debate.

The one thing we haven't tried in this town is the one thing that I know will work: to have an open, transparent process before the whole world. Let's speak honestly about the dangers we face. Let's put forward a plan in the Senate to address those dangers. Let's open that plan to amendment and discussion. Let's stand and be counted before the American people. If Democrats think the way out of this crisis is to raise taxes, let them put that plan on paper and let's debate it. But enough operating in the shadows. Enough hiding. Enough ducking. Let's do the people's work. Let's give the American people the honest process and the honest budget they deserve.

We also need a budget that is based on facts. All of the evidence shows that deficit reduction plans relying on heavy tax increases are far less successful and result in far less prosperity. Though raising taxes is billed as the compassionate choice, there is nothing compassionate about weakening our economy and bankrupting our country. There is nothing compassionate about

dividing up an ever smaller amount of wealth. There is nothing compassionate about ignoring the facts, the evidence, and the lessons of history. A compassionate budget is one that improves the fortunes for every sector of American society—creating jobs, increasing wages, and expanding opportunity.

In other words, we must focus on growing the economy instead of the government. That is the only way to ensure that America is able to compete, to lead and to thrive in the 21st century.

An honest budget is one that not only puts our budget on a path to balance but our country on a path to balance. In other words, we need a budget that shifts the balance of power from Washington back to the people.

At its core, the debate over our Nation's debt is a debate over our Nation's identity. In his recent speech on the deficit, the president spoke of America's social compact to justify his big-government vision. But the social compact I am familiar with is very different. The American idea is that the government's role is to preserve our liberty, not control our lives.

Ultimately, what we are fighting for is a future for our children that is free from both the burden of debt and the burden of big government. I was not elected to this office to participate in the transformation of America to a European-style social democracy where government dominates our lives.

America's greatness is not found in the size of our government but in the scope of our freedoms. We need a budget that recognizes this essential truth.

I see my colleague Senator PAUL is here. I know he would like to take 5 minutes to respond to the majority leader. He is definitely entitled to that.

I ask unanimous consent that he be given 5 minutes, Mr. President, and that the 5 minutes not count against the time on this side.

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

The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in response to a scurrilous accusation. I have been accused of wanting to allow terrorists who attack America to have weapons. To be attacked of such a belief when I am here to discuss and debate the constitutionality of the PATRIOT Act is offensive. I find it personally insulting, and I think it demeans the body—it demeans the Senate body and the people that we cannot have an intelligent debate over the constitutionality of this bill.

I am somehow to be told that because I believe a judge should sign a warrant, that I am in favor of terrorists having weapons? The absurdity of it. The insult of it. If one argues that judges should sign warrants before they go into the house of an alleged murderer, are you in favor of murder? Can we not have a debate on a higher plane—a debate over whether there should be some constitutional protections, some con-

stitutional procedure—than to come to the floor and accuse me of being in favor of giving weapons to terrorists?

The question is, Can our Constitution withstand, is our Constitution strong enough that we could actually capture terrorists and protect our liberties at the same time? Should we have some rules that say, before they come into your house, before they go into your banking records, that a judge should be asked for permission; that there should be judicial review? Do we want a lawless land? Do we want a land that is so much without restraint, a government without restraint, that at any point in time they can come into your house? We were very worried about that very thing. That is why our country was founded on such principles as the fourth amendment, to protect us from an overzealous government.

But to transfer an argument, where good people might disagree, into an accusation that I would let terrorists have weapons? No, I believe we would stop terrorism but do it in a constitutional fashion, where one would have a warrant issued by a judge.

Some people say, we don't have enough time to do that. At 3 in the morning, judges are routinely called when someone is accused of rape or accused of murder. When there is an alleged crime, we get warrants, and it works. It has worked for 225 years, until we decided to throw out the Constitution. We threw out the Constitution with the PATRIOT Act because we changed the Constitution—not by two-thirds in this body voting for it and not by three-fourths of the States but by a scared 51 percent who threw out their liberties. They said: Make me safe. Make me safe. I am afraid. Make me safe. But they gave up their liberties.

I think that was a mistake, and I think we should have an intelligent and rational discussion. I don't think it furthers the debate to accuse someone who has constitutional concerns about the way we are doing things of being in favor of putting weapons into the hands of terrorists. I object strongly to this.

The leader has said they will compromise. He said 1 week of debate in February and open amendments; that they would be open to amendments—even amendments they disagreed with. We will do whatever people feel is appropriate on this bill. That doesn't mean just amendments that are not emotional or just amendments that have nothing to do with guns.

They are petrified to vote on issues over guns because they know a lot of people in America favor the second amendment; that they own guns and want to protect that right to own guns and the right to have those records not sifted through by the government. We don't want to have a government that eventually will allow for direction of the police toward those who own guns. We don't want our records to be public. We don't want our records to be sifted through by a government without judi-

cial review. But they do not want to vote on this because they know the American people agree with us. If we polled this question, we would find 80 to 90 percent of Americans don't want their banking records, don't want their gun records to be sifted through by a government without a judge ever giving any approval.

This is a constitutional question, and I would ask the leader to stand by his agreement to an open amendment process.

At this time, I ask unanimous consent that my amendments, Nos. 363, 365, and 368, be in order, with 1 hour of debate on each, followed by a rollcall vote. I ask unanimous consent that this occur at this time.

Mr. REID. Madam President, reserving the right to object, and, of course, as the Senator knows, I have given a statement on the floor that one amendment I understand is in his consent makes this whole arrangement impossible, and so, therefore, I object.

The PRESIDING OFFICER (Mrs. HAGAN). Objection is heard. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Madam President, I yield Senator AYOTTE up to 10 minutes or such time as she may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, today marks the 756th day since the Democrat-controlled Senate passed a budget. The Democratic majority has abdicated a basic responsibility we have in our government; that is, to produce a budget. States produce a budget, cities and towns produce a budget, small businesses don't operate without a budget, and families produce a budget. Yet here we are, running over a \$1.6 trillion deficit this year alone, and the Democrat-controlled majority is not bringing forth a budget or a blueprint to put our country on a path to fiscal responsibility. It seems to me, if we do nothing else, that is a basic responsibility we have as Members of the Senate.

On Monday, all Republican Senators joined Senator SESSIONS and me in sending a letter to the majority leader, urging him to take the steps necessary to bring forward a fiscal year 2012 budget in committee, to have a full, honest debate there and then on to the floor to make sure we have a transparent budget debate so the American people can weigh in on that and we can move forward to putting our country on a fiscally responsible path.

As a reminder, the committee should have acted on the budget resolution before the statutorily-set deadline of April 1, and Congress should have completed that action by April 15. Yet, unfortunately, the majority in the budget committee and the majority leader has ignored that law. The reality is, the majority party controls the work flow in the Budget Committee and determines what is debated on the floor.

Given the enormity of the obvious fiscal challenges we face, there is no excuse for why my Democratic colleagues have not been able to have a transparent, serious debate about our country's fiscal future both in the Budget Committee and on this floor. The American people demand that and are owed nothing less.

Unfortunately, instead of coming up with a budget blueprint that puts us on a path to sustainability, many of my Democratic colleagues have primarily focused their efforts on distorting provisions of the House-passed budget plan, trying to score political points while our country's economic future becomes even more precarious. We have seen the warning signs for our country in other countries around the world, as well as the S&P's recent announcement of a negative outlook for the United States.

Astoundingly, last week, the majority leader said it would be foolish for his party to produce a budget plan. In talking directly with my constituents in New Hampshire, I can say with certainty that is the last word they would use to describe the Senate's refusal to have their own budget plan and to have a full and robust debate within the Budget Committee and within this body about the fiscal plan for our country's future. That is the last word they would use because they sit around their kitchen tables at home and they put together a budget. They look at the revenue coming in and the expenses they have and they balance their budgets. They have no idea why we are not doing that here. That fundamental responsibility is, unfortunately, what the majority leader has described as foolish, even though it is an exercise that families undertake every single day.

Last year, Congress failed to pass a budget, failed to pass any of the 12 annual appropriations bills and failed the Nation by recklessly funding the government on a series of short-term spending bills. The Senate cannot make the same mistake we made last year—a mistake that was made by the Democratically controlled Congress this year, given the fiscal path our country is on. With less than 6 months remaining until the start of the new fiscal year, it is past time for the Senate to produce a basic budget plan that substantively addresses our grave fiscal crisis.

We need leadership and I call on the majority leader to show that leadership and the chairman of the Budget Committee to bring forth a budget in our Senate committee. I am a brand new member of the Budget Committee. I look forward to having that debate in that very important committee in our body, to work together with Members on both sides of the aisle to craft a responsible budget plan that reduces spending and brings us to a balanced budget. That is what our country needs.

In the letter that was sent to the majority leader, Republicans made clear

we are ready to make the difficult choices to preserve our country and to get our fiscal house in order once and for all. We stand ready to preserve the greatest country in the world. There is no question that the budget process is broken when we don't even have a budget brought forth before the Budget Committee and a full and robust debate in this body.

Congress must get serious about putting in place spending reforms. I would like to see a balanced budget amendment to our Constitution, to make sure Congress can't get around any spending reforms we pass. States balance their budgets. Yet here in Washington we continue to spend money we do not have, unfortunately.

Congressman RYAN, in the House, has proposed, and the House has passed, a budget blueprint for our country. Yet my friends on the other side of the aisle have spent considerable time demagoguing the House budget blueprint and their plan, even though they have shown the courage to put forth a budget that puts us on a path to reduce spending and eventually bring us to a balanced budget. My Democratic colleagues have brought out the usual scare tactics. But for all their grandstanding, they haven't been straight with the American people.

We do need to address entitlement reform. We do need to make changes to Medicare—to preserve Medicare for those who are relying on Medicare right now and for future generations. I am the mother of two children, and I certainly don't want to look my children in the eyes—with the fiscal crisis our country is facing—and have them say to me: Mom, what did you do about this?

Now is the time to act. We have three choices when it comes to addressing rising health care costs in Medicare. We can do nothing and watch the program go bankrupt in 2024, as outlined by the recent trustees' report on Medicare—an objective report that basically says that program will go bankrupt by 2024. We can go forward with the President's proposal to ration care through the administration's plan to have an unelected board of 15 bureaucrats who will decide who is going to get coverage, when they are going to get coverage, and how physicians are going to get paid or we can show real leadership and strengthen the program to make it solvent for current beneficiaries and also for future beneficiaries and allow them to make the choices, instead of an unelected group of 15 individuals who are accountable not to Congress and certainly not to the people whose lives will be affected.

I commend Congressman RYAN for his courage. I challenge anyone, including the Members on the other side of the aisle who have been so critical of the plan: Where is your plan? What is your constructive plan to save Medicare? How do you go home to your constituents, your elderly constituents—people such as my grandparents who

are relying on Medicare—knowing that the trustees' report says it is going bankrupt in 2024—and say to them: I don't have a plan.

A constructive plan to preserve this program is important. It is what Republicans are committed to. We are here to save Medicare, to save our entitlement programs, and most of all, to save our country from financial ruin. Now is the time for leadership. It is time to look at the challenges we face with eyes wide open and to have the courage to fight for the American people and for the future of the greatest country in the world. We cannot afford to kick this can down the road.

The PRESIDING OFFICER. The Senator from New Hampshire has consumed 10 minutes.

Ms. AYOTTE. I thank the Chair. If I may finish. I thank my colleague, Senator SESSIONS.

We cannot afford to kick this can down the road any further. We must act now. We must address our entitlement programs now. I would call on the majority leader and on Senate Democrats—rather than demagoguing the plan that has come forward from the House, if you have a constructive plan of your own—to please come to the floor right now and bring forth a plan that will preserve Medicare, will preserve our entitlement programs, and put us on a path to fiscal responsibility and sustainability, to a balanced budget to save our country.

I thank the Chair.

Mr. SESSIONS. Madam President, before the Senator departs, I thank her for her comments and her valuable and constructive insights. I would ask her about one thing. I know a lot of our new Members came to Congress, having campaigned and talked to people all over their States, with a passion to do something about the unsustainable spending path we are on. We had a large number who wanted to be on the Budget Committee, and we are glad she just joined us.

But let me ask, is it a disappointment to get on the Budget Committee, which the law says should write a budget and have hearings on the budget, and then to find the majority leader has decided not to even allow a budget hearing to take place?

Ms. AYOTTE. I thank the Senator from Alabama for that question. As the newest member of the Budget Committee, it is an extreme disappointment. I was looking forward to rolling up my sleeves and undertaking the responsibilities of putting forth a responsible budget to preserve our country. That is why I wanted to serve on the Budget Committee.

I come from a small business family. I know one can't operate a business without a budget. So many of my constituents and those I met on the campaign trail asked me all the time: I have no idea, how can we operate a government without a budget? Yet here we are. That is what has been so disappointing to me. I hope and I urge

our Democratic colleagues to change course and let the Budget Committee do what it is supposed to do.

Mr. SESSIONS. Madam President, I thank Senator AYOTTE of New Hampshire. She is following in the footsteps of a great budget leader, chairman, ranking member, Judd Gregg, and brings those good instincts to the body.

I ask unanimous consent that the following Republican speakers be limited to 10 minutes each. I, at this point, am pleased to recognize my very able and effective colleague, Senator DEMINT, for his comments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. DEMINT. Madam President, I thank Senator SESSIONS for leading these few minutes of debate we were allowed. It is an extraordinary situation where we are as a nation, that we are here with only a few minutes of debate about what has become the most serious situation our country has ever faced, and that is our debt.

When President Obama was a Senator in 2006, he said "increasing America's debt weakens us domestically and internationally."

Admiral Mullen, the Chairman of our Joint Chiefs of Staff, has said: "Our biggest national security threat is our debt."

We know the rating agencies that look at our financial condition, such as Standard & Poor's, have downgraded us. We know major capital funds have divested of Treasury notes, concerned about our political will to deal with our debt. Yet we do not have a budget. We do not have any plan to deal with the debt. Everything Republicans put forward in the House and the Senate the Democrats sit on the sidelines and criticize and misrepresent. Yet they offer no solutions themselves.

It is hard to deal with \$14 trillion in debt and what it really means. Here is one chart that is somewhat helpful. We hear in the news that Greece and Ireland and Portugal are bankrupt. They are close to defaulting. They are having to be bailed out by the International Monetary Fund. These charts just show the percent of debt relative to their total economy, their GDP.

We see Greece is already at 136 percent; Ireland is at 75 percent; Portugal, 82 percent. If we add up all the liabilities that we have as a nation, we are already at 95 percent, which means we have more debt relative to our total economy than Portugal and Ireland already, and very soon we are on a track to even outpace Greece. Yet we do not even have a budget, no plan of what to spend.

When Republicans talk about the need to cut spending all we get is criticism. The President has actually submitted a budget that nearly doubles our debt over the next 10 years. We will get a chance to vote on it. Not even the Democrats are going to vote for that budget. But they have not even presented one on their own.

We will also get a chance to vote on the House budget. The Democrats think if we do, that is going to hurt us. But I think we will see most Republicans vote for it because they know we have to deal with Medicare. The President's budget cuts what Medicare pays doctors another 35 percent. Already about 50 percent of the doctors in this country will not see new Medicare patients. The President cut \$½ trillion from Medicare to help pay for ObamaCare and somehow he can look us in the eye and say this strengthened Medicare. The fact is, the Democrats have Medicare on a course of bankruptcy that is going to happen much sooner than is projected because people will not be able to find a doctor if the President's budget is implemented anywhere close to where it is going to be implemented.

Republicans are trying to save Medicare and make sure there are options for seniors in the future that will be good options for them; that they will have a way to pay for health care in the future. Medicare will not be there. Anyone who looks at seniors today and tells seniors that traditional Medicare is going to be there 5 or 10 years from now is not telling the truth because it is not. Doctors will not see Medicare patients at the rate we are going to pay.

All we are doing today is having what we call message votes, show votes. They are set up to fail. The majority leader does not intend to pass any budget—not the President's budget, not a Republican budget, and they will not even offer one on their own. We are going to leave here today with this situation right here: with America approaching a debt level which we have seen take down other countries and continue to ignore the obvious.

As has already been referenced by Senator AYOTTE, the majority leader actually said:

There is no need to have a Democratic budget . . . it would be foolish of us to do a budget at this stage.

It would be foolish because it would reveal what they really intend to do, which is to keep spending and keep borrowing, keep investing, keep growing government programs, and not make those hard decisions that have to be made to pull our country away from the edge of a cliff, which is where we are.

Everyone outside Washington seems to understand that we have an urgent situation right now. Yet here we are today with just these show votes on a budget with no intent of dealing with this at all. What we need to be doing is—recognizing the President has said our debt is our biggest problem, and it is a failure of leadership to ask for an increase in the debt ceiling—we need to recognize we cannot raise this debt ceiling. We cannot increase our debt unless we make the hard decisions that need to be made for the future.

The only decision that will change this place is if we pass a balanced budg-

et requirement for the Congress that the States have to ratify. If we passed that this year before we voted on the debt ceiling, then the people of this country in all 50 States would have a chance to ratify that. It would take 1 year or 2, 3 years to be ratified; then there is another 5 years' implementation built into the bill. So we are talking 6 or 8 years to get to a balanced budget.

If we cannot make that commitment as a Congress, we are in effect committing to bankrupt our country because all of us know we cannot keep spending more than we are bringing in when they are already telling us we are at a debt level that is going to bankrupt our country. We cannot even pay the interest if interest rates go up at all.

We have to be responsible, and what we are doing today is completely irresponsible. I cannot raise the rhetorical level high enough to talk about the absurdity of where we are. We put our country in danger, our future at risk, and yet we are having show votes on budgets and no budget at all from the Democratic majority.

I appreciate the Senator from Alabama at least taking this time that we have to point out the real issues and the urgency of the matter in the fact that we need to move from show to real substance. We cannot roll up our sleeves and work together if the other side does not agree that we have a problem. We do have a problem, and the only way to change that is for us to agree as a Congress to balance our budget within a reasonable window and to put that structure on us so we keep that budget balanced in the future.

I thank Senator SESSIONS and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I thank the Senator from Alabama for giving me the opportunity to speak on this extremely important issue. Let me follow up on the central point that Senator DEMINT from South Carolina has been making.

When I go back to Pennsylvania and talk to my constituents about the fact that the Government of the United States, the world's biggest enterprise—an enterprise—is going to spend \$3.6 trillion this year, and we are doing it without a budget, they look at me in shocked disbelief that this could even be possible. But it is possible because my colleagues in the Senate, my Democratic colleagues, refuse to produce a budget. It is an unbelievable abdication of responsibility.

My colleagues have asked the American people to elect them to the Senate, have asked the American people to be the majority party of the Senate, which they are, and their attitude is they have no responsibility to lay out a plan for how they want to spend the \$3.6 trillion that they want to spend. They have no intention of laying out a plan of where the revenue is going to come from, how much is going to come

from which areas, and how this money should be spent—no overall blueprint, no guidelines, no architecture for spending this staggering sum of money. This is an extraordinary abandonment of a very fundamental responsibility.

I have to say, I have a hard time listening to the criticism of the House budget by people who have offered no budget as an alternative.

Let me speak about the House budget for just a minute. It has taken a great deal of criticism from my friends on the other side in particular because 10 years hence, in this budget, they recommend reforms to Medicare that save Medicare. I want to stress this point. The current policies being advocated—not in a budget but advocated elsewhere by my Democratic friends—they are currently in the process of crushing Medicare because that is what is happening.

Talk to your doctors back home, talk to your hospitals. We have small hospitals across Pennsylvania that are increasingly finding it so difficult to operate. Reimbursements are being gradually crushed down. We have this threat that doctors' reimbursements are going to be dramatically cut. We have created in the President's health care overhaul this Independent Payment Advisory Board, as it is called, the purpose of which is to find ways to ratchet down reimbursements for health care providers.

One of the things that breaks my heart is how often I have had the conversation with doctors who tell me, often choking up in the process, they are encouraging their kids to pursue some other line of work, some other profession other than health care, the profession to which they have dedicated their life. But this is the state of affairs that we have today because of where Medicare is and where it is heading.

So the House comes along and offers a plan that saves Medicare, puts it on a viable, sustainable footing for future generations, and they get attacked for it. Is it the perfect plan? Is it the only plan? I am sure it is not. But it would work.

One of the things that makes so much sense about what they are doing is they are altering the payments as a function of people's wealth and health. It makes a lot of sense. So when younger people reach retirement age, they get more financial help from the government if their income is lower and their health is worse, and they get less if they are wealthy and relatively healthy. This mechanism would put individuals in control of their own health care and put the government on a sustainable path.

Frankly, I think we ought to congratulate them for doing some very thoughtful work. I am going to vote for the House plan. The House plan addresses a very long term structural problem we have for our budget and does it in a very thoughtful and sensible way.

I am introducing an alternative budget because I wish to focus on the nearer term. My focus is these next 10 years, because I think we have a crisis staring us right in the face and we have to deal with it now. So I think we have to deal with it in next year's spending and in the immediate future.

A big part of my goal and what we have demonstrated in the budget I have introduced and that we will have a vote on in a little while is that we can balance this budget within 10 years. I think that is a very important goal. My budget accomplishes that with two elements: policies that generate strong economic growth which have all kinds of benefits, not the least of which is it generates more revenue for the Federal Government; and the other part of this is we have to tighten our belt. This government has been spending way too much money. My budget ratchets that back. The combination brings us to balance within 9 years and generates a modest surplus within 10 years. In the process, we dramatically reduce the amount of debt as a percentage of GDP.

We just saw the Senator from South Carolina present a comparison of what a dangerous position we are already in compared to that of other countries that have racked up too much debt as a percentage of their economies. We are following on this very dangerous path. My budget starts to reverse that curve. It starts to lower the debt as a percentage of GDP and, by bringing the budget into balance, it will actually stop growing the debt altogether, which I think is a very important goal. Part of that is through pro-growth tax policies.

No. 1, in this budget we would ask the relevant committees in the two bodies to enact reforms that would simplify the Tax Code dramatically and allow us to lower marginal rates. The combination of a simplified Tax Code and lower marginal rates is absolutely guaranteed to generate economic growth. I would do it on the corporate side as well as on the individual side and, on the corporate side, move to a territorial-based access system so we wouldn't continue to have the tremendous competitive disadvantage we have vis-a-vis our trading partners.

On health care, we take a different approach for Medicare. We are focused on these next 10 years. Over the next 10 years we do two things: One, we end the fiction that we are going to cut doctors by 30 percent, or end the threat, depending on how you choose to look at it. So the sustainable growth rate, as it is called around here—this notion that we have to massively cut reimbursements to doctors all of a sudden—that is done away with. We recognize that would be a very imprudent policy.

Another thing we do is adopt one of the recommendations from the Simpson-Bowles commission on medical malpractice liability. That helps to save some significant money across the board on health care, and certainly that includes Medicare.

On Medicaid, we adopt a very similar approach to that which is done in the House budget, which is to say this is completely unsustainable in its current form. Medicaid has been doubling every 8 years and it is a big driver of the deficit we have in Washington. It is also a big driver of huge deficits across the 50 States. It is a big problem, because the States have little or no flexibility in how they administer this program. They have a big financial burden that comes with it. What I think we ought to do is take these resources, block grant them to the States, and give the States the flexibility to figure out a better way to deliver health care services to low-income people. I think among our 50 States, I am very confident there will be many that will come up with better models and as they do, they will be adopted generally, and we can put this program on a sustainable path, which it is certainly not on today.

On some other areas of spending, on nondefense discretionary spending, we have to cut it. We have grown it too much. In fact, the big surge in the deficit in recent years has come from the discretionary side. So what we call for is lowering nondefense discretionary spending to the level it was in 2006 and then freezing that for 6 years, after which it would be indexed to the consumer price index. Other mandatory spending, aside from the big entitlement programs, would gradually be reduced to just over their 2007 level. I say gradually. We do this so people have a chance to adjust. Frankly, the economic growth we would get from the lower marginal tax rates would help facilitate this. It gets lowered to 2007 levels by 2014, after which it grows at CPI.

Our budget calls for no changes whatsoever to Social Security, and it calls for none of the structural changes to Medicare because those would occur after the 10-year window and we are focused on just these next 10 years.

I would strongly stress that we are staring at a full-blown crisis. We don't know whether it is a year from now or 2 years from now or 18 months or even nearer. That is impossible to know. But it is impossible to deny that we cannot continue on this course. We cannot continue running multitrillion-dollar deficits—deficits that are 10 percent of our entire economic output, that rack up this huge amount of debt as we have done in recent years. That is not sustainable.

My first career out of college was in finance. When I was working in finance, the idea of the Federal Government of the United States of America even having a credit rating was not something that was understood to be that way. The United States of America was above the credit rating system. It didn't apply to us. A triple A rating wasn't even relevant because we didn't even talk about the creditworthiness of the United States, except to refer to it as the risk-free interest rate, the risk-free security, the security for which

there was no risk of a failure because this was, after all, the Government of the United States of America.

Now we are in a position that is absolutely shocking to me. We very much are subject to a credit rating, but it is worse than that. We have S&P telling us they are actively contemplating the day on which they will lower our credit rating and we won't even be AAA. This is absolutely shocking to me and it has tremendously dire consequences.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOOMEY. Madam President, I close by saying we cannot kick this can down the road anymore. We need to do something now. I have a budget that balances within 10 years and I urge my colleagues to support it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I see my colleague Senator HATCH and I will be yielding to him for 10 minutes. I thank my colleague, Senator TOOMEY, a member of the Budget Committee. He served on the House Budget Committee. He has worked harder than maybe anybody on the committee and has proposed a plan that would actually balance our budget within 10 years. It is the kind of thing we should be debating in the committee. Unfortunately, I know the Senator has to be deeply disappointed because we are not having a markup in committee. We are not even having a chance to bring forth his budget and defend it and point out why he believes it will make America a better place.

I thank the Senator from his contributions to the debate and to the committee.

Let me note that Senator HATCH is the ranking member of the Finance Committee, a very significant, important committee that deals with the financial challenges our Nation faces every day. I thank the Senator, and I yield to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague, and I thank Senator TOOMEY for his work.

Early this year, along with every one of my Republican colleagues, I introduced a balanced budget amendment to the Constitution.

The people of Utah want this amendment. The polls show that if Congress were to pass it and send it to the States for ratification, it would have significant support across the country.

From my perspective, the debate we have been having over the fiscal year 2012 budget this week—if you can even call it a debate—exemplifies yet again the need for a balanced budget amendment. It seems like a simple thing, but the balanced budget amendment would require the President to submit and Congress to pass a balanced budget. Given the budget process over the last few years, this simple requirement takes on added significance.

The fact is it has been 756 days since Democrats passed any budget, the most

basic of Congress's constitutional responsibilities. And the fact is that absent a balanced budget amendment, Congress will never adopt the spending restraint necessary to restore constitutional limits on the Federal Government and the Nation's fiscal integrity.

The consequences of this ineptitude reached a new low on the Senate floor yesterday. To recap for those who missed it, Democrats took to the Senate floor and accused Republicans who are attempting to right our fiscal ship by reforming programs for the poor and elderly of seeking to harm women, children, and other vulnerable members of our society. This verbal assault was deliberate and premeditated. I actually thank my colleagues on the other side who declined to participate in those attacks. Those attacks might make for good politics, but they are terrible for this country.

People here might wish to deny it, but the fiscal crisis we face is real. They might wish to say that Social Security's finances are just dandy, but the fact is the disability trust fund will be exhausted by 2018 and the overall trust fund will be exhausted in 2036, a year earlier than we previously thought.

As bad as Social Security is, the situation with Medicare is even worse. According to the Congressional Budget Office, Medicare will be insolvent in 2020. According to the Medicare trustees, Medicare's unfunded liability is \$38.4 trillion. And what is the Democratic response to this? All is well. Nothing to see here. Please move along. This is what the Democratic candidate in New York's special election had to say about her opponent's claim that reforms to Medicare were necessary to restore the solvency of this program:

That's simply a scare tactic to tell our seniors that there will be nothing for them. . . . That's not the truth.

Republicans are trying to scare seniors? That is rich. A liberal surrogate for the Democrats is currently running an advertisement that shows House Budget Committee Chairman PAUL RYAN pushing an old woman in a wheelchair off a cliff. Talk about a new low. The head of the Democratic National Committee—fresh from lecturing conservatives about civility in politics—described the House budget as a tornado through nursing homes.

Yesterday we were treated to claims on the Senate floor that stopped short of these attacks, but not that far short. Yet it is Republicans who are trying to scare seniors? Give me a break. Still, as bad as yesterday's display was, I ended my day positive about the future. Last night, I attended a dinner celebrating the centennial of President Ronald Reagan's birth and at that dinner I had the honor of introducing Lech Walesa, the former President of Poland, who helped to roll back the Iron Curtain and liberate a continent.

When Ronald Reagan became President, the Soviets were on the march. It

was not a foregone conclusion that Communists would wind up in the ash heap of history. When Lech Walesa mounted the fence at the Gdansk shipyards, the only thing he could be certain of was prosecution by Communist authorities. But Reagan and Walesa understood something. They understood that communism was a lie, played out on a world historical stage. And to borrow from Shakespeare, Reagan, and Walesa, that the truth will out.

The fundamental truth we face today—one that cannot be denied—is that our Nation faces a spending crisis that no amount of additional taxes can fix. So let's talk about this budget process in a serious way. Unfortunately, doing so will not reflect well on this Chamber.

Borrowing from another one of Shakespeare's plays, in Hamlet the character Marcellus observed that something is rotten in the state of Denmark. One might say the same about the Senate's action on the budget resolution. A budget is not law, but it is an important document that installs the guardrails for the operation of fiscal policy.

Under the Congressional Budget Act, each body is to report a resolution by April 15 of each year. President Obama submitted his budget, and the House met the April 15 deadline. But Senate Democrats have no budget of their own. Here is the Senate Democratic budget resolution: Just one big laid goose egg.

So here we are today talking about the House-passed budget. The simple truth is my colleagues on the other side don't want to vote on a Senate Democratic budget. Instead, they are determined to vote on a budget that everyone knows will not pass this body. Why is this? With all of their hard-edged partisan fury, and not even a thin reed of fiscal governance, like Marcellus, it is reasonable to conclude that something is rotten in the Senate. And if we follow the scent with our noses, we will find it comes down to numbers.

The magic number is 50. There are 100 Members of this body and 53 of those Members caucus with the Democrats. So why aren't there 50 votes for a single Democratic budget? We have heard Senate Democrats won't support the President's budget. The stated reason is that the President's do-over budget was nothing more than a speech that was so vague that our friends on the other side refuse to treat it as a budget. I believe there is a bigger problem holding up the Democratic caucus. The heart and soul of the Democratic caucus is liberal, and I respect that. But a healthy number of my friends on the other side are not entirely in that camp. And many more realize a pure liberal fiscal position might not be politically palatable. After all, the voters sent a message last fall to get spending under control and not to hike taxes.



So because Senate Democrats are jammed up, unable to get their act together, their leadership proposes no budget of their own. We are engaged in a Senate budget debate, but there is no substantive Senate Democratic budget before us, and we don't have one because at least 50 members of this body do not agree on one, even though they have 53 on their side. So how then do we define the majority's fiscal position?

What budget would the majority of Senate Democrats support if they could? That budget is lurking in the background of this debate. It is the budget the party's liberals would enact if they could. It is the budget the President, in his heart of hearts, supports. It is certainly the budget the folks at MSNBC support. It is the House Progressive Caucus's budget—an intellectually honest presentation of the liberal fiscal policy position. For interested folks, take a look at pages H2362 through H2870 of the CONGRESSIONAL RECORD of April 15, 2011. There you will find the House Progressive Caucus budget's fine print and the debate over it.

The Progressive Caucus budget is real and it is ambitious. It is also politically risky. Similar to the House budget developed by Chairman RYAN, it took political courage. It is a statement of policy principles and numbers. With a goose egg as the stated Senate Democratic budget, from my perspective, the best place to look for the Democrat's position is the budget of the House progressives. There is no doubt that is where the sentiments of a majority of the Senate Democrat caucus truly are.

I also think the House progressive budget offers a valuable contrast to the House-passed budget. Last time I checked, there are two major parties in Congress, and both parties should be accountable for what they would do about our perilous fiscal situation.

So let's hold them to account. The House progressives aim to balance the budget by 2021. They aim to reduce public debt as a percentage of GDP to 64.1 percent by 2021. They aim for both taxes and spending to grow significantly but to equal 22.3 percent of GDP by 2021. House progressives advocate a fulsome growth in the role of the Federal Government, with new domestic spending rising by \$1.7 trillion—new domestic spending.

How do they propose to pay for all this? While the Democrats play "hide the ball" on this issue, the House progressives are refreshingly frank. The short answer is, tax hikes and cuts in defense spending. They propose \$4 trillion in new taxes.

Let's take a look at these new taxes: raise marginal tax rates by 17 percent to 24 percent for single taxpayers. Look at that chart. There is an increase in the top marginal rates by 17 percent to 24 percent. There is a brandnew "millionaire" surtax, with rates reaching as high as 47 percent. There is a new

record-high death tax rate of 65 percent.

They treat capital gains and dividends as ordinary income. That means, in some cases, the marginal rate on capital gains and dividends would more than triple. They tax all overseas business income currently. That would mean, with respect to growing global markets, U.S. businesses would be subject to uniquely high levels of taxation.

They create new taxes on banks and financial transactions. I will remind folks that the CBO told us last year this kind of tax would be passed through to bank customers and depositors.

House progressives look to reform Social Security by raising the base of the payroll tax on both employers and employees.

Look at this. My goodness. On health care, House progressives' transparency is breathtaking for its honesty.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. Madam President, I tell my distinguished colleague that we only have a few minutes left, and the Senator from Utah is waiting. So if the Senator could wrap up briefly. I have thoroughly enjoyed the Senator's remarks.

Mr. HATCH. All right. I thank my colleague.

Their budget anticipates taking ObamaCare to the next level with a government-run plan. Progressives would impose government negotiation of prescription drug payments.

Where are the spending cuts? One word, "defense." Defense will be cut by \$2.3 trillion. This is the progressive budget. The hearts of the Democratic Party would love to proceed down this path: ever higher spending and ever higher taxes to pay for it. But the heads of the party realize that this would be politically disastrous. And so, like Hamlet, they are paralyzed when action is demanded.

The failure of the Senate Democratic leadership to produce and vote on a budget of their own cannot be allowed to mask a simple fact. The Democrats might not like the solutions in the House budget, but their own failure to offer a proposal is a vote for the status quo. And a vote for the status quo is a vote for the destruction of Social Security and Medicare. And that is the true threat to America's elderly.

Serious times deserve serious measures. For that reason, I will be voting for the motion to proceed on the House-passed budget, as well as the budgets proposed by my colleague from Pennsylvania, Senator TOOMEY, and my colleague from Kentucky, Senator PAUL.

We have entitlement programs with unfunded liabilities in the tens of trillions. And the Democrats' response? Don't reform those programs to make them sustainable. Instead let's scare up \$21 billion by attacking tax breaks for oil companies.

If my Democratic colleagues want to have a tax reform debate, I am open to

that. But let's not pretend that increasing taxes on oil companies will make one iota's worth of difference in making the country's entitlement programs solvent. Let's not pretend that this is a remotely serious solution to the country's fiscal problems.

Instead of offering a serious budget proposal and debating it, Democrats chose to engage in the basest of politics, smearing Republicans as hostile to women and the elderly.

I wish it were not so, but Marcellus' observation is compelling today. Something is rotten in the U.S. Senate. Nonetheless, and in spite of these antics, I am optimistic about the future.

The truth will out, and the truth is that this country is racing toward a fiscal crisis. This fiscal crisis is still avoidable, if we take courageous actions.

Chairman RYAN, in proposing his budget, and the House leadership for voting on it, have done just that. And fortune favors the bold.

I thank my colleague for that little extra time. I intend to vote for three of these budgets today because the three of them make sense. They are not crazy, they are not phony, and each of the three would save Medicare and other matters in the Federal Government.

I thank my colleague.

Mr. SESSIONS. Madam President, I thank the Senator.

I have to say, the Senator's remarks about the progressive budget and the fact that it represents the heart of this Senate Democratic conference's view of the budget is probably correct. It also represents a view that would be widely and strongly rejected by the American people.

Senator LEE, from Utah, is a new Senator. He campaigned in every corner of his State. He has talked about this issue and spending and has listened to his people and I am delighted to hear from him at this time.

Madam President, how much time remains on this side?

The PRESIDING OFFICER. One minute fifteen seconds.

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senator from Utah have 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Madam President, reserving the right to object, I am fine with that if we would have that time added on our side as well.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. Without objection, 3 minutes will be added to each side.

Mr. CONRAD. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, my distinguished colleagues who have spoken this afternoon have pointed out a truth that is impossible to refute, which is, at the rate the Federal Government is spending, we will have acquired \$15

trillion of debt by the end of this year. That is a lot of money. It is requiring a lot of interest payment. That interest payment is only going to grow large in the coming years.

The Obama administration is already predicting that by the end of the decade, we will be paying \$1 trillion a year just to service the interest on our national debt. To put that in perspective, that is more than we spend on Social Security in an entire year, more than we spend on Medicare and Medicaid combined in an entire year, more than we spend on national defense in an entire year. I actually believe that 10 years is putting it optimistically. I think that day is coming much sooner.

For that reason, I believe this body needs to pass a budget, a budget that balances. The problem has been this body has refused to do this. Every time we proceed with the idea that we will cut so many billions of dollars over the next 10 years or every time we adopt statutory spending caps, as we did with the Gramm-Rudman-Hollings Act almost 30 years ago, as we did with the pay-go rules, Congress has treated those as something Congress can exempt itself out of. Congress has become a walking, breathing waiver unto itself.

The problem is that we, as a legislative body, cannot bind future Congresses. We can legislate. We can appropriate only for this Congress. So our commitment now to save later is not binding—unless, of course, we adopt an amendment to the U.S. Constitution that will bind future Congresses. That is why I have said I will oppose any and every attempt to raise the debt limit until such time as Congress has passed out of this body and presented to the States for ratification a balanced budget amendment to the U.S. Constitution—one that would require a two-thirds supermajority vote to authorize Congress to spend more than it takes in, in any given year, and to spend more than 18 percent of gross domestic product in any given year.

We cannot continue in perpetuity to rely on this kind of deficit spending. This will hurt every single Federal program. Whether you are most concerned, on the one hand, about preserving our ability to provide for our national defense or, on the other hand, if you are most concerned about preserving our entitlement programs, you ought to want a balanced budget amendment. You ought to be unwilling, as I am, to raise the debt limit until that amendment has been passed out by this body and passed by the House of Representatives and submitted to the States for ratification.

Thank you, Madam President.

I yield the floor to my distinguished colleague, the chairman of the Budget Committee, with whom I have appreciated the opportunity to work and would say, again, that he orchestrated a fine series of Budget hearings with some fabulous witnesses who made us all nervous but gave us some valuable

insight. I say to Senator CONRAD, I appreciate those good hearings and I appreciate the opportunity to work with you and I am sorry we are not able to mark up a budget this time, it looks like.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the ranking member. Those hearings would not have been possible without the active working together of my office and his office, and I do think they were an excellent set of hearings talking about the dimensions of the problem we confront and that we are on an unsustainable course, where we are borrowing 40 cents of every \$1 we spend. It cannot continue.

Madam President, after my brief remarks, I ask unanimous consent that the following Senators be recognized for up to 5 minutes off the Democratic time: Senator MENENDEZ, Senator LAUTENBERG, Senator BEGICH, and Senator WHITEHOUSE.

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

Mr. CONRAD. Madam President, just briefly, I wish to address this question of why we on our side have not laid down our budget proposal. Let me repeat, we are in an unusual year. This is not going to be a circumstance in which there is a Republican budget, a Democratic budget, you go to conference committee, and they are resolved because we have a new process underway at the leadership level involving the White House. This is what the Republican leader himself said about that process:

[The discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result. . . . And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

We do not need a Democratic budget and a Republican budget. We need an American budget. We need a budget that is bipartisan because all of us know that is the only budget that can possibly be adopted. The Republicans control the House of Representatives. The Democrats control the Senate. The only possibility for us to make progress is a bipartisan budget.

That is why I was deeply involved in the process on the President's fiscal commission—18 of us for 1 year—and it is the only place a bipartisan budget has so far emerged. Madam President, 11 of us supported it—5 Democrats, 5 Republicans, and 1 Independent—11 of us out of the 18 on the Commission.

We now have underway a group of five talks—Democrats and Republicans working together. But, most important, we have, at the leadership level, Republican leaders from the House and the Senate, Democratic leaders from the House and the Senate, and the Vice President of the United States. What sense would it possibly make for us to go to markup of a budget before we

have seen the results of these leadership talks? That makes no sense. We have a bipartisan discussion underway—Republican leaders, Democratic leaders, and the White House. We ought to have the courtesy and the patience to see if they can come up with a plan that would then form the basis of the budget.

Mr. MENENDEZ. Madam President, I rise with deep concern about what the proposed Republican budget does—in real terms—to real families in this country.

I am deeply concerned that my colleagues on the other side—in their ideological haze—seem to have lost sight of the real people whose lives will be affected by the choices we make.

It seems to me that the Republican budget proposal fails to realize that budgets are not just about numbers. Budgets are about people—their hopes, their dreams, their expectations for a better life for themselves and their children. They are about the promise of America—the vision we have of safe, clean, vibrant communities in which to live and raise our families.

Budgets are a reflection of our values, not—as the House Budget Committee chairman would have us believe—a faceless calculation of pluses and minuses just to get to an arbitrary number—regardless of the impact on families, seniors, students, and every community in this country.

We all have a budget, every family has one, maybe not a formal budget, but we all have one. On the revenue side we have what we earn from gainful employment, investments, interest on savings. And on the flip side we have our expenses: our mortgage payment, groceries, utilities—and we have our contributions perhaps to our church or synagogue, donations to a favorite charity, a favorite cause. These are expressions of our personal values, just as the nation's budget is an expression of our collective values.

We may not always think of the budget in those terms, but we should. It is about our values.

Well, we found out last night, in upstate New York, that the Republican vision of ending Medicare as we know it does not reflect American values, and voters are not buying it.

Once again, our Republican colleagues have shown that they are out of touch with the American people and are on the wrong side of history when it comes to what Americans think is fair—what they think is right.

Americans don't think it's right to give subsidies to big oil companies, tax breaks to millionaires, and take Medicare away from seniors.

They are saying that it is time to abandon the tired refrain of privatization and ending Medicare as we know it. It is time to abandon their ideological agenda that leaves seniors to fend for themselves.

It is not who we are as a people, and it is not what Americans want.

This week I met with a group of seniors in Fort Lee, NJ. We discussed what

the Republican budget cuts would do to the Medicare system they have depended on for decades.

At the Fort Lee senior center, a typical 65-year-old, under the Republican budget proposal, would pay an additional \$7,060 by 2022. Right now, 142,834 seniors in New Jersey are impacted by the donut hole. Under the Republican plan those seniors will pay an additional \$80 million for prescription drugs next year, and by 2020 seniors currently in the donut hole will pay an additional \$1.6 billion.

Nationwide, nearly 4 million seniors would pay \$2.2 billion more for prescription drugs in 2012 alone under the Republican plan. The Republican plan to end Medicare would also force at least 1 million seniors to pay over \$110 million more for annual wellness visits in 2012.

And, by turning Medicaid into a block grant program, the Republican plan could cost America more than 2 million private-sector jobs over the next 5 years and threaten our economic recovery. But that is not all. Nationwide, the Republican plan could cut more than \$503 billion in Medicaid funding for seniors and the disabled, including life-saving nursing home care.

Leaving us with the uncomfortable and unanswerable question I pose to my Republican friends: What will those people do—where will they go? What happens to them under your budget plan?

These are people, not budget numbers. What happens to them?

The Republican budget, in my view, satisfies a narrow political agenda that has obsessed about diminishing the role of government at all costs, no matter the trade-offs, no matter who it hurts, or what we lose.

I believe we can debate the role of government, but let's have it straight-up. Let's not play this game of tearing away at the fabric of America thread-by-thread to satisfy a political agenda, and falsely claim it to be "fiscal responsibility." It is not fiscal responsibility; it's the single-minded goal of a conservative political agenda.

Fiscal responsibility is finding common ground and making difficult choices together. In a democracy, one view does not make a budget.

We can negotiate responsible cuts. We all agree that we must make cuts and reduce the deficit. So let's agree now to negotiate fair cuts and include revenue expenditures that truly balance the budget, and are truly fiscally responsible.

Cutting the deficit should not be a game of political brinksmanship. It requires serious people coming to the table willing to make difficult choices that balance cuts against revenues—balance necessary services and investments that protect our values and our way of life against wasteful spending—while creating opportunity for every American.

Balancing the budget isn't just about numbers. It is about protecting middle

class families who are struggling to make ends meet in this economy—and about reflecting their values, their hopes, their vision of what America is all about.

When considering our values as a nation, the question in this Senator's mind is: Who pays to lower the deficit and who does not under this Republican budget proposal?

The answer is clear. Middle class families pay. Seniors pay. Anyone looking for a Pell grant pays, but nothing is asked of the wealthiest Americans, and Big Oil still gets billions in subsidies.

The fact is the Republican approach to balancing the budget is anything but balanced.

It is skewed to those who have the most and have already benefited the most. A balanced long-term deficit reduction plan would have to include discretionary spending cuts, including defense, as well as entitlement changes. It would have to reduce revenue expenditures by closing tax loopholes.

That is what fairness demands; it is what balance would demand. And it is what makes sense.

In my view, the Republican plan—with \$1 trillion in tax cuts for the wealthy—makes no sense. It is as unbalanced a proposal as one could imagine. Yet our friends on the other side come to the floor and embrace it as rational, reasonable, and perfectly fair.

They look America in the eye, and say that giving the wealthiest Americans more in tax relief will magically create jobs. Although there clearly is not evidence that it has in the past. They tell us that it will raise all ships. They tell us—once again—that wealth will trickle down.

How many jobs-lost, how many jobs-outsourced, how many companies-moved-overseas do we have to endure before we admit that trickle-down-economics is a quaint but false notion? The one thing lacking in trickle-down is the trickle-down.

The fact is the Republican budget is not a balanced approach. It is, in fact, the epitome of imbalance. It memorializes a far-right political ideology and codifies it into a budget document that is fundamentally flawed.

My colleagues on the other side believe balancing the budget means putting \$1 trillion dollars in tax cuts for the wealthy on one side of the ledger, and \$1.4 trillion in cuts to Medicare and Medicaid over the next 10 years on the other. They believe it means a trillion dollars in tax cuts for millionaires who hold 40 percent of America's wealth while eliminating protections for seniors, children, and the disabled—a choice that will leave 34 million Americans with no medical insurance at all.

If we were serious about reducing the deficit in a balanced way, we would start with the obvious, subsidies for Big Oil. The top five oil companies earned nearly \$1 trillion over the last decade. Passing my bill to repeal oil

subsidies would save taxpayers \$21 billion over 10 years.

We can safely assume oil profits will be much greater in the decade to come with higher oil prices, but let's assume the top five oil companies only get another \$1 trillion in profits over the next decade.

And let's not forget that these profits are in Federal waters and on Federal lands, so they are making these profits with America's own resources. According to the data, the cost of exploration, development, and production of oil for the big five oil companies is about \$11 per barrel.

Oil has been trading at about \$100 a barrel. That means Big Oil companies are enjoying a profit of over \$90 per barrel of oil they extract.

Why in the world would they ever need subsidies in such conditions?

Handing out money to Big Oil companies and to the wealthiest Americans shows that the other side is not interested in balancing the budget or reducing the deficit, it wants to enact policies that favor the rich. They would rather dismantle Medicare, cut Social Security, cut Medicaid for seniors and the poorest among us in nursing homes who have no other place to go rather than solve our long term deficit problems in a fair and balanced way.

It wasn't long ago that the budget was, in fact, balanced—during another Democratic administration—when we had budget surpluses as far out as the eye could see.

How quickly we forget. The day Bill Clinton left office he handed the incoming president a \$236 billion surplus with a projected surplus of \$5.6 trillion over the next 10 years.

When President Bush left office he had turned a \$236 billion budget surplus into a \$1.3 trillion budget deficit with projected shortfalls of \$8 trillion over the next decade and handed the new President an economy headed off the cliff.

Now, our Republican colleagues want to go back to the same failed policies. They want to give more tax cuts to millionaires and billionaires, subsidies to Big Oil while they end Medicare as we know it, and gut Pell grants and all they mean to our economic future.

They insist on tax cuts that will cost \$700 billion on the revenue side over the next 10 years, and trillions more by slashing tax rates for corporations and millionaires. Those making more than \$1 million a year will see a windfall of \$125,000 each from the tax cuts, and tens-of-thousands-of-dollars more from the proposed rate cuts. While people in my State lose \$34 billion in health benefits and 400,000 New Jerseyans end up without health coverage at all. They want to shift the balance to millionaires and billionaires, while making draconian cuts to make up for the deficits they created—cuts that do not reflect our values as a people and a nation.

The fact is "balance" is not about subsidies to Big Oil while ending Medicare as we know it. It's not about \$1

trillion in tax cuts for the wealthiest Americans, while slashing Pell grants by 18 percent.

Balance means fairness. It means evenness and equality. It denotes a state of equilibrium, an equal distribution, a proportionate approach. It implies symmetry—not a lopsided view that protects those who need no protection, but does not protect the interest of middle class families struggling to make ends meet.

The Republican notion of “balance” not only ignores the concept of equality, fairness, shared responsibility and shared burden, but it flies in the face of the fundamental concept of American community articulated in our motto—*E Pluribus Unum*—Out of Many, One.

That we are all in this together and should benefit together, sacrifice together—each of us working together for the betterment of all of us.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise with deepest hope that we are going to be able to defeat the House budget plan on which we are about to vote. This Republican budget is a scheme that would endanger the quality of life for millions of Americans who now struggle to get by. Just look at the gas pump and you will see what I am talking about.

The Republicans want to make sure the wealthy get wealthier with a new trillion-dollar tax cut and put the burden on seniors, the middle class, and young people to pay for it.

PAUL RYAN, the House Republican Member who hatched this scheme, has said, “This is not a budget; it is a cause.” If you ask me, it is a cause for alarm. The other side wants to terminate Medicare, one of the most successful programs ever developed in America, and turn it over to private insurance companies where CEOs now make millions. Under the Republican plan, many seniors will have to choose between medication and food to get by, and seniors’ out-of-pocket health costs will cost more than double the present rate, to \$12,500 a year. The Republicans would hand seniors’ health care over to insurance companies, where computers instead of doctors would decide which benefits they will receive. The Republicans also want to reduce Federal Medicaid spending by half, taking away vital services such as nursing homes for seniors and health services for expectant mothers. All told, the tea party Republican budget would rip away health care coverage from 50 million Americans.

But health care for seniors and other Americans is not the only place Republicans want to go to punish them. The House budget plan doesn’t just protect the Bush tax cuts for the rich, it reduces them to even lower levels at the expense of working families.

Instead of more tax breaks for the wealthiest, we should be lifting up the

foundation of our country—the middle class. In the past decade, the average income of the bottom 90 percent of workers has declined while prices for everything escalates, and the top 1 percent saw incomes go up by  $\$1/4$  million each. Imagine. The average incomes of the bottom 90 percent declined while the top 1 percent saw incomes go up by  $\$1/4$  million each.

This budget also cuts Pell grants which help reduce the cost of back-breaking tuition for millions of college students. I never would have been able to attend Columbia University without government help from the GI bill. It enabled me to cofound ADP, one of America’s most successful companies, employing over 40,000 people today.

In the post-World War II era, we created the “greatest generation.” I say invest more in our people so they can create the next “greatest generation,” which cannot be done without our help in education. We need help for a more balanced approach to solving our fiscal problems, including asking the wealthy to carry their fair share of the load.

I was a CEO for many years. I learned that you can’t create a great company or country without sufficient resources. This is no time, as we fight our way out of a recession, to penalize the middle class, the senior citizens, or the young. This is the time to invest in tomorrow without penalizing those who pay the largest price now for their very existence. Let those who can pay for the rebuilding of an America we all love. That is the way we ought to do it.

I urge my colleagues to vote no on this Ryan budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I rise today to speak about the ongoing budget negotiations.

As a member of the Senate Budget Committee, I have jumped into this debate head-on. But we are all here together. That is why I have asked the Alaskans in my State and my communities all across the State to share their ideas with me on how to cut the budget. I have put forward a series of cuts and spending management programs from ideas from my colleagues and my members throughout the State but also ideas I have picked up in my budget hearings. We know we are all going to feel the pinch if we are serious about getting our budget and spending under control, but I have made it crystal clear that I absolutely will not balance the budget on the backs of seniors.

For me, the budget is a moral document. It reflects our values as a nation, and it demonstrates our commitment to supporting our elders and protecting our children. It is the future pathway of our great country. But the Republican House budget that has passed the House and is proposed today for us to vote on does not reflect these values. That is why Congressman RYAN received an earful from seniors when he

went back home to Wisconsin after rolling out his plan—his scheme, in my view—setting us back decades. That is why voters in New York yesterday rejected Republicans and their extreme plan to eliminate Medicare as we know it by electing a Democrat in a Republican district. I mention New York not because this was a win for Democrats or a loss for Republicans but because this was a win for our seniors and because the stakes are too high.

Americans all across the country are saying no to the current Republican plan that could fail to automatically enroll our seniors in Medicare and instead force them to buy health coverage from a private insurance company. And let me make it very clear on the private insurance company. Medicare today, to administer, costs about 1.5 percent. So all of the rest of the money for Medicare goes to services, to programs to ensure health care for our seniors. If insurance companies got hold of this, their costs to administer would be 20 to 30 percent—clearly fewer services for seniors.

In Alaska, over the next 10 years, under this Republican House plan that passed that is here in front of the Senate for us to vote on, it will move the cost for Medicare for my constituents in Alaska from \$5,000—their cost—in 10 years to over \$10,000. On top of that, it will force seniors to pay an average of \$3,500 more for prescription drugs over the next 10 years—again, adding about \$8,500 in additional health care costs to seniors. At the same time, this budget they want us to approve—which, of course, I am not willing to—will give millionaires another \$1.2 trillion in additional reductions, at the same time sticking it to our seniors. It will truly end Medicare as we know it today.

In Alaska, our elders are revered. We respect their wisdom, and they guide our decisions. As a people, it is our duty to care for our elders as they grow older. The Republican plan, the Ryan budget, will cost, as I said, Alaska seniors dearly—thousands and thousands of dollars per year more than they are paying today, seniors who are on fixed incomes. In Alaska, we have one of the fastest growing senior populations in the Nation by percent.

So I continue to look forward to working with my colleagues on the other side and my colleagues on this side to figure out how we are going to move forward on this budget, but let’s not do it on the backs of seniors by throwing them over the ship and never looking back. Seniors paid into it, seniors expect it, and we have an obligation to ensure they have the health care that ensures that they have a quality of life and live in dignity in their later years.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG.) The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, we are gathered here on the Senate floor to face a very stark fact; that is, that

the House Republican budget would end Medicare as we know it for future generations. The House Republican budget would increase costs for current beneficiaries right away, and the House Republican budget would do real damage to seniors across this country and in my home State of Rhode Island.

With gas prices at near-record highs and unemployment numbers still in double digits, most folks are focused on making ends meet. They deserve a budget that will improve the economic opportunity in our country, balance our budget, and maintain Medicare, Medicaid, and other programs on which so many Americans rely. The House Republican budget fails every one of these tests. It ends Medicare, it lowers taxes for most corporations and the most fortunate, who too often already pay lower tax rates than the average American, all while failing to balance the budget.

The House Budget Committee chairman has claimed that "our budget makes no changes for those in or near retirement." This claim that this budget resolution will not affect Americans who are already retired is simply flatout false. The House budget reopens the Medicare Part D doughnut hole that we closed in the reform bill. That will cost nearly 17,000 Rhode Island seniors, in 2012 alone, nearly \$9.5 million out of pocket.

Seniors at the DaVinci Center in Providence, The Meadows in North Smithfield, and so many other places have gone without a cost-of-living adjustment in their Social Security benefits for 2 straight years even as costs have steadily risen at the pharmacy, at the grocery store, and at the gas pump. Taking away their prescription drug assistance, charging them an additional \$9.5 million hits them too hard and too soon—in 2012, literally right away.

The Republican budget also ends Medicare as we know it for future generations. Planning to retire in 11 years? No Medicare. You instead will be forced to buy private health insurance from insurance companies standing between you and your doctors instead of the reliable, affordable insurance provided by Medicare.

The nonpartisan Congressional Budget Office has estimated this would double what retirees would pay out of pocket under the current system—more than \$6,000 extra for retirees.

The Republican attack on Medicare overlooks a basic fact—that all health care costs are skyrocketing, irrespective of who the insurer is. Recently, Defense Secretary Gates said, "Everybody knows that we are being eaten alive by health care." There is a cost problem in health care, but attacking Medicare fundamentally misdiagnoses the problem. But that is another speech.

I recently held an official Senate Aging Committee hearing at the Johnston Senior Center in Rhode Island to give Rhode Islanders the chance to

make their voices heard. Audrey Brett, a Middletown resident who relies on Social Security and Medicare, said this:

For all those Americans who worked, paid their taxes, added to the betterment of the country, served in military and civil service—we cannot let them live and die in poverty. We owe them their final days of security and dignity.

Audrey is right. But the Republican budget gets rid of that promise of security and dignity contained in Medicare. Medicare as we know it is lost. Here is what is protected: low taxes for the superrich, who already pay lower tax rates than the average taxpaying American family—protected; low taxes for many large corporations, which for too long have been gaming the system and paying too little—protected. And remember, the Republicans just voted last week to protect Big Oil tax subsidies.

Wreck Medicare but protect those tax cuts and subsidies. Those are not America's priorities. Let's put real priorities first—Medicare and allowing our seniors to enjoy a stable and dignified retirement.

I see the majority leader on the floor. I yield back the remainder of my time.

THE PRESIDING OFFICER (Mr. BEGICH). The majority leader.

Mr. REID. Mr. President, it is my understanding that we have 5 minutes. I will take that time.

THE PRESIDING OFFICER. The leader is recognized.

Mr. REID. Mr. President, the vote we are going to have shortly is about more than just public policy; it is about priorities, about whether we hold fast to our values or break our promises.

There is a lot wrong with the House Republican budget on which Senators are about to cast their vote. But the most irresponsible and indefensible is a radical plan to end Medicare as we have known it. Doing so would break a solemn promise between our society and our seniors. It is a promise that for more than four decades has saved seniors from poverty, illness, and worse.

The promise of Medicare is this: If you work hard and contribute, America will make sure you are protected in your golden years from the hardships of affording health care. The Republican budget would break this promise. It would make life significantly more difficult and painful for America's seniors. It is as simple and as serious as that.

The Republican plan would kill Medicare. Even the conservative Wall Street Journal admitted this, even though most Republican U.S. Senators still refuse to face this reality; that is, as the Wall Street Journal said, the Republican plan would kill Medicare.

Here is what it would do. It would turn over seniors' health to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatments seniors get. It would ask seniors to pay more for their benefits, for their health care, charging every

senior \$6,000 more every year in exchange for fewer benefits. That is a bad deal all around.

Those voting for this Republican plan would be forcing seniors in Nevada to pay more than twice as much as they pay today in out-of-pocket costs. Sadly, that is just not a Nevada problem, it is an Alaska problem, too, and a problem that faces every State in the Union—\$6,000 more for every senior.

Those voting for the Republican plan to kill Medicare would be voting to reopen the doughnut hole we closed to help seniors afford expensive prescription drugs. Opening the doughnut hole would send drug prices literally through the roof, costing, for example, 27,000 seniors in Nevada and every other State thousands of dollars more between now and the year 2020.

Those voting for the Republican plan to kill Medicare would also be forcing our seniors to pay almost a million dollars more for annual wellness visits that we put in our health care bill, and it would make it harder for seniors to access nursing home and long-term care. It would make at least 34 million more Americans uninsured.

The Republican plan to kill Medicare was written in the name of saving money. Listen to this, Mr. President. It costs seniors so much money that it doesn't do anything they said it would do. One study found that seniors would spend \$14 more for every dollar the government saves. That is 14 to 1 in the wrong direction. That is not effective economics anyplace. It is certainly not worth endangering the health of our seniors.

The Republican plan is a plan that tries to balance the budget literally on the backs of America's seniors. This is a clear window into the other party's priorities, though. While it asks seniors to pay more and more, it allows the wealthiest to pay less and less. It gives even more tax breaks to those who need it the least—oil companies, billionaires, and multinational companies that ship jobs overseas.

It comes down to this: The Republican plan to kill Medicare is a plan to make the rich richer and the sick sicker. A well-worn metaphor characterizes the Senate as a saucer, a deliberative body that cools the intense heat and occasional zeal of the House of Representatives. In voting down the radical Republican House-passed plan in Medicare, and keeping our priorities straight, and keeping our promise to our seniors, we are bringing that image to life that our Founding Fathers had of this great body, the United States Senate.

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ESTABLISHING THE BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 36, H. Con. Res. 34, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote “nay.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—40

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

NAYS—57

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

NOT VOTING—3

Hutchison	Roberts	Schumer
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The motion was rejected.

The PRESIDING OFFICER. The Republican leader.

**SETTING FORTH THE PRESIDENT’S BUDGET REQUEST FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED**

Mr. MCCONNELL. Mr. President, I move to proceed to S. Con. Res. 18, a resolution setting forth the President’s budget, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote “nay.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 0, nays 97, as follows:

[Rollcall Vote No. 78 Leg.]

NAYS—97

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

NOT VOTING—3

Hutchison	Roberts	Schumer
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The motion was rejected.

**SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED**

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, for the information of everyone, this next vote will be a 10-minute vote, and the next will be a 10-minute vote, so I wouldn’t go too far from the floor.

I move to proceed to S. Con. Res. 21, a resolution submitted by Senator TOOMEY setting forth the congressional budget for the U.S. Government.

I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator seek to limit the vote to 10 minutes?

Mr. MCCONNELL. A 10-minute vote.

The PRESIDING OFFICER. Without objection, the following votes will be 10-minute votes.

Mr. MCCONNELL. Did we get the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote “nay.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—42

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

NAYS—55

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

NOT VOTING—3

Hutchison	Roberts	Schumer
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The motion was rejected.

The PRESIDING OFFICER. The Republican leader.

**SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the next vote be a 10-minute vote.

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

Mr. MCCONNELL. Mr. President, I move to proceed to S. Con. Res. 20, a resolution submitted by Senator PAUL, setting forth the congressional budget for the U.S. Government, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote “nay.”



Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 7, nays 90, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—7

Coburn	Lee	Vitter
DeMint	McConnell	
Hatch	Paul	

NAYS—90

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

NOT VOTING—3

Hutchison	Roberts	Schumer
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The motion was rejected.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only for 2 hours; that Senator SESSIONS control the first hour and Senator CONRAD control the second hour.

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

UNANIMOUS CONSENT AGREEMENT—S. 990

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and that the cloture vote on the motion to concur in the House amendment to S. 990 with an amendment occur at 10 a.m., Thursday, May 26, without intervening action or debate; further, that if cloture is invoked, the time postcloture be counted from 1 a.m., Thursday May 26.

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

Mr. REID. So, in short, we do not have to have the vote at 1 o'clock. Everyone has been most cooperative in getting past that point. We will come in tomorrow, we hope early in the day, to have good news on how we are going

to go forward to make, hopefully, virtually everybody happy.

The PRESIDING OFFICER. The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, I thank the majority leader for allowing us to have a few remarks at this time, after the process has been completed tonight.

The Senate has not fulfilled its responsibility. The United States Code that we passed, Congress passed, requires that there be a budget. It requires that Congress commence marking up the budget in the Budget Committee, as the Presiding Officer knows, by April 1, and a concurrent resolution be passed by April 15, setting forth what the Congress authorizes to be spent in the next year.

If anybody attempts to spend above that amount, the Budget Act allows a point of order to be raised, and it would require 60 votes to go above that level. So a budget says what we want to spend and makes it difficult for anybody to spend more. It is what we do in our households, it is what our cities and counties do, it is what our State governments do.

I know Senator MANCHIN, the Presiding Officer, as a Governor, he had to deal with his tough budget situation. My Governor, Governor Bentley, just announced he is prorating 15 percent of the discretionary spending for the rest of the year.

We are not talking about those kinds of cuts this year in Washington. I was in Estonia, near the Soviet Union on the Baltic Sea, and the proud Estonians had a larger deficit, larger economic decline than we did. The Estonians told us that every Cabinet official took a 40-percent pay cut, every employee took 10 to 20. The health system, one said: My wife is a doctor. She is very unhappy. But they intend to complete the recovery in Estonia without adding to the debt at all. Their debt to GDP is 7 percent.

By September 30 of this year, our debt-to-gross domestic product will total 100 percent, and according to the Rogoff-Reinhart study, a great authoritative study that has gained a great deal of applause, when the debt amounts to 90 percent of GDP, economic growth declines by 1 percent.

A 1-percent decline in GDP—the experts tell us—is the equivalent of 1 million jobs. So we will be in a position where, because of the debt we have accumulated, the economy will grow 1 percent less and we could have 1 million less jobs.

We do not know what our economic growth might be. It looks like it could be less than 2 percent. We are talking about a huge difference in what our economic growth could be this year. Maybe it will be 3. But if it is 3, it would have been 4. If it was 4, it would have been 5. If it is 3, it would be 2 because of this debt.

So these are the circumstances we are dealing with. Every witness has told us we need to do something about it. The Nation is in a most serious fix. So there has been a decision made by the leadership of the Senate, the Democratic leadership of the Senate, not to produce a budget.

It was interesting, when the President's budget was brought up, every single Member of the Senate—Republicans and Democrats—voted no. We could say: Why did they do that? Well, the President's budget deserved not a single vote. Considering the severe, serious financial condition we are in, the President's budget was the most irresponsible budget that has ever been presented to Congress. It is stunningly short of anything necessary.

Erskine Bowles, the man President Obama appointed to head the fiscal commission, said the President's budget was nowhere close to where they will have to go to avoid our fiscal nightmare—nowhere close. But our colleagues, what have they done? They complained about the Ryan budget. They vote against their own, and they vote against any other budget. They vote against the Ryan budget saying it is going to eliminate your Medicare, and you will not receive your Medicare because of PAUL RYAN and the mean Republicans.

But the Ryan budget made no change in Medicare in the 10 years in the Ryan plan at all, except canceled the President's health care bill and saved hundreds of billions of dollars. What it did was to propose in the future that we develop a new way of administering Medicare that would save money and make it more responsible to individual needs.

We refused to even move to that legislation, to discuss it, and to analyze whether it should be done that way or whether it could be done another way. But nobody denies that this budget, that any budget we pass, must confront our entitlement programs. Surely, they do not. So whatever you do, you are attacked by it. Our majority leader, whom I admire and enjoy working with, was quite frank. He said: It would be foolish for us to pass a budget. He did not mean it would be foolish for America. He did not mean it would be foolish for the public interest. He did not mean it would be foolish in terms of containing the reckless spending and dangerous path we are on. He meant it would be foolish politically because he had a plan, and the plan was to attack the people who had the courage, the gumption, and the hard work to produce a budget dealing with the long-term fiscal challenges of America: PAUL RYAN and his Budget Committee, wants to attack them, bring up their budget and vote it down, and not produce anything in response.

I believe that is an embarrassment to the Senate. It is an utter failure to meet our statutory obligation. More importantly, it is a failure to meet our moral obligation. Many have said:

Well, we need to do something because we are putting debt on our children and grandchildren. That is absolutely true. But we have been told by numerous experts, including Mr. Bowles, who chaired the debt commission, that we could be facing a debt crisis in 2 years, give or take a little bit. That was his opinion.

His cochairman, Alan Simpson, said it could be 1 year. So we could have another debt financial crisis that could put us back into a recession as a result of our fiscal irresponsibility as soon as 2 years, according to Erskine Bowles—accomplished businessman, successful businessman, President Clinton's Chief of Staff, chosen by President Obama to head the Commission. That is what he told us in the Budget Committee just a few weeks ago.

How serious is it? Our highway spending this year is about \$40 billion. Last year, this country spent, in interest on our debt, \$200-plus billion, five times the highway bill, just for example, and we need to do something about our infrastructure and highways in America. I am very worried about it.

I indicated that, just for example, the highway budget is about \$40 billion. The Federal Department of Education is about \$70 billion. But we spent last year in interest payments on the debt that we have accumulated, over \$200 billion.

The President submitted his budget. It was favorably commented on by Democratic colleagues and represented what appears to be, I guess, the mainstream Democratic view—although I am pleased to see nobody voted for it.

But according to the Congressional Budget Office, which has analyzed the budget the President submitted to us, it would result in an interest payment, in the 10th year, of \$940 billion.

That is an amount of money that exceeds our imagination. It is larger than the Defense Department budget. It is larger than Medicare. It is larger than Medicaid. It is the fastest growing item in our entire budget. And that assumes a slight increase but modest interest rate, below the 6-percent historical average. So if interest rates were to go up faster—and that is quite possible—instead of \$940 billion, we could have trillion-dollar-plus interest payments every year, crowding out the ability of the Education Department, Transportation Department, NOAA, the EPA, and every other agency in government to get funds. We will crowd out that spending by placing an annual burden on our people of \$940 billion a year. It is this trend and this path that is unsustainable. We have been told that.

I just want to repeat what happened just a few moments ago. What happened? Four measures were brought up by the majority, and they were brought up with the full knowledge that nothing would happen. There were several hours of debate. We voted on four tremendously important items, four budgets for the United States of America, with no real ability to discuss each one

of them in any depth at all. It was a political exercise. The majority leader said it would be “foolish” for us to pass a budget. In other words, it is foolish for the Democratic majority to commit themselves to any plan for the future of America. It was an avoidance of responsibility. They would not even vote for the President's budget because if they did, they would be responsible for it.

What they did was attack the one group of people who have done the right thing, the responsible thing, and that is to produce a historic budget that would basically solve our debt problem—it didn't overreach—and that is the House budget. It was long term, short term, and it dealt with entitlements, discretionary spending, and taxes. It was a thoughtful, important, historic budget. The Chicago Tribune praised it. The Wall Street Journal praised it. The fiscal commission chairmen, Bowles and Simpson, praised it for its courage, its integrity, its lack of gimmicks, and for being honest.

Do you know what they said. They said, again, that anyone who opposes the Ryan budget or opposes any one of the budgets, if you don't like it, you should put forth your plan. Has the leadership in the Senate proposed any plan? In a shocking display of irresponsibility—I don't have words to describe the degree of irresponsibility that I think has been shown here tonight—they have said: We are not going to produce anything. We are just going to attack what you have done.

Many of our colleagues have said we have to deal with entitlements and confront the surging debt caused thereby; that Medicare and Social Security are in danger and they could go belly-up. We have to change what we are doing. The House wrestled with that. It wasn't within that 10-year window. Everybody who is 55 and above and everybody who is on Medicare today would have no change—none. Yet we have people going around telling our seniors that this Ryan House budget would change their Social Security and they would not get it. In fact, it would save the Social Security Program, put it on a sound basis, and guarantee that people now receiving it and people over 55 who are soon to be receiving it would have no change whatsoever. In fact, in some ways, it would strengthen it for them. This is not correct.

Well, do we have a better plan? What about the Becerra rule? I suppose that is Congressman XAVIER BECERRA they named that for, a Democratic Congressman from Los Angeles. Did they produce anything they think is better? Do they have any plans to change the debt course we are on? Zero, nada.

I really believe this is not the responsible way to deal with the challenges this country faces. I am deeply disappointed. The matter is not going away. As ranking Republican on the Budget Committee, I feel a great sense of responsibility to defend the legally required processes of a Budget Act.

What kind of ranking member or member of the Budget Committee would I be if I sat by and acknowledged and accepted these four votes as somehow disposing of the situation?

What should happen? What should have happened is that by April 1, the chairman of the Budget Committee, Senator CONRAD, with whom I enjoyed working this year, should have produced a chairman's mark, and it should have gone to the Budget Committee, and we would have had an opportunity to debate and vote on that and discuss all the issues relevant to getting our country on a fine, sound, fiscal path. But I think the majority leader decided that was not a good path.

Senator CONRAD, if you read the newspapers, apparently brought up his budget, his proposal to the Democratic conference, and it received a chilly reception, according to the newspapers. Senator CONRAD has said repeatedly that he knows we are on an unsustainable path. He said once that we are heading to the wall at warp speed. We have to change, he said, because we are on an unsustainable path. But they thought, I suppose, he was too frugal, and so apparently, according to the papers, he came back the next week with a budget that Senator SANDERS and some of the others apparently blessed. We thought we were going to have a markup, maybe, and he would bring that forward. They said publicly: We have a budget, and we have basically agreed on a budget, but we are just not bringing it forward. But it should have been brought forward to committee, marked up, passed out of committee, and brought to the floor.

It won't pass the committee, they say. What do you mean? We have to pass a budget. The Budget Act provides that it can't be filibustered. It allows the budget to be passed with a simple majority. The Democrats have a majority in the committee. They can pass a budget just like they like it. Whatever they like, they could vote to pass it. Why not? Well, I think it is because they thought it would be foolish politically for them to commit themselves to any plan that dealt with taxes, with spending, with the debt. They didn't want to commit themselves. They decided that the smart thing to do would be to attack the foolish Republicans, who actually had the responsibility and the integrity and the sense of duty to lay out a plan for this country's financial future.

Make no mistake about it, a budget is a serious matter. It sets forth your vision for America, how big you would like the government to be, how much tax you want to impose, how much spending you want to incur and how much debt you would like to incur, and it sets it forth before the whole world. We were waiting to see—the House had done their duty—what will the Senate do? Nothing.

I don't think that is responsible. I don't believe it is acceptable. I don't accept it. I am going to continue to resist this kind of no-action policy.

I hope the American people will register their complaints and concerns with their Senators and demand that this Senate do its duty to set forth a budget that can help contain spending in America and put us on a path to financial stability and allow our economy to begin to grow at a robust rate because I truly believe the debt and the interest we pay is weakening our economy, as the expert economists have told us.

Mr. President, we can't quit now. We are not going to quit now. We are going to keep pushing for the kind of budget that will allow us to put this country on a sound path. I am deeply disappointed that we have totally short-cut the entire process. We have entirely avoided the responsibility to cast a serious vote on a budget, bring one up where we have the opportunity to debate and amend it and calculate out and study and make sure there are no gimmicks in there and hidden manipulations that hide the way the numbers appear. We have seen that too often. In fact, if the American people knew the extent to which this Congress, year after year, has manipulated the numbers to hide the serious, irresponsible spending programs we are executing, they would be more angry with us than they are, and 70 percent of Americans think this country is on the wrong track. Fundamentally, I believe that is based on the fact that they think we are spending recklessly, running up too much debt, and endangering the future health and welfare of generations to come.

I yield the floor.

• Mrs. HUTCHISON. Mr. President, I am submitting my views today about the need to enact a fiscally responsible federal budget for fiscal year 2012.

The April 15 statutory deadline for Congress to complete its annual budget resolution was over a month ago. An annual budget resolution is essential for controlling spending, for guiding the annual appropriations process, and for setting national spending priorities.

For the past 2 years, the Senate has failed to meet this critical deadline. During that time, the U.S. has borrowed an additional \$3.2 trillion—more than \$100 billion a month until the \$14.29 trillion debt ceiling was reached on May 16.

For the first 7 months of the 2011 fiscal year, the budget deficit was a record \$871 billion—\$71 billion higher than it was at the same point in fiscal year 2010. During the same period, income tax revenues increased by \$110 billion, or 9.1 percent.

The problem isn't that Americans are taxed too little; Federal deficits are out-of-control because government is spending too much.

Not passing a budget, not bringing forward even a budget proposal, takes us down a path that ends in Social Security and Medicare bankruptcy, harms our national security, and passes the bill for current fiscal irresponsibility onto our children and grandchildren.

We are just 4½ months from the beginning of fiscal year 2012. Unless we pass a budget and approve the individual spending measures that are required to fund government operations, we will return to stopgap continuing resolutions and to recurring threat of government shutdowns.

Yesterday, I joined all 46 of my Republican colleagues in a letter to the Senate majority leader that urges him to initiate the steps that must be taken for the Senate to debate, vote, and produce a responsible Federal budget for the next fiscal year.

As the majority leader knows, the procedural votes he has scheduled will not advance us toward that goal. These votes are intended only to score political points.

Today I will be in Dallas to attend my daughter's graduation from lower school to middle school. This will prevent me from being present for votes on the motions to proceed on four budget proposals. My absence for these procedural votes will not affect the outcomes. But I wanted to make known my position in advance of these votes.

A serious attempt to move a fiscal year 2012 budget forward would be a bipartisan effort that would enable us to debate, amend, and move forward a plan for long-term deficit reduction, while funding essential government programs and services. I look forward to a real debate, open amendments, and a vote on a serious budget that will dramatically bring down the outstanding debt our country has accumulated. Unfortunately, that opportunity is not going to be presented to the Senate today.

I would vote in favor of the motions to proceed on the three Republican-originated budget proposals before the Senate: the so-called Ryan budget that has been approved by the House of Representatives, as well as alternative plans put forward by Senator TOOMEY and Senator PAUL.

Each of these proposals would put the Federal Government on a multiyear glide path to a balanced Federal budget. Each proposal would go about achieving this crucial goal by reducing Federal spending, not by raising taxes, and could be a constructive starting point for Senate debate and consideration of amendments. I do not agree with parts of each proposal. But if we had an open amendment process we could attempt to improve each proposal, while preserving the best parts.

I could not vote for the motion to proceed to consideration of the President's fiscal year 2012 budget. Unlike the Republican proposals, the President's fiscal year 2012 budget proposes to add \$8.7 trillion in new spending and \$1.26 trillion in net new taxes over the next decade, while only projecting \$1.1 trillion in savings over 10 years.

Rather than balancing the Federal budget, the President's budget plan would add several trillion dollars more to the national debt. That would be a

catastrophe by any standard. But the reality of the President's budget would be much worse. In the President's budget a \$1.1 trillion deficit was projected for the current fiscal year. But we are instead headed for a \$1.4 trillion shortfall.

The President subsequently signaled understanding that his proposed budget falls short by releasing a new deficit reduction proposal on April 13. The President's new plan targets \$4 trillion in deficit reduction in 12 years—through tax increases and a new “debt failsafe” trigger that would include cuts to spending through the tax code—a new euphemism for tax increases.

It is our responsibility to the country to act on establishing constraints on federal spending and producing a budget blueprint. My colleagues on the other side of the aisle have chosen not to prepare nor advance a fiscal year 2012 budget resolution forward, except to say repeatedly that higher taxes are essential. In my estimation, raising taxes in a struggling economy will stifle job creation and further delay recovery from a devastating, long-lasting recession.

We must make bold cuts in spending where we can. We should also take steps to assure the long-term safety and soundness of Social Security and Medicare, for current retirees and for today's workers who will need to depend on benefits later. We must also carefully prioritize investment and research in areas of strategic national importance.

Just as American families and small businesses across the Nation set their spending priorities so Congress is expected to do the same. As a nation, we have reached a serious, fiscal crisis. It is time to start making the necessary and difficult decisions for the future of our country. •

H. CON. RES. 34

Mr. RUBIO. Mr. President, for me, Medicare is not a political talking point. My parents immigrated to the United States in the late 1950s. They worked hard for over 40 years to provide their children the chance to do all the things they themselves could not. But they never made much money. As a result, they retired with precious little in savings. Medicare was and is the only way they could access health care.

When my father got sick, Medicare paid for his numerous hospital stays. And as he reached the end of life, Medicare allowed him to die with dignity by paying for his hospice care.

Like most 80-year-olds my mother has several age-related ailments. Without the access to quality health care that Medicare pays for, I cannot imagine what life would be like for her.

America needs Medicare. We need it to continue without any benefit reductions for those like my mother currently in the system. And we need it to survive for my generation and my children's generation.

But Medicare is going bankrupt. Anyone who says it is not is simply

lying. And anyone who is in favor of doing nothing to deal with this fact is in favor of bankrupting it.

Medicare will go broke in as little as 9 years. No one likes this news, but it is the undeniable truth. And the sooner we begin to deal with it, the better off we are all going to be.

My goals are simple. First, I will not support any plan that changes Medicare for people like my mother who are currently on the plan. We cannot ask seniors to go out and get a job to pay for their health care.

Second, any solution must solve the problem. We need to save Medicare, not simply delay its bankruptcy.

And third, any solution cannot hurt economic growth. At a time of high unemployment, Americans cannot afford to pay more taxes.

I will support any serious plan that accomplishes these three things. It does not matter to me if it comes from a Democrat or a Republican. Saving Medicare is more important than partisan politics.

House Budget Committee Chairman PAUL RYAN has offered a plan. I support H. Con. Res. 34 because, right now, it is the only plan out there that helps save Medicare.

Democrats oppose this plan. Fine. But, if they have a better way to save Medicare, what are they waiting for to show us? What is their plan to save Medicare? Either show us how Medicare survives without any changes or show us what changes you propose we make. Anyone who supports doing nothing on Medicare is a supporter of bankrupting Medicare.

Where is the House Democrat plan to save Medicare?

Where is the Senate Democrat plan to save Medicare?

Where is President Obama's plan to save Medicare?

They have no plan to save Medicare, and they do not plan to offer one. They have decided that winning their next election is more important than saving Medicare for my mother and retirees like her.

I have been in the Senate just long enough to be disgusted by the reality that Washington has too many people who think their personal political careers are more important than our country's future.

Maybe the Democrats' strategy to use Medicare as a political weapon will work. Maybe not offering their own plan to save Medicare will help them win seats in Congress and reelect the President. Maybe it is great for the Democrat Party.

But it is terrible for people like my mother, and it is terrible for America.

Medicare is going bankrupt. If something does not happen soon, in just a few years whoever is in charge in Washington will have to go to people like my mother and tell them we can no longer afford to continue providing her with the same Medicare she is used to.

We have always had intense partisan politics in America. But throughout

our history, on issues of generational importance, our leaders have agreed to put aside politics for the sake of our country. Shouldn't saving Medicare be that kind of issue?

I am ready to work with anyone in Washington who is serious about saving Medicare. I am open to any serious solutions they have.

We are running out of time to save Medicare for our parents and secure it for our children. If we fail, history will never forgive us.

S. CON. RES. 20

Mr. President, I came here to support budgets that make tough spending reductions, save our safety net programs, and preserve our commitment to protecting Americans at home and abroad. In the midst of this fiscal crisis, there should be no sacred cows in the Federal budget, but we also can't walk away from our commitments abroad. Especially in this time of great upheaval around the world, and as America's enemies dream of a Greece-like day of reckoning that will leave us no choice but to abandon our allies around the world, I simply cannot support a budget that would make the world a less safe place because the United States' role in it is diminished.

#### TRIBUTE TO MARY JANE MCCARTHY

Mr. REID. Mr. President, Mary Jane McCarthy will retire at the end of May after more than 23 years of service to the U.S. Senate. As one of the official reporters of the debate in the Senate, Mary Jane and her colleagues ensure that the debates and votes of the Senate can be read by future generations.

Mary Jane started her professional career as a free-lance reporter in 1972 by recording government hearings at the Federal Trade Commission. Since that time, she has reported hearings and proceedings at the Federal Aviation Administration, and the National Labor Relations Board.

In the Senate, Mary Jane developed a reputation for understanding the intricacies of this legislative body. With her years of experience, Mary Jane knows the nuances of the parliamentary procedures so well that she is often asked to train new reporters when they enter the Senate. I am sure many of her colleagues have benefitted from her instruction.

I am proud to have worked with Mary Jane and I appreciate her important contributions to the Senate. I know I speak for the Senate family as we wish you the best in your future endeavors.

#### TRIBUTE TO LLOYD ATOR

Mr. ROCKEFELLER. Mr. President, it is my very great pleasure to pay tribute to one of the great treasures of the Senate, Mr. Lloyd Ator. Lloyd is retiring after 17 years as the legislative counsel for the Commerce Committee,

and 11 years in the Senate Legislative Counsel's Office. Lloyd has been a truly outstanding public servant, and his service has made our country a better place.

Given the breadth of issues within the committee's jurisdiction, the legislative counsel is required to be something of a Renaissance man. Fortunately, that is a perfect description of Lloyd. He has been required to know the underlying law in so many areas, from the Olympics, to daylight savings time, railroad rates, aviation security screening, cellphone use, science standards, fisheries management, maritime liability, commercial privacy, and satellites. To draft concise, thoughtful, and technically accurate bills on this range of issues, as Lloyd has done, requires unparalleled skill, expertise and dedication. Lloyd is also a parliamentary expert and served as an outstanding resource for committee members. Even when every other committee did away with their own legislative counsels, the Commerce Committee was determined to keep Lloyd, knowing that his unique capabilities made him our "secret weapon."

Not only is Lloyd an experienced drafter, he is a man of unflagging spirit. One of Lloyd's most remarkable qualities is his unwavering patience. No matter how many times he was asked to rewrite an amendment or edit a draft, he never once rolled his eyes or expressed frustration. He continually responded calmly and patiently, offering a word of humor at just the right moment. His humorous comments on drafts of bills are legendary on the committee.

Lloyd has become a bulwark on the committee, respected by colleagues and Members on both sides of the aisle. As a trusted adviser, he has always maintained the utmost level of confidentiality, even while drafting competing bills. Despite this position of privileged knowledge, Lloyd has always remained discreet and has earned the respect of all with whom he has worked. Lloyd is someone that both the Members and the Commerce staff have come to rely on, time after time. It has been largely through Lloyd's hard work, patience, and extensive legislative knowledge that the Commerce Committee has been able to produce such high quality legislation for the past 17 years. He has played an important role in every major piece of legislation the committee has considered for the past decade and at the close of the last century.

Lloyd is an incredibly humble man and has never been one to seek recognition, which is part of why I am so pleased to honor him today. Lloyd's retirement signifies a great loss to the committee and to the Senate. As sad as we are to see him go, I know that he is looking forward to spending more time with his family, his dog, and on many more trips to France. It is with sincere thanks from a grateful committee that I wish him nothing but the best in the

years to come. We have all been made better by his contribution, his presence, and his example. He is an institution and his extraordinary service is as much a part of Commerce Committee lore as the Enron investigation or the deregulation of telecom. He is an institution we are extremely proud of and will always honor. We will strive to live up to his example.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SAUL MARTINEZ ELEMENTARY SCHOOL

• Mrs. BOXER. Mr. President, it is with great pleasure that I honor students, teachers, administrators, librarians, and parents from Saul Martinez Elementary School in Mecca, CA, for taking a stand to resolve a serious pollution problem the community was facing. Together, they have demonstrated how important it is to speak up and be heard to make government officials aware of vital issues that affect their community.

Like all Americans, the residents of Mecca, CA, have the right to expect that the air they breathe is clean, and that the Federal and State government will enforce the Nation's environmental laws to protect them from dangerous pollution. Unfortunately, some residents in Mecca became sick from overpowering air pollution coming from a nearby waste recycling facility. The noxious odors posed a public health risk to the two schools located near the site, Saul Martinez Elementary School and Mecca Elementary School.

I became involved because local citizens, including teachers and students at the two schools, spoke out about the public health threat in Mecca that needed to be addressed immediately. I am so pleased that the Environmental Protection Agency stepped up its efforts to clean up the air pollution in and around the community of Mecca.

I give special thanks to the residents of Mecca, including the students at Saul Martinez Elementary School, for speaking up and telling the truth about the troubling conditions nearby. It is an example to all Americans that we have a stake in our communities and that by fighting for what is right, we can make our country a better, safer and healthier nation.●

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILL SIGNED

At 6:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES PLACED ON THE CALENDAR

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

S. 1057. A bill to repeal the Volumetric Ethanol Excise Tax Credit.

#### 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-1863. A communication from the President of the United States of America, transmitting, pursuant to law, the 2010 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, U.S. Strategic Command (DCN OSS No. 2011-0894); to the Committee on Armed Services.

EC-1864. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-047, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-1865. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1866. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-1867. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee Airports: Addition of Naples Municipal Airport, Naples, Florida" (CBP Dec. 11-12) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Finance.

EC-1868. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Rate Increase Disclosure and Review" (RIN0938-AQ68) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Health, Education, Labor and Pensions.

EC-1869. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act during Fiscal Year 2010 (DCN OSS No. 2011-0937); to the Committee on Foreign Relations.

EC-1870. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Libya" (RIN1400-AC83) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Foreign Relations.

EC-1871. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-1872. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2011-0883); to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

\*Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

\*Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

Air Force nomination of Maj. Gen. Brooks L. Bash, to be Lieutenant General.

Air Force nomination of Col. David E. Deputy, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. James D. Demeritt and ending with Brig. Gen. Joseph K. Martin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nominations beginning with Brigadier General Mark A. Atkinson and ending with Brigadier General Timothy M. Zadalis, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nomination of Col. David J. Buck, to be Brigadier General.

Air Force nomination of Lt. Gen. Gilmory M. Hostage III, to be General.

Air Force nomination of Maj. Gen. Mark F. Ramsay, to be Lieutenant General.

Army nomination of Col. Mark W. Palzer, to be Brigadier General.

Army nomination of Brig. Gen. Gerald E. Lang, to be Major General.

Army nomination of Col. Charles R. Bailey, to be Brigadier General.

Army nominations beginning with Brig. Gen. Omer C. Tooley, Jr. and ending with Col. Brian R. Carpenter, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Marine Corps nominations beginning with Colonel Charles G. Chiarotti and ending with Colonel Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of Maj. Gen. Richard P. Mills, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. George J. Flynn, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John R. Allen, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Steven A. Hummer, to be Lieutenant General.

Navy nomination of Rear Adm. Kendall L. Card, to be Vice Admiral.



Navy nomination of Vice Adm. Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Vice Adm. Mark D. Harnitchek, to be Vice Admiral.

Navy nomination of Rear Adm. David H. Buss, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Michael D. Dietz and ending with Doreen F. Wilder, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Jay O. Aanrud and ending with Scott C. Zippwald, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2011.

Air Force nominations beginning with Matthew J. Bronk and ending with Joy C. Taber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Air Force nomination of Paul L. Dandrea, to be Major.

Air Force nomination of Jeffrey A. Bailey, to be Colonel.

Air Force nomination of James A. Mace, to be Major.

Air Force nominations beginning with Bernadette A. Anderson and ending with Dwayne B. Wilhite, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nominations beginning with Jeffery D. Aebischer and ending with Kurt V. Woyak, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011. (minus 1 nominee: Ken R. McDaniel)

Air Force nominations beginning with La Rita S. Abel and ending with Michael J. Zenk, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nomination of Peter J. Avalos, to be Major.

Army nominations beginning with Keith W. Alfeiri and ending with Diana Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Army nominations beginning with Mark J. Berglund and ending with Michael S. Sarver, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Army nomination of Michael P. Harry, to be Major.

Army nominations beginning with Joseph L. Aaron, Jr. and ending with Joseph V. Zulkey, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Army nominations beginning with Charles M. Abeyawardena and ending with G001231, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Army nominations beginning with Lisa M. Abel and ending with Cody L. Zach, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Marine Corps nomination of Angella M. Lawrence, to be Major.

Marine Corps nomination of Michael R. Cirillo, to be Lieutenant Colonel.

Marine Corps nominations beginning with Carlton W. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Navy nomination of James P. McGrath III, to be Captain.

Navy nomination of Steven M. Wechsler, to be Captain.

Navy nomination of Fernando Harris, to be Commander.

Navy nomination of Stephen K. Revelas, to be Captain.

Navy nomination of Bradley S. Hawksworth, to be Commander.

Navy nomination of Douglas L. Edson, to be Captain.

Navy nomination of Stephen J. Parks, to be Commander.

Navy nomination of Hung Cao, to be Commander.

Navy nomination of Tracy T. Skipton, to be Commander.

Navy nomination of David T. Carpenter, to be Captain.

Navy nomination of Brent J. Kyler, to be Captain.

Navy nomination of Peter W. Ward, to be Commander.

Navy nomination of Pablito V. Quiatchon, to be Lieutenant Commander.

Navy nomination of Robert H. Buckingham, to be Captain.

Navy nomination of Bryan F. Butler, to be Captain.

Navy nominations beginning with William H. Albert and ending with Michael Witherill, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nomination of Valerie R. Overstreet, to be Commander.

Navy nominations beginning with Nadesia V. Henry and ending with John A. Salvato, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Navy nomination of Thomas P. Fantes, to be Captain.

Navy nomination of Cynthia E. Wilkerson, to be Captain.

Navy nominations beginning with David T. Carpenter and ending with Timothy M. Chen, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Navy nominations beginning with Robert D. Pavel and ending with Shaun C. Shillady, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Navy nomination of Kendall C. Jones, Jr., to be Lieutenant Commander.

Navy nomination of Kirk R. Parsley, to be Lieutenant Commander.

Navy nomination of Christian F. Jensen, to be Lieutenant Commander.

Navy nomination of Joseph M. Holt, to be Lieutenant Commander.

\*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. THUNE (for himself, Mr. CASEY, Mr. BLUNT, Mr. LUGAR, Mr. FRANKEN, and Mr. SANDERS):

S. 1059. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL:

S. 1060. A bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARRASSO (for himself, Mr. CRAPO, Mr. ENZI, Mr. HELLER, Mr. LEE, Mr. RISCH, Mr. THUNE, and Mr. HATCH):

S. 1061. A bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN:

S. 1062. A bill to enhance the administration of the United States Air Force Institute of Technology, and for other purposes; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1063. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, and Mr. FRANKEN):

S. 1064. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 1065. A bill to settle land claims within the Fort Hall Reservation; to the Committee on Indian Affairs.

By Mr. CRAPO (for himself, Mr. NELSON of Nebraska, Ms. MURKOWSKI, and Mr. RISCH):

S. 1066. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Mr. FRANKEN):

S. 1068. A bill to amend the Higher Education Act of 1965 to provide for temporary student loan debt conversion authority; to the Committee on Health, Education, Labor, and Pensions.



By Ms. CANTWELL (for herself, Mr. BLUNT, Mrs. MURRAY, and Mr. ROBERTS):

S. 1069. A bill to suspend temporarily the duty on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. PAUL:

S. 1070. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1071. A bill to limit suspicious activity reporting requirements to requests from law enforcement agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL:

S. 1072. A bill to provide for a good faith exemption from suspicious activity reporting requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL:

S. 1073. A bill to require the Attorney General to establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of certain records; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1074. A bill to remove the extension of the sunset date for section 215 of the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1075. A bill to provide judicial review of National Security Letters; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1076. A bill to modify the roving wiretap authority of the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1077. A bill to require judicial review of Suspicious Activity Reports; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1078. 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; to the Committee on Small Business and Entrepreneurship.

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

S. 1079. A bill to amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND:

S. 1080. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, to provide for automatic enrollment for veterans returning from combat zones into the Department of Veterans Affairs medical system, and for other purposes; to the Committee on Armed Services.

By Mr. PAUL:

S.J. Res. 15. A joint resolution declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same; to the Committee on Foreign Relations.

By Mr. PAUL:

S.J. Res. 16. A joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement

in Libya; to the Committee on Foreign Relations.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. REID (for himself, Mr. REED, and Mr. COCHRAN):

S. Res. 199. A resolution supporting the goals and ideals of "Crohn's and Colitis Awareness Week"; to the Committee on Health, Education, Labor, and Pensions.

### ADDITIONAL COSPONSORS

S. 139

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 376

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 376, a bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 491

At the request of Mr. PRYOR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added

as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 613, a bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

S. 643

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 705

At the request of Mr. CARPER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Missouri (Mrs. MCCASKILL) 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. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 769

At the request of Mr. HARKIN, the names of the Senator from Vermont

(Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 769, a bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property.

S. 818

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 866

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 892

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 892, a bill to establish the Department of Energy and the Environment, and for other purposes.

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 960

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 972

At the request of Mr. CARPER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 972, a bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1035

At the request of Mr. CARPER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1035, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler systems as section 179 property and classify certain automated fire sprinkler systems as 15-year property for purposes of depreciation.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1049

At the request of Mr. KYL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. CON. RES. 4

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 13

At the request of Mr. REID, his name and the names of the Senator from Ha-

wai (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Missouri (Mr. BLUNT), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. COONS), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. DURBIN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. KIRK), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Utah (Mr. LEE), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from West Virginia (Mr. MANCHIN), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from

Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. PAUL), the Senator from Ohio (Mr. PORTMAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. RUBIO), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from South Dakota (Mr. THUNE), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Louisiana (Mr. VITTER), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Mississippi (Mr. WICKER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 13, a concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUMENTHAL:

S. 1060. A bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BLUMENTHAL. Mr. President, we all have a shared commitment to our Nation's veterans. That shared commitment is reflected in many of the programs that are supported by yourself and my other colleagues in this body every year. I deeply respect

the knowledge and dedication that my fellow Senators have brought to this critical issue. Each of my colleagues, almost without exception, has supported measures that have helped our veterans over the years.

I rise to introduce my first piece of legislation, a bill to help our Nation's veterans.

Our Nation must keep faith with the men and women who have served and sacrificed for our freedom. Unfortunately, and unconscionably, America is still failing them and their families by tolerating unemployment, homelessness, and inadequate health care. We must renew our commitment to the more than 250,000 veterans in Connecticut and 22 million across the country to ensure that no veteran is left behind.

Our commitment to veterans must be unwavering. Despite our best intentions, we fail all too often to accord our veterans the support they have earned. Unfortunately, according to the Department of Veterans Affairs, more than 76,000 veterans are homeless on any given night and nearly twice that number will be homeless at some point during the year. The unemployment rate among veterans has doubled over the past 3 years. Twenty-seven percent of veterans in their early twenties are unemployed. That number is almost twice the unemployment rate of their peers who have not served in the military. The Bureau of Labor Statistics recently reported that unemployment for veterans who served their country after September 2001 to be 11.5 percent, again, a figure far higher than the national unemployment rate.

Twenty percent of Iraq and Afghanistan war veterans are estimated to suffer from post-traumatic stress disorder. When veterans return home, they must wait at least half a year, on average, for a claims decision by the Department of Veterans Affairs before they can receive benefits. Those numbers are simply unacceptable. As I speak today, America's longest war continues, with less than 1 percent of the Nation in uniform. Never in the history of the country have so few fought for so long, at such great personal cost and sacrifice.

Under the leadership of Secretary Shinseki, the Department of Veterans Affairs has taken strong steps toward the goal of building a 21st century system that supports caregivers of seriously injured Iraq and Afghanistan veterans, improving services to women veterans, expanding the availability of health care, and preventing veteran homelessness.

Gaps in the system remain, and they are debilitating, destructive, and devastating for many veterans. We can do better and we must do more. The legislation I introduce today is entitled Honoring All Veterans Act of 2011. Its 16 comprehensive provisions are only the first phase of my efforts.

This legislative proposal is a comprehensive package but only an open-

ing salvo in a sustained, unceasing campaign to ensure that no veteran is left behind. It is a downpayment on a larger debt. The goal is to give all veterans the homecoming and the services they need and deserve. Our military men and women have kept their promise to serve and sacrifice for this country, and we must now keep faith with them. Our commitment to veterans should reflect the depth of their sacrifice. This measure is entitled Honoring All Veterans Act because all veterans are brave service men and women, serving today in places we can barely pronounce the names of. They are deployed around the globe, and they deserve to be honored for defending our freedom and democracy. We must honor that service not only in words but in deed.

This legislation comes from veterans and their families—seeing and hearing their struggles and dreams, their achievements and defeats as I have worked for them during my 20 years as attorney general and 4-plus months as a Senator.

In the VFW and American Legion halls, in living rooms, in school auditoriums, and in countless gatherings across the State of Connecticut, I have been privileged to listen and learn from veterans and their families who have shared their personal stories and insights.

This legislation simply continues the work I have done as attorney general. I worked to make the Department of Defense release information on those who may have been improperly separated from military service, and urged the Department of Veterans Affairs to update its obsolete database systems that were preventing tens of thousands of disabled veterans from obtaining deserved tax benefits. In 2007, I worked with the Connecticut congressional delegation to make the Department of Defense provide accurate information about educational benefits to veterans. I have fought for them individually when they encountered bureaucratic resistance and red tape from an unresponsive system. I am proud of that work and proud, most important, of my partnership with veterans in Connecticut in proposing this legislation. My goal then, and it has been continuously, is to keep faith with our veterans, to honor our promises to them.

This Honoring All Veterans Act of 2011 will address four key areas: first, expanding job opportunities for veterans; second, assisting homeless veterans; third, improving veterans health care, with a special emphasis on mental health services; fourth, modernizing the Department of Veterans Affairs.

On expanding job opportunities to honor all veterans and give them the welcome home they deserve, we need to focus first on jobs. Like all Americans, veterans are striving to provide for their families and participate in the economic recovery to find jobs in our slowly recovering economy. Good jobs require education and training, as well

as independent living services for veterans. Our Nation has done much to address this issue, such as the expanded post-9/11 GI bill, but gaps in the system remain. They are all too glaring. My legislation will expand job opportunities in five significant ways.

First, the legislation raises the statutory cap for the Vocational Rehabilitation and Employment Independent Living Program to welcome hundreds of additional veterans. This vital program helps veterans with severe service-connected disabilities, enabling them to live independently. It helps veterans with those kinds of disabilities to participate in family and community life and increases their potential to return to work. There is a strong case for removing the cap on participation in the program. I would like to recognize the distinguished junior Senator from Hawaii for the work that he has done in this regard. I hope that my legislation will ensure the program can continue to assist veterans coming back from Iraq and Afghanistan, while Congress works to find funding to remove the cap completely.

Second, the legislation authorizes veterans to reuse the Department of Defense Transition Assistance Program, known as TAP, and meet with counselors at any military installation for up to 1 year after their separation. This program was developed to assist military personnel leaving the service with information about jobs, education, and career development. Veterans returning to Connecticut wishing to participate again in the Transition Assistance Program should have that opportunity to participate for a second time, maybe even a third time. Coming back from deployment, servicemembers are often focused on other important aspects of the transition process, rather than how to find a job. They may have never written a resume before or attended a job interview. Having started the job search they have specific areas where they realize they need help. I discussed this idea at a recent Senate Armed Services Committee hearing with the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He testified that the military is right now in the process of redesigning the TAP program. I am going to work toward having this provision included in the redesign of the TAP program so that TAP continues to be an opportunity once a servicemember returns home.

Third, the legislation authorizes a study of how best to ensure that civilian employers and educational institutions recognize veterans' military training. The military recruits the most talented men and women in America to serve, and then it invests heavily in their professional development. Yet when they trade their uniforms in for civilian clothes, employers and others such as professional accrediting organizations often refuse to recognize or understand how to make use of their military experience and the expertise they have gained.

The Iraq and Afghanistan Veterans of America reported that 61 percent of employers do not believe they have "a complete understanding of the qualifications ex-servicemembers offer," and recently separated servicemembers with college degrees earn on average almost \$10,000 less per year than their nonveteran counterparts.

One way to close this gap is to have the Department of Defense review the list of military occupations specialties, such as the 22 MOS's in Army engineering or 16 MOS's in Army communications, and ensure that completing MOS qualifications will provide those servicemembers with credentials recognized by civilian employers.

The study authorized in this legislation will start that process. I am committed to working in the Senate to see this problem resolved.

Fourth, the legislation reauthorizes the Veterans Education Outreach Program to provide money for campus-based outreach services to veterans. This program was first established in 1972 to provide colleges with a significant number of veterans on campus with additional resources to make sure those students get the most out of their educational experience and use VA benefits available to assist them. I believe that the return of veterans from deployments during the Global War on Terror requires the same kind of on-campus support. While there are other programs helping veterans pay the cost of tuition and many colleges have great veterans services on-campus, the Veterans Education Outreach Program is the missing link to ensuring veterans are informed about their VA benefits and maximizing the opportunity to study and obtain employment.

Fifth, the legislation authorizes a comprehensive program at the Department of Labor to assist veterans with TBI or PTSD in the workplace. It provides technical assistance to employers of veterans living with those conditions and provides best practices relating to helping those employees develop successful strategies for on-the-job success. The legislation requires the Office of Disability Employment Policy to coordinate an inter-agency working group which will produce a federal homecoming plan for reintegration of these veterans. These tasks have been conducted to a limited degree by the Department of Labor through the America's Heroes at Work program and the Veterans Employment & Training Services and they are to be commended for their efforts to date. However, by defining these requirements in statute, it is my hope that these programs will expand to reach all veterans that need help.

This legislation also reaches veterans in a variety of other key areas. Recently, a female veteran visited my office. She and her two children were homeless and needed help. In their case, we could find temporary shelter. But on the issue of homelessness, many

veterans do not know where to turn or are hesitant to do so. The current per diem given to homeless veterans does not address rising costs and regional variations in helping homeless veterans. Women are particularly underserved now, and my hope is that new housing projects take care of female veterans. For example, the Newington Mission Homeless Project in my state will help forgotten heroes find shelter. The Honoring All Veterans Act reforms the per diem program and helps military families avoid homelessness by permanently extending their foreclosure protection for servicemembers.

On improving veteran health care and mental health services, as I have traveled Connecticut meeting with veterans, I have seen firsthand how veterans with traumatic brain injury or post-traumatic stress disorder face unique challenges in accessing the Department of Veterans Affairs for benefits and medical assistance. Veterans deserve the best possible medical care, particularly when it comes to treating TBI or post-traumatic stress. These are the signature wounds of the conflicts in Afghanistan and Iraq. More than a quarter of these injuries are undiagnosed, according to the military itself. Then too often, even if they are diagnosed, servicemembers are screened but do not receive a full course of treatment.

To address this issue, my legislation requires the Department of Defense to identify and then close the gap between screenings and treatment. Simply diagnosing a soldier or a marine with symptoms of PTSD or TBI does not heal them.

This legislation also addresses the problem of finding qualified psychiatrists, psychologists, and nursing professionals to work in VA medical hospitals and outpatient clinics by accessing graduates from the Uniformed Services University of the Health Sciences. This university trains outstanding medical professionals for military service. Under existing law the Secretary may exempt graduates from working in a military hospital after graduation, based upon forecast demand. The Honoring All Veterans Act allows those graduates identified by the Secretary as excess to military requirements to serve out their commitment in the VA medical systems, rather than releasing them to private hospitals. This provision is just one example of how the legislation is crafted to better utilize the existing resources of the DOD and VA medical systems.

Modernizing the Department of Veterans Affairs is the final section of this legislation. It addresses the DOD and VA transition process through improved monitoring and oversight. It increases pension benefits and gives veterans grounds for appeal at the Board of Veterans Appeals if the VA has misplaced or misfiled their documents.

I hear about this problem, as my colleagues do, again and again as I listen to veterans. Recently, a veteran visited

my office. He has been waiting on a hearing date with the Board of Veterans Appeals for over a year.

His story is typical.

This legislation provides much needed improvement to the Board of Veterans Appeals. I look forward to working with my colleagues to address other much needed improvements.

We can honor our veterans whose claims are stuck in the Board of Veterans Appeals by confirming judges to the court that reviews them. Three of those nine seats are now vacant, and each judge must preside over 600 cases per year, far more than any other Federal appellate court.

Finally, in closing, let me recognize the many veterans throughout the State of Connecticut who helped me craft this measure.

I thank CDR Richard DiFederico of the VFW and CDR Daniel Thurston of the American Legion for their very dedicated work, not only in assisting me but day in and day out on behalf of veterans.

I thank Bob Janicki, who has spent recent years after serving this country in the U.S. Marine Corps during the Vietnam era, for providing help to homeless veterans and veterans seeking jobs.

Paul "Bud" Bucha is a veteran and friend with the most distinguished service record possible in winning the Medal of Honor. His life after military service, giving back to other veterans and managing several successful companies, has been an example of how veterans continue to provide leadership with courage and vision.

MSG Frank Alvarado has made a number of very helpful suggestions, including, for example, reauthorizing the Veterans Education Outreach Program.

I would also like to acknowledge my deep respect to Dr. Linda Schwartz, who has been a tireless advocate for all veterans.

Connecticut is blessed to have the leadership of veterans who help each other, care for each other, look out for each other. I look forward to working with them in ensuring that this legislation is passed. I have no illusions that accomplishing passage of these kinds of measures will be easy, but I hope for support across the aisle. This kind of goal certainly ought to unite us, not divide us. We have so much more in common on this issue than in conflict. I am hoping we can work together to ensure that we keep faith with our veterans, that we honor their service, ensure that we welcome them home with the kind of services they need and deserve so that no veteran will be left behind.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of this legislation.

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

THE HONORING ALL VETERANS ACT OF 2011  
SECTION BY SECTION ANALYSIS

TITLE 1—EDUCATION, EMPLOYMENT, AND  
INDEPENDENT LIVING SERVICES FOR VETERANS

1. Raises the statutory cap for Vocational Rehabilitation and Employment Independent Living program participants from 2,700 new, per annum, to 3,000.

2. Authorizes veterans to retake the Transition Assistance Program (TAP) and meet with counselors at any military installation again up to 1 year after separation.

3. Authorizes a study of how best to ensure the recognition of military training and qualifications that veterans have by civilian employers and education institutions.

4. Reauthorizes the Veterans Education Outreach Program to provide \$6 million for campus-based outreach services to veterans.

5. Directs the Secretary of Labor to provide technical assistance to employers of veterans living with Traumatic Brain Injury (TBI) and/or Post Traumatic Stress Disorder (PTSD) as they transition to the civilian workplace. Directs the Secretary of Labor to provide best practices related to helping employees with TBI and/or PTSD find and develop successful strategies for on-the-job success. Directs the Office of Disability Employment Policy to coordinate inter-agency working group "federal roundtables" on TBI and PTSD to produce a national homecoming plan that identifies the role of each federal agency in the reintegration of these veterans.

TITLE 2—ASSISTANCE FOR HOMELESS VETERANS

1. Permanently extends foreclosure protection for service members under the Service Members Civil Relief Act.

2. Reforms the daily Homeless Housing per diem voucher program to take account of service costs and geographic disparities. Allows use of other funds (such as those authorized under the McKinney-Vento Homeless Assistance Grant) without offset.

TITLE 3—HEALTH CARE AND MENTAL HEALTH  
SERVICES FOR VETERANS

1. Directs DOD and VA to monitor referrals for mental health care to ensure that individuals receive care.

2. Directs to VA to ensure that all TBI and PTSD patients leave VA medical treatment with a plan for their long-term care needs that utilizes a "one-VA" approach to capture and employment and vocational services that can assist in long-term care and rehabilitation.

3. Authorizes VA medical facilities to provide counseling to family members of deployed service members.

4. Authorizes the VA medical system to receive graduates of the Uniformed Services University of Health Sciences (USU) to serve veterans in Community-Based Outpatient Clinics and readjustment counseling Vet Centers of the Department of Veterans Affairs.

5. Authorizes the VA to Access State Prescription Monitoring Programs to address substance abuse.

TITLE 4—ADMINISTRATION OF THE DEPARTMENT  
OF VETERANS AFFAIRS

1. Directs the DOD and VA to establish a monitoring mechanism to identify and address challenges as they arise in all DOD and VA facilities and offices involved in the single separation physical process.

2. Authorizes an independent review board on the DOD to VA transition process that includes the Inspector General from each Agency and the GAO.

3. Reforms the Board of Veterans Appeals process to help veterans with misfiled documents.

4. Increases the pension for disabled veterans married to one another who require aid and attendance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1063. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation, the Huna Tlingit Traditional Gull Egg Use Act of 2011, cosponsored by my colleague MARK BEGICH from Alaska, which represents an important step forward in allowing the Huna Tlingit people access to enjoy their traditional subsistence activity of gull egg collection.

The collection and consumption of gull eggs is an integral part of the culture of the Tlingit people of Southeast Alaska, and eggs were gathered at rookeries long before Glacier Bay National Park and Preserve's establishment in 1925. A Legislative Environmental Impact Statement was completed in 2010 regarding this proposal to allow limited harvests of gull eggs in Glacier Bay National Park and Preserve, and the preferred alternative authorized the implementation of a cooperative management program for gull egg collection and emphasized a traditional harvest strategy for the collections.

My bill will authorize this harvest of gull eggs at five nesting areas on two separate days each calendar year within the Park. This would allow a large number of tribal members to interact with their traditional homeland and provide an opportunity for as many as 12 young people to participate annually and spend time with elders learning about traditional egg harvest practices in addition to other aspects Tlingit culture.

This bill is widely supported throughout the environmental and conservation communities, as well as the Alaska Native community. The harvesting of gull eggs would only have minor effects on the gulls, but the cultural benefits that would be realized by the Native community would be great.

I would like to thank Senator BEGICH, an original co-sponsor of this bill, for his and his staff's hard work in moving this bill forward. It is our hope that this bill will receive quick but careful consideration as the local tribe members have been eagerly awaiting passage of this measure for quite a long time.

By Mr. REED (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, and Mr. FRANKEN):

S. 1064. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, as families prepare for Memorial Day festivities, and plan outings this summer, most will be outdoors without adequate sun protection, even if they use sunscreen.

This is because there are currently no rules that sunscreen makers must follow when making claims about the level of protection their products provide.

Currently, sunscreen products are only required to protect against UVB rays, the rays that cause tans and sunburns and the level of protection is documented with a Sun Protection Factor, SPF. Unfortunately, even these numbers can be misleading or worse, inaccurate. Researchers have found that a sunscreen product with a SPF of 30 protects against 98 percent of the sun's UVB rays, while a sunscreen labeled with a SPF of 100 protects against 99 percent of the sun's UVB rays. The larger the SPF number doesn't always result in significantly better protection.

Moreover, sunscreen products are not required to protect against cancer-causing UVA rays. UVA rays actually penetrate deeper into the skin and can cause more damage. Some sunscreens and products containing sun protection claim to protect against these rays, but there are no scientific standards by which to measure their validity.

We have seen the effects that a lack of reliable sun protection can have in the rising rates of melanoma in this country, which has doubled in the past 30 years. This year alone, over 2 million people will be informed that they have a preventable form of skin cancer. My state of Rhode Island is among the top ten for reported melanoma diagnoses.

After years of working with my colleagues to press the Food and Drug Administration to act, in August of 2007, the FDA finally proposed a rule that would require sunscreen labels to disclose the level of UVA protection in a standard format that appears near the sun protection factor rating, and ensure that the SPF rating actually corresponds to a product's protection against UVB rays. This was a step in the right direction. The downside is that nearly 4 years later this proposal has still not been finalized.

For this reason, today I am introducing the Sunscreen Labeling Protection Act, the SUN Act, along with my colleagues, Senators SCHUMER, KERRY, LEAHY, and FRANKEN. This legislation would require the FDA to finalize the sunscreen labeling monograph. If the FDA fails to finalize its proposed monograph of August 27, 2007 within 180 days of enactment of the SUN Act, the monograph, as proposed, would become effective. I look forward to a summer when Americans can finally feel protected from the sun's harmful rays.

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. 1064

*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 "Sunscreen Labeling Protection Act of 2011" or the "SUN Act".

#### SEC. 2. EFFECTIVE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Proposed Amendment of Final Monograph", 72 Fed. Reg. 49070 (August 27, 2007), shall take effect on the date that is 180 days after the date of enactment of this Act, unless such Commissioner issues the final rule, which includes formulation, labeling, and testing requirements for both ultraviolet B (UVB) and ultraviolet A (UVA) radiation protection, before such effective date.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the role safe nuclear energy can play in moving our country toward a more secure energy future.

Given the economic, national security, and environmental threats that we face, we need a comprehensive energy policy. In this regard, safe nuclear energy clearly has emerged as an important player in our search for stable and domestic energy sources with fewer greenhouse gas emissions.

A cleaner energy economy will spur innovation in, and accelerate the shift to, clean and domestic energy sources. It will create a new industrial sector employing millions of Americans in the research, development, and commercialization of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world and cleaner energy technologies will help us get there.

Finally, as we try to emerge from perhaps our greatest economic crisis since the Great Depression, we need an "all of the above" solution to jumpstart our economy and create new jobs. Beyond renewables and natural gas, this also means next generation nuclear energy.

That is why I am introducing the bipartisan Nuclear Energy Research Initiative Improvement Act today. This bill would authorize the Department of Energy to carry out a research, development, and demonstration program to reduce manufacturing and construction costs of safe nuclear reactors. It would support research in areas critical for us to achieve these goals, while also protecting national security. For example,

it would support research into: modular and small-scale reactors, balance-of-plant issues, cost-efficient manufacturing, licensing issues, and enhanced proliferation controls.

In light of the disaster at the Daiichi nuclear facility in Japan, it is evident a new era of safe nuclear energy development is needed: one with enhanced safeguards and more agile manufacturing and operating capabilities. My bill seeks to achieve those objectives.

Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope that we can build new, safe nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow. My bill would help us accomplish these goals.

I would like to thank Senator BINGAMAN and Senator MURKOWSKI for joining me in introducing this bill.

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

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

S. 1067

*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 "Nuclear Energy Research Initiative Improvement Act of 2011".

#### SEC. 2. NUCLEAR ENERGY RESEARCH INITIATIVE.

Section 952(a) of the Energy Policy Act of 2005 (42 U.S.C. 16272(a)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary;" and

(2) by adding at the end the following:

"(2) AUTHORIZED RESEARCH INITIATIVES.—In carrying out the program under this subsection, the Secretary shall conduct research to lower the cost of nuclear reactor systems, including research regarding—

"(A) modular and small-scale reactors;

"(B) balance-of-plant issues;

"(C) cost-efficient manufacturing and construction;

"(D) licensing issues; and

"(E) enhanced proliferation controls.

"(3) CONSULTATION REQUIREMENT.—In carrying out initiatives under paragraph (2), the Secretary shall consult with—

"(A) the Secretary of Commerce;

"(B) the Secretary of the Treasury;

"(C) the Nuclear Regulatory Commission; and

"(D) any other individual who the Secretary determines to be necessary.

"(4) SCHEDULE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall develop and publish on the website of the Department of Energy a schedule that contains an outline of a 5-year strategy to lower effectively the costs of nuclear reactors.

"(B) PUBLIC WORKSHOPS.—In developing the schedule under subparagraph (A), the Secretary shall conduct public workshops to provide an opportunity for public comment.

"(C) REVIEW.—Before the date on which the Secretary publishes the schedule under subparagraph (A), the Nuclear Energy Advisory Committee shall conduct a review of the schedule.

"(D) ANNUAL UPDATES.—



“(i) IN GENERAL.—Not later than 180 days after the date on which the Secretary publishes the schedule under subparagraph (A) and annually thereafter, the Secretary shall update the schedule.

“(ii) PUBLIC WORKSHOPS.—In updating the schedule under clause (i), the Secretary shall conduct public workshops in accordance with subparagraph (B).

“(5) COST SHARING.—Section 988 shall apply to initiatives carried out under this section.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2012 through 2016.”.

By Mr. BROWN of Ohio (for himself and Mr. FRANKEN):

S. 1068. A bill to amend the Higher Education Act of 1965 to provide for temporary student loan debt conversion authority; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Ohio. Mr. President, this month marks commencement season at our great colleges and universities across Ohio and the Nation. I have had the honor of speaking at a few this year—Owens Community College, Ashland University, Cleveland Marshall College of Law, and Ohio Northern University.

It is a day of achievement and accomplishment, a reaffirmation of why education is a key to our economic prosperity. But it is also a day of anxiety. Graduates are leaving campuses to enter a difficult job market saddled with student debt.

Approximately 2/3 of Ohioans who attend a private or public 4-year college or university graduate with an average of nearly \$26,000 in student loan debt. Unfortunately, as student loan debt levels continue to grow, the Nation’s hiring climate remains sluggish. This has led to limited employment opportunities for recent graduates; nearly half of the 2009 graduating class is currently unemployed or employed in a position that does not require a college degree.

Such circumstances are leading to undue personal stress and potentially, a lifetime of financial challenges. Far too often, individuals and families are becoming part of the “sandwich generation” where families are paying for the cost of their children’s education while also taking care of their aging parents.

That is why last year I supported—and the President signed into law, the Health and Education Reconciliation Act, the single largest federal investment in student aid in generations. The law ends wasteful subsidies to private lenders through the Federal Family Education Loan, FFEL, Program. In doing so, we cut out the middleman and loans are now not only originated, but also serviced, by the U.S. Department of Education.

By ending subsidies to private banks, we saved billions of dollars, and used the savings to allow the maximum Pell Grant award to reach a historic level. We made it easier for students to repay loans through the Income-Based Re-

payment Program. We did this all at no cost to the taxpayer.

For many colleges and universities, the transition from FFEL to the Direct Loan program has been a resounding success as there has been no disruption to borrowers or financial aid administrators.

For those borrowers who are in the middle of the transition period, I, along with my good colleague Senator FRANKEN, am introducing the Student Loan Simplification and Opportunity Act. This legislation, by simplifying loan repayment and reducing the loan amount, benefits college graduates. And this legislation, by removing costly subsidies provided to private lenders, saves 1.8 billion dollars that will be reinvested in the Pell Grant Program, thereby ensuring that other deserving students can afford to attend college.

The Student Loan Simplification and Opportunity Act would allow students with both FFEL loans and Direct Loans to voluntarily transfer their FFEL debt to a Direct Loan servicer over a nine-month period.

By converting loans, the likelihood that a borrower may miss a payment and end up further in debt would decrease. On average, a borrower with multiple loan servicers has a 20 percent higher chance of defaulting on their loan payments. Yet, this program not only simplifies a borrower’s loan repayment, it reduces the amount owed. Borrowers who transferred their debt would be rewarded with up to a 2 percent reduction in the principal amount of their FFEL loan.

I am proud to introduce the Student Loan Simplification and Opportunity Act, as this legislation will benefit both borrowers and taxpayers.

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

S. 1079. A bill to amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MURRAY. 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. 1079

*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 “Domestic Fuel for Enhancing National Security Act of 2011”.

**SEC. 2. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.**

(a) CIVILIAN AGENCY CONTRACTS.—Subsection (a) of section 3903 of title 41, United States Code, is amended to read as follows:

“(a) DEFINITIONS.—For the purposes of this section:

“(1) MULTIYEAR CONTRACT.—The term ‘multiyear contract’—

“(A) means a contract for the purchase of property or services for more than one, but not more than five, program years, except as provided in subparagraph (B);

“(B) in the case of a contract for the purchase of advanced biofuel, means a contract for the purchase of such fuel for a period of up to 15 program years; and

“(C) may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) ADVANCED BIOFUEL.—The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(b) DEFENSE CONTRACTS.—Subsection (k) of section 2306b of title 10, United States Code, is amended to read as follows:

“(k) DEFINITIONS.—For the purposes of this section:

“(1)(A) Except as provided in subparagraph (B), the term ‘multiyear contract’ means a contract for the purchase of property or services for more than one, but not more than five, program years.

“(B) in the case of a contract for the purchase of advanced biofuel, the term ‘multiyear contract’ means a contract for the purchase of such fuel for a period of up to 15 program years.

“(C) Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into on or after the date occurring 180 days after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—SUPPORTING THE GOALS AND IDEALS OF “CROHN’S AND COLITIS AWARENESS WEEK”

Mr. REID of Nevada (for himself, Mr. REED of Rhode Island, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 199

Whereas Crohn’s disease and ulcerative colitis are serious, chronic inflammatory diseases of the gastrointestinal tract;

Whereas Crohn’s disease and ulcerative colitis, collectively known as inflammatory bowel disease, afflict approximately 1,400,000 people in the United States, 30 percent of whom are diagnosed as children;

Whereas the cause of Crohn’s disease and ulcerative colitis are unknown and no medical cure exists;

Whereas Crohn’s disease and ulcerative colitis can affect anyone, at any age, and is being diagnosed with increased frequency in children;

Whereas Crohn’s disease and ulcerative colitis patients are at high risk for developing colorectal cancer;

Whereas a lack of awareness among health professionals and the general public may

contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis;

Whereas the annual direct cost of Crohn's disease and ulcerative colitis in the United States is estimated to be \$6,100,000,000;

Whereas the goals of "Crohn's and Colitis Awareness Week" are—

(1) to invite and encourage all people in the United States to join the effort to find a cure for Crohn's disease and ulcerative colitis;

(2) to engage in activities aimed at raising awareness of Crohn's disease and ulcerative colitis among the general public and health care providers; and

(3) to promote and support biomedical research needed to find better treatments and a cure for Crohn's disease and ulcerative colitis; and

Whereas the week of December 1, 2011, through December 7, 2011, has been designated "Crohn's and Colitis Awareness Week": Now, therefore, be it

*Resolved, That the Senate—*

(1) supports the goals and ideals of "Crohn's and Colitis Awareness Week";

(2) encourages media organizations to participate in "Crohn's and Colitis Awareness Week" by helping to educate the general public about Crohn's disease and ulcerative colitis;

(3) recognizes all people in the United States living with Crohn's disease and ulcerative colitis and expresses appreciation to the family members and caregivers who support them; and

(4) commends the dedication of health care professionals and biomedical researchers who care for Crohn's disease and ulcerative colitis patients and work to advance basic, genetic, and clinical research aimed at developing new treatments and a cure for Crohn's disease and ulcerative colitis.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 354. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 355. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

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SA 359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 360. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 361. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 362. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 363. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 364. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 365. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 366. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 367. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 368. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 369. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 370. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 371. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 372. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 373. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 374. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 378. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 379. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 380. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 381. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 382. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 383. Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 384. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 385. Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 354.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**SA 355.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

##### SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**SA 356.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

##### SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

##### “§ 2339E. Providing material support to international terrorism

“(a) DEFINITIONS.—In this section:

“(1) The term ‘facility of interstate or foreign commerce’ has the same meaning as in section 1958(b)(2).”

“(2) The term ‘international terrorism’ has the same meaning as in section 2331.”

“(3) The term ‘material support or resources’ has the same meaning as in section 2339A(b).”

“(4) The term ‘perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures its commission; or

“(C) attempts, plots, or conspires to commit the act.

“(5) The term ‘serious bodily injury’ has the same meaning as in section 1365.”

“(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).”

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting “2339E (relating to providing material support to international terrorism),” before “or 2340A (relating to torture)”.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “25 years”.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking “fined under this title” and all that follows and inserting “fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking “shall be fined under this title” and all that follows and inserting “shall be fined under this title and imprisoned for any term of years not less than 5 or for life.”

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking “ten years” and inserting “15 years”.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting “, or attempts or conspires to receive,” after “receives”.

**SA 357.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.**

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”;

(2) in paragraph (2), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”; and

(3) by striking the matter following paragraph (2) and inserting the following:

“shall be punished as provided in section 2242, and, if the conduct would violate sec-

tion 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United States, shall be punished as provided in section 2241(c).”

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.”

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1111(b);” and

(2) in paragraph (2), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1112(b); and”.

**SA 358.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . . IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.**

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or any other offense listed under section 2332b(g)(5)(B) of this title,” after “title 49;” and

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

“(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

“(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life.”; and

(2) by amending subsection (b) to read as follows:

“(b) CIVIL ACTION.—

“(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

“(2) EFFECT OF CONDUCT.—

“(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

“(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

“(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

“(B) APPLICABILITY.—A person described in this subparagraph is any person that—

“(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

“(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

“(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.”

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section, the term ‘addressed to any other person’ includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.”

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

“For purposes of this section, the term ‘addressed to any person’ includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof.”

**SA 359.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE II—SAFE COPS ACT

##### SECTION 201. SHORT TITLE.

This title may be cited as the “Safe Cops Act of 2011”.

##### SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever”; and

(2) by adding at the end the following:

“(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

“(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

“(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

“(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life.”

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

“(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death.”

##### SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

##### “§ 111. Assaulting or interfering with certain officers or employees

“(a) OFFICERS AND EMPLOYEES.—

“(1) IN GENERAL.—It shall be unlawful to—

“(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

“(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

“(C) assault or interfere with an individual on account of that individual’s current or former status as an officer or employee described in section 1114.

“(2) PENALTY.—Any person who violates paragraph (1), shall be—

“(A) fined under this title;

“(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

“(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

“(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

“(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

“(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

“(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

“(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

“(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

“(B) if the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

“(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

“111. Assaulting or interfering with certain officers or employees.”

##### SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual’s current or former status as such an officer or judge, the offender shall be punished—

“(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

“(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

“(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

“(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

“(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking “in section 115(c)(2)” and inserting “in section 115(d)(2)”; and

(B) in section 2237(e)(1) of title 18, United States Code, by striking “in section 115(c)” and inserting “in section 115”.

(2) OTHER LAW.—Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes” (25 U.S.C. 305d(a)) is amended by striking “section 115(c)” and inserting “section 115(d)”.

##### SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for a deprivation that was incurred in the course

of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesignated paragraph.

(b) ATTORNEY'S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney's fees.”.

**SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.**

(a) SHORT TITLE.—This section may be cited as the “Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011”.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer's or judge's performance of official duties or status as a public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall

apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

**SA 360.** Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. ADDITIONAL SUNSETS.**

(a) NATIONAL SECURITY LETTERS.—

(1) REPEAL.—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking “or 627(a)” each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 7(b) of this Act, by striking “section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)” and inserting “section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)”;

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding “and” at the end;

(ii) in subparagraph (D), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (E); and  
(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(3) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking “DECEMBER 31, 2012” and inserting “DECEMBER 31, 2013”.

**SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.**

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking “a statement of facts showing” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

(ii) by striking “clandestine intelligence activities,” and all that follows and inserting “clandestine intelligence activities”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) if the records sought contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, a statement of facts showing that there are reasonable grounds to believe that the records sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii) (I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(C) a statement of proposed minimization procedures.”;

(3) in subsection (c)(1)—

(A) by inserting “and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)” after “subsections (a) and (b)”;

(B) by inserting “, and directing that the minimization procedures be followed” after “release of tangible things”; and

(C) by striking the second sentence; and

(4) by adding at the end the following:

“(i) DEFINITIONS.—In this section—

“(1) the term ‘bookseller records’ means transactional records reflecting the purchase (including subscription purchase) or rental of books, journals, or magazines, whether in digital form or in print, of an individual or entity engaged in the sale or rental of books, journals, or magazines;

“(2) the term ‘library’ has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1));

“(3) the term ‘patron’ means a purchaser, renter, borrower, user, or subscriber of goods or services from a library; and

“(4) the term ‘personally identifiable information’ includes information that identifies a person as having used, requested, or obtained specific reading materials or services from a library.”

(b) **TRANSITION PROCEDURES.**—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONS.**—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

**“SEC. 503. DEFINITIONS.**

“In this title, the terms ‘Attorney General’, ‘foreign intelligence information’, ‘international terrorism’, ‘person’, ‘United States’, and ‘United States person’ have the meanings given such terms in section 101.”

(2) **TITLE HEADING.**—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”.

(3) **TABLE OF CONTENTS.**—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.”;

and

(B) by inserting after the item relating to section 502 the following:

“Sec. 503. Definitions.”.

**SEC. 5. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.**

(a) **APPLICATION.**—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “a certification by the applicant” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

(B) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.”.

(b) **MINIMIZATION.**—

(1) **DEFINITION.**—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

“(4) The term ‘minimization procedures’ means—

“(A) specific procedures, that are reasonably designed in light of the purpose and

technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not foreign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.”.

(2) **PEN REGISTERS AND TRAP AND TRACE DEVICES.**—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking “the judge finds” and all that follows and inserting the following: “the judge finds—

“(A) that the application satisfies the requirements of this section; and

“(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.”; and

(B) by adding at the end the following:

“(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

(3) **EMERGENCIES.**—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.”.

(4) **USE OF INFORMATION.**—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking “provisions of this section” and inserting “minimization procedures required under this title”.

(c) **TRANSITION PROCEDURES.**—

(1) **ORDERS IN EFFECT.**—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) **EXTENSIONS.**—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

**SEC. 6. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.**

(a) **IN GENERAL.**—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) **PROHIBITION OF CERTAIN DISCLOSURE.**—

“(1) **PROHIBITION.**—

“(A) **IN GENERAL.**—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(B) **CERTIFICATION.**—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) **EXCEPTION.**—

“(A) **IN GENERAL.**—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) **PERSONS NECESSARY FOR COMPLIANCE.**—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) **NONDISCLOSURE REQUIREMENT.**—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) **NOTICE.**—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) **RIGHT TO JUDICIAL REVIEW.**—

“(A) **IN GENERAL.**—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) **NOTIFICATION.**—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) **INITIATION OF PROCEEDINGS.**—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in



section 3511 of this title, unless an appropriate official of the Federal Bureau of the Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request or order;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct inves-

tigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—

“(i) PROHIBITION.—

“(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

“(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

“(aa) a danger to the national security of the United States;

“(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(cc) interference with diplomatic relations; or

“(dd) danger to the life or physical safety of any person.

“(i) EXCEPTION.—

“(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(aa) those persons to whom disclosure is necessary in order to comply with the request;

“(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

“(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

“(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(iii) RIGHT TO JUDICIAL REVIEW.—

“(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

“(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

“(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in

subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

## SEC. 7. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking “a production order” and inserting “a production order or nondisclosure order”; and

(ii) by striking “Not less than 1 year” and all that follows; and

(B) in clause (ii), by striking “production order or nondisclosure”; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to

believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.”

(c) **MINIMIZATION.**—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking “Not later than” and all that follows and inserting “At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”

**SEC. 8. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.**

(a) **IN GENERAL.**—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

“(c) **WRITTEN STATEMENT.**—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).”

(b) **IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.**—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

“(d) **WRITTEN STATEMENT.**—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”

(c) **DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.**—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

(2) by striking “The certification” and inserting the following:

“(1) **FORM OF CERTIFICATION.**—The certification”; and

(3) by adding at the end the following:

“(2) **WRITTEN STATEMENT.**—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).”

(d) **FINANCIAL RECORDS.**—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).”

(e) **REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.**—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

“(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).”

(f) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **OBSTRUCTION OF CRIMINAL INVESTIGATIONS.**—Section 1510(e) of title 18, United States Code, is amended by striking “section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),” and inserting “section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)).”

(2) **SEMIANNUAL REPORTS.**—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraph (6) as paragraph (4).

**SEC. 9. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.**

(a) **IN GENERAL.**—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

“(c) **REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘applicable period’ means—

“(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the PATRIOT Sunsets Extension Act of 2011 and ending on December 31, 2011; and

“(ii) with respect to the second report submitted under paragraph (2) or (3), and each

report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

“(B) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(2) **CLASSIFIED FORM.**—

“(A) **IN GENERAL.**—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

“(B) **CONTENTS.**—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

“(i) the number of authorized requests under the provision, including requests for subscriber information; and

“(ii) the number of authorized requests under the provision—

“(I) that relate to a United States person;

“(II) that relate to a person that is not a United States person;

“(III) that relate to a person that is—

“(aa) the subject of an authorized national security investigation; or

“(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

“(3) **UNCLASSIFIED FORM.**—

“(A) **IN GENERAL.**—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

“(B) **CONTENTS.**—Each report under subparagraph (A) shall include the aggregate total of requests—

“(i) that relate to a United States person;

“(ii) that relate to a person that is not a United States person;

“(iii) that relate to a person that is—

“(I) the subject of an authorized national security investigation; or

“(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked

to the subject of an authorized national security investigation.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

**SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

**“SEC. 602. ANNUAL UNCLASSIFIED REPORT.**

“Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

“Sec. 602. Annual unclassified report.”.

**SEC. 11. AUDITS.**

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2013”;

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

“(C) with respect to calendar years 2007 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.”; and

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

“(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

“(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

“(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

“(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.”.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”; and

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”;

(7) by adding at the end the following:

“(g) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

“(2) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”.

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2013”; and

(B) in paragraph (3)(C), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—

Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

(3) by striking subsection (g) and inserting the following:

“(h) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

“(2) the term ‘national security letter’ means a request for information under—

“(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

“(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

“(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

“(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

“(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

“(3) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”;

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

“(A) examine the use of national security letters by the element of the intelligence community during the period;

“(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

“(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

“(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”; and

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) or (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking “The reports submitted under subsections (c)(1) or (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”.

(C) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2013.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2013;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2013, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2012 and 2013.

(4) INTELLIGENCE ASSESSMENT.—

(A) IN GENERAL.—For the period beginning January 1, 2007 and ending on December 31, 2013, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

(B) SUBMISSION DATES FOR ASSESSMENT.—

(i) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2012 and 2013.

(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) UNCLASSIFIED FORM.—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section—

(1) the terms “foreign intelligence information” and “United States person” have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(e) OFFSET.—Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

#### SEC. 12. DELAYED NOTICE SEARCH WARRANTS.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking “30 days” and inserting “7 days”.

#### SEC. 13. PROCEDURES.

(a) IN GENERAL.—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) CONSIDERATIONS.—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) REVISIONS TO PROCEDURES AND OVERSIGHT.—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

#### SEC. 14. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

#### SEC. 15. OFFSET.

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

#### SEC. 16. ELECTRONIC SURVEILLANCE.

Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting “with particularity” after “description”.

#### SEC. 17. EFFECTIVE DATE.

The amendments made by sections 4, 5, 6, 7, 8, and 12 shall take effect on the date that is 120 days after the date of enactment of this Act.

**SA 361.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### SEC. 3. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”;

(3) in subparagraph (C), by adding at the end the following:

“(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**SA 362.** Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment

intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. . PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

**SA 363.** Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . FIREARMS RECORDS.

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

**SA 364.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, except as provided in paragraph (5)”;

(2) by adding at the end the following:

“(5) EXEMPTION.—

“(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

“(i) has in effect an established decision-making process with respect to suspicious transactions;



“(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and  
“(iii) has determined not to file a report with respect to a particular transaction.

“(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).”.

**SA 365.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 5318(g)(1) SUSPICIOUS ACTIVITY REPORTS.**

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

**SA 366.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 5318(g)(1) MINIMIZATION PROCEDURES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not for-

eign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

**SA 367.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 368.** Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 5318(g)(1) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

**SA 369.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

**SEC. 5318(g)(1) ROVING WIRETAPS AND FISA SUNSETS.**

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 370.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 5318(g)(1) JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”;

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued

under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary."

**SA 371.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . MILITARY ENGAGEMENT IN LIBYA.**

(a) **DECLARATION OF WAR.**—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) **AUTHORITIES.**—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

**SA 372.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . MILITARY ENGAGEMENT IN LIBYA.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to "fulfill the intent of the framers of the Constitution of the United States" in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of

the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is "implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities".

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is "(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces".

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to "take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya" and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than "sixty calendar days".

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) **ACTIONS REQUIRED BY WAR POWERS RESOLUTION.**—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

**SA 373.** Mr. PAUL (for himself and Mr. HELLER) submitted an amendment

intended to be proposed to amendment SA 377 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . FIREARMS RECORDS.**

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

**SA 374.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: " , except as provided in paragraph (5)"; and

(2) by adding at the end the following:

"(5) **EXEMPTION.**—

"(A) **IN GENERAL.**—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

"(i) has in effect an established decision-making process with respect to suspicious transactions;

"(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

"(iii) has determined not to file a report with respect to a particular transaction.

"(B) **EXCEPTION.**—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1)."

**SA 375.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . SUSPICIOUS ACTIVITY REPORTS.**

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

**SA 376.** Mr. PAUL submitted an amendment intended to be proposed by

him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . MINIMIZATION PROCEDURES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

**SA 377.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50

U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 378.** Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

**SA 379.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

**SEC. . . . ROVING WIRETAPS AND FISA SUNSETS.**

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;” and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 380.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . MILITARY ENGAGEMENT IN LIBYA.**

(a) DECLARATION OF WAR.—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) AUTHORITIES.—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

**SA 381.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . MILITARY ENGAGEMENT IN LIBYA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to “fulfill the intent of the framers of the Constitution of the United States” in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is “implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities”.

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is “(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces”.

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to “take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya” and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than “sixty calendar days”.

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President’s ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) ACTIONS REQUIRED BY WAR POWERS RESOLUTION.—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

**SA 382.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”.

**SA 383.** Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 3 through 10 and insert the following:

1861 note, and 50 U.S.C. 1862 note) is amended by striking “May 27, 2011” and inserting “December 1, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking “May 27, 2011” and inserting “December 1, 2011”.

**SA 384.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act

and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public’s understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government’s official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government’s official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

**SA 385.** Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed

by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. SPECIFIC EVIDENCE FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.**

(a) **FACTUAL BASIS FOR REQUESTED ORDER.**—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows:

“(2) shall include—

“(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii)(I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(B) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.”.

(b) **EXCEPTION.**—Notwithstanding the amendment made by subsection (a), an order issued by a court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for access to business records under title V of such Act (50 U.S.C. 1861 et seq.) in effect on, and issued prior to, September 30, 2011, shall remain in effect under the provisions of such title V in effect on September 29, 2011, until the date of expiration of such order. Any renewal or extension of such order shall be subject to the provisions of such title V in effect on September 30, 2011.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on September 30, 2011.

**NOTICES OF INTENT TO SUSPEND THE RULES**

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 363 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 364 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules

of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 365 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 366 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 367 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 368 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 369 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 370 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 371 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 372 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 373 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 374 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 375 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 376 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 377 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 378 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 379 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 380 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 381 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move

to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 382 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S.J. Res. 15, as follows:

S.J. RES. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) a state of war between the United States and the Government of Libya is hereby formally declared; and

(2) the President is hereby authorized and directed—

(A) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(B) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S.J. Res. 16, as follows:

S.J. RES. 16

Whereas Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war;

Whereas the War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to “fulfill the intent of the framers of the Constitution of the United States” in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action;

Whereas the President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security;

Whereas President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011;

Whereas Congress did not consider or pass a formal authorization for the President to initiate military operations in Libya;

Whereas the War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action;

Whereas President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye;

Whereas section 8(a) the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is “implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities”;

Whereas President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011) and in consultation with the Arab League;

Whereas section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is “(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces”;

Whereas the Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so;

Whereas President Obama had stated the purpose of enforcing a no-fly zone over Libya was to “take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya” and not in response to any direct or immediate threat to the United States;

Whereas section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than “sixty calendar days”;

Whereas members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011;

Whereas, on May 20, 2011, the limit of sixty calendar days placed on the President’s ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution;

Whereas Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) requires that “within sixty calendar days . . . the President shall terminate any use of United States Armed Forces . . . unless the Congress (1) has declared war or has enacted a specific authorization for such use of the United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States”;

Whereas President Obama reiterated on May 20, 2011, that the military forces of the United States remain engaged in hostilities, including “suppression and destruction of air defenses” and “precision strikes by unmanned aerial vehicles”;

Whereas Congress has not considered or passed a formal authorization for the President to continue military operations in Libya; and

Whereas President Obama has not indicated any intent to cease operations in Libya after the sixty-day limit established by the War Powers Resolution: Now, therefore, be it:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1070, as follows:

S. 1070

*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 “Fourth Amendment Restoration Act”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Fourth Amendment of the United States Constitution states “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”.

(2) Prior to the American Revolution, American colonists objected to the issuance of writs of assistance, which were general warrants that did not specify either the place or goods to be searched.

(3) Writs of assistance played an important role in the events that led to the American Revolution.

(4) The Fourth Amendment of the United States Constitution was intended to protect against the issuance of general warrants, and to guarantee that only judges, not soldiers or police officers, are able to issue warrants.

(5) Various provisions of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272) expressly violate the original intent of the Fourth Amendment of the United States Constitution.

**SEC. 3. LIMITATIONS ON ROVING WIRETAPS.**

Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;” and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

**SEC. 4. SUNSETS ON ROVING WIRETAP AUTHORITY AND ACCESS TO BUSINESS RECORDS.**

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005



(Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective February 28, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”

#### SEC. 5. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

#### SEC. 6. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”

#### SEC. 7. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1071, as follows:

S. 1071

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SUSPICIOUS ACTIVITY REPORTS.

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

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1072, as follows:

S. 1072

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, except as provided in paragraph (5)”; and

(2) by adding at the end the following:

“(5) EXEMPTION.—  
“(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

“(i) has in effect an established decision-making process with respect to suspicious transactions;

“(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and  
“(iii) has determined not to file a report with respect to a particular transaction.

“(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).”

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1073, as follows:

S. 1073

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in

writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1074, as follows:

S. 1074

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.**

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1075, as follows:

S. 1075

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1076, as follows:

S. 1076

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ROVING WIRETAPS AND FISA SUNSETS.**

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target

and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;” and (2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1077, as follows:

S. 1077

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during

the session of the Senate on May 25, 2011, at 10 a.m. in room 406 of the Dirksen Senate Building.

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

**COMMITTEE ON FINANCE**

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The U.S.-Panama Trade Promotion Agreement.”

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. WYDEN. 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 25, 2011, at 10 a.m. to conduct a hearing entitled “How to Save Taxpayer Dollars: Case Studies of Duplication in the Federal Government.”

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

**COMMITTEE ON THE JUDICIARY**

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 25, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Holding Criminals Accountable: Extending Criminal Jurisdiction to Government Contractors and Employees Abroad.”

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

**COMMITTEE ON VETERANS' AFFAIRS**

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 25, 2011, in room 418 of the Russell Senate Office Building beginning at 10 a.m.

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

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY**

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m. to conduct a hearing entitled, “Assessing Efforts to Eliminate Improper Payments.”

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

**COMMITTEE ON FISCAL RESPONSIBILITY AND ECONOMIC GROWTH**

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Responsibility

and Economic Growth of the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2011, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Spread of Tax Fraud by Identity Theft: A Threat to Taxpayers, A Drain on the Public Treasury."

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON SEAPOWER

Mr. WYDEN. 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 25, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SECURITIES, INSURANCE AND INVESTMENT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on May 25, 2011, at 9:30 a.m., to conduct a hearing entitled "Derivative Clearinghouses: Opportunities and Challenges."

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

PRIVILEGES OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that Emily Eelman, a detailee on the Budget Committee staff, be granted the privileges of the floor for the duration of today's and tomorrow's sessions.

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

HONORING SERVICE AND SACRIFICE OF MEMBERS OF THE U.S. ARMED FORCES

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 13 and that the Senate then proceed to its consideration.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

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 preamble be agreed to, the motion to reconsider be laid upon the table, and I further ask unanimous consent that all Senators be listed as cosponsors of this resolution.

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

The concurrent resolution (S. Con. Res. 13) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 13

Whereas over 2,000,000 members of the United States Armed Forces have deployed to theaters of war since the commencement of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn;

Whereas hundreds of thousands of members of the United States Armed Forces have deployed for multiple tours of duty, leaving their homes, their families, and in many cases, their civilian jobs;

Whereas more than 5,500 members of the United States Armed Forces have made the ultimate sacrifice for the United States while serving in Iraq or Afghanistan;

Whereas tens of thousands of members of the United States Armed Forces have been seriously wounded in the line of duty while serving in Iraq or Afghanistan;

Whereas the members of the United States Armed Forces who have participated in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn have answered the call to duty of the United States, serving bravely and nobly and, in most cases, without fanfare or acclaim;

Whereas those members of the United States Armed Forces and veterans have personified the virtues of patriotism, service, duty, courage, and sacrifice; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) honors the members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; and

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces and veterans and to hold those members and veterans in a special place of honor, both now and in the future.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101-509, the reappointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

ORDERS FOR THURSDAY, MAY 26, 2011

Mr. REID. Mr. President, at the end of this day, it is a pleasure for me to ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, May 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees.

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

PROGRAM

Mr. REID. Mr. President, there will be a cloture vote on the motion to concur with respect to the PATRIOT Act at 10 a.m. tomorrow. We are working on a final agreement. A lot of progress has been made in that regard, and there likely will be more rollcall votes tomorrow to amendments to the PATRIOT Act.

FILING DEADLINE

Mr. REID. Mr. President, before we terminate tonight, there is some additional business.

I ask unanimous consent that the filing deadline for second-degree amendments be at 9:40 a.m. tomorrow morning.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, May 26, 2011, at 9:30 a.m.