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Senate

The Senate met at 9:30 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:

O God our help in ages past, our hope for years to come, help us to appreciate all that has gone on before us, all those who have given their lives for the sake of freedom, and all the sacrifices that have been made to keep America strong. Strengthen us to find ways to join this fraternity of patriots who more than self their country loved.

Today, empower our Senators to experience a fresh regenerating touch of Your power: Where there is sorrow, let there be joy; where there is despair, hope; where there is weakness, strength; where there is anxiety, peace; where there is sin, forgiveness. Teach us how to be stewards of power and yet custodians of peace.

We pray in Your merciful 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 22, 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. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following any leader remarks, the Senate will be in morning business until 11 a.m., with the majority controlling the first half and the Republicans controlling the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 679, the Presidential Appointment Efficiency and Streamlining Act.

We are working on an agreement to begin consideration of this bill and will notify Senators when votes are scheduled.

ORDER OF PROCEDURE

I would ask unanimous consent that the time not end at 11 a.m. on the majority and minority, that they each have a full half hour.

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

BIPARTISANSHIP

Mr. REID. Madam President, yesterday my friends, the chairman of the Foreign Relations Committee and the ranking member of the Armed Services Committee, submitted a resolution supporting the U.S. involvement in the NATO action in Libya.

I commend my friends who have submitted a strong bipartisan resolution with an impressive list of cosponsors, including Senators MCCAIN, LEVIN, DURBIN, KYL, FEINSTEIN, GRAHAM, LIEBERMAN, BLUNT, CARDIN, and others. This should have overwhelming support, and I am confident it will.

Some Republicans in the House of Representatives and on the campaign trail have expressed concern over our involvement in this conflict. They have clearly decided to use the War Powers Resolution as a political bludgeon to pursue a partisan agenda.

But I also believe there is a larger question we must each ask ourselves as Senators as we consider this military action: Was our participation in the international effort to stop mass murder and chaos in Libya a just decision? I am confident it was.

Muammar Qadhafi's repressive dictatorship is a threat to the region and to U.S. national security. Our support of this mission is crucial for our NATO alliance that is leading this mission and for the people of Libya who lived far too long under Qadhafi's brutal regime.

I thank the Senator from Massachusetts and the senior Senator from Arizona for beginning to deliberate. These two senior Senators have begun a deliberate, bipartisan discussion of this important matter in the Senate. Working together, this bipartisan group of Senators has made a clear statement to our allies, to the world, to the Libyan people, and to Qadhafi that we support the people's action in Libya.

The Senate is truly at its best when bipartisan lawmakers work together. That is why it is so unfortunate that yesterday Republicans were unwilling to join us in our efforts to create jobs for Americans who need them so very badly. For the fourth time this year, my Republican colleagues stalled a jobs bill that could have put hundreds of thousands of Americans to work now.

This was the second jobs bill Republicans have killed by piling on unrelated amendments—the EDA bill that I

just referred to, almost 100 amendments, none of which related to the legislation at hand. Two more jobs bills passed the Senate but are wasting away in the House. All four of these bills are commonsense efforts to spur innovation, investment, and hiring by private companies. All four had a proven track record of creating jobs. The message the Republicans have sent is clear: They care more about partisan politics than they do about putting Americans back to work.

Later today, Democrats will talk about our plan to reduce the jobs deficit, a problem just as critical to Americans as our budget deficit. We hope our Republican colleagues will join us to tackle the problem. So far, they have put politics first.

I don't know what it will take for Republicans to get the message that people in Nevada and across the country care more about jobs than any other issue. It is the most important issue on which Congress should focus. Instead, Republicans are focused on the one thing Americans don't want to change: ending Medicare as we know it. It is wrong that Republicans are trying to end Medicare as we know it. The American public does not support this.

The vast majority of Americans say they oppose the Republican plan to balance the budget on the backs of seniors by killing Medicare. The number amongst seniors and Independents is sky high in opposition to the Republican plan to change Medicare as we know it. There is no mystery to why they oppose it. The Republican plan to end Medicare would put insurance company bureaucrats between seniors and their doctors. It would raise drug prices from day one. It would increase the cost of cancer screenings and treatments for 7 million seniors and do a lot more damage to our Medicare recipients.

Seniors cannot afford this dangerous plan nor can America. The Senate can't afford to waste any more time. It is our job to create jobs. It is time for Republicans to leave Medicare alone and let us get back to work creating jobs.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

Under a subsequent order, each side will have the full 45 minutes.

The Senator from Iowa.

AUSTERITY DISCONNECT

Mr. HARKIN. Madam President, I wish to pick up a little bit again in my remarks on what the majority leader was just talking about; that is, the lack of focus on jobs in this country.

I am disturbed by the growing disconnect between Washington's obsession with austerity and retrenchment and cutting and slashing and the disconnect from that with the dramatically different needs, priorities, and anxieties of ordinary working Americans. The so-called chattering class here in Washington has persuaded itself that the biggest issue is the budget deficit. But Americans outside the Beltway are most concerned with a far more urgent deficit, the jobs deficit, and their concerns are well founded.

Our Nation remains deeply mired in the most protracted period of joblessness since the Great Depression. Real unemployment is close to 16 percent. Tens of millions of people who are employed are increasingly anxious about being able to hold on to their jobs and to make ends meet.

The American people get it. They want to get this economy moving again, and they know the best way to reduce the budget deficit is to help 25 million unemployed Americans get good, middle-class jobs and become taxpayers once again. With the private sector engine sputtering, there is an absolutely critical role for the Federal Government in creating demand and preventing a double-dip recession.

We have to wonder, is Washington listening to working middle-class Americans? Is Washington listening to the legions of unemployed and the underemployed who are desperate for solutions to their plight? Sadly, I think the answer is, no, Washington is not listening.

Many of our political leaders are treating the jobs crisis as yesterday's news. They are putting deficit reduction above all else. They are demanding extraordinary—in fact, unprecedented—cuts to government funding and government investment. It is akin to a bidding war, driven by the hysteria of the auction rather than the value of the lot: Let's cut $1 trillion. No, $1.5 trillion here. No, I have $2 trillion over here. How about $4 trillion? It is akin to a bidding war to see how much we can cut government funding and investment.

I have to ask, has Washington lost its mind? Don't we realize these Draconian cuts are the economic equivalent of applying leeches and draining blood from a sick patient? Don't we realize this will make both the jobs deficit and the budget deficit far worse?

Of course, we must act aggressively to bring deficits under control. But we have to do this in ways that continue to create more jobs while also improving the long-term competitiveness of the American economy.

We have reached the point of maximum danger in the fragile economic recovery. We are at the point of maximum danger. Employment growth is weak and threatens to stall out altogether. Businesses remain reluctant to invest and hire for the simple reason that there is not sufficient demand for goods and services. All those unemployed and underemployed people are only spending enough to make ends meet. If they are getting unemployment compensation, they are barely making ends meet. There is no excess money. The middle class is tapped out, with stagnant incomes, insecure jobs, high levels of mortgage, and high levels of consumer debt. The threat of a double-dip recession is far too real, and the fear of more unemployment also hangs right over tomorrow's horizon.

In this context, to insist that we slash Federal funding by trillions of dollars is beyond foolish. It is government malpractice. It flies in the face of everything we know and have learned about how economies work.

Two weeks ago, Federal Reserve Chairman Bernanke stated the obvious. He warned us:

> A sharp fiscal consolidation focused on the very near term could be self-defeating if it were to undercut the still-fragile economy.

Again I ask, is anyone listening? The alarm bells are ringing all over America.

Recently, the Federal Reserve Bank of New York published an online article about what it called ''the mistake of 1937.'' What is that all about? The New York Fed was referring to the premature fiscal and monetary pullback in 1937 just as the economy was beginning to get its legs to get out of the Depression. That premature retrenchment was a historic mistake. It killed the recovery then in progress and sent us back into the Great Depression for another almost 4 years until it was finally ended with the stimulative spending of World War II.

Paul Krugman, the Nobel Prize-winning economist, says that in important ways we have already repeated the mistake of 1937. We have taken our eyes off of what should be our No. 1 priority—creating jobs—and we have pivoted to an obsession—again I repeat, an obsession—with deep, short-term budget cuts which by their very nature will destroy jobs and weaken the economy.

Let me cite another glaring example of the disconnect between Washington and the rest of the country. Here in Washington Republicans assert that the Recovery Act was a failure. Why do they claim that? Because they claim President Obama promised the Recovery Act would reduce unemployment to 8 percent and because that has not happened, it was a failure. We have researched this. The Republican talking point on this President Obama promise has no basis in fact. Independent fact checkers in the media have tried to find such a promise or a statement by President Obama, and they have come up empty.

I say again to my Republican friends, if you have some proof of President Obama saying the Recovery Act would reduce unemployment to 8 percent, please bring it forward. All we have found in checking this was an illustrative table from a report that was published—are you ready for this?—before President Obama took office, speculating that some future stimulus program might reduce unemployment to 8 percent depending on how big the stimulus was.

Those same fact checkers found that President Obama did promise one thing of the Recovery Act: He said it would prevent a new Great Depression and prevent unemployment rates of 12 or 13 percent. That did happen.

Fortunately, ordinary Americans have a better understanding of the Recovery Act. They know hundreds of billions of dollars in middle-class tax cuts in the Recovery Act gave them a modest but a significant boost in income. They know that because of the Recovery Act's assistance to the States, many tens of thousands of teachers, police officers, and other essential employees were able to keep their jobs. They have seen countless highway and other infrastructure projects funded by the Recovery Act. All of these have either preserved jobs or created new and more jobs. They provided significant benefits for our people, including better roads, better bridges, better schools, and other critical infrastructure for the future of our country.

Thanks in large part to the Recovery Act, we have gone from losing 700,000 jobs a month in late 2008 when President Obama took office to adding new jobs now for 16 consecutive months building the infrastructure of America. I know a little bit about this. If you go over to my office, you will see hanging on my wall in my office my father's WPA card. To all of you young people who do not know what WPA stands for, it stands for the Works Projects Administration. It started under Franklin Roosevelt during the Great Depression to hire people who were unemployed to work on infrastructure projects.

I know my father worked on three of those projects. One was Lake Ahquabi near Indianola, IA, which is still a State park and recreational area enjoyed by people all year-round, especially in the summertime. Another was a high school in Indianola, still in use, built by WPA. The other was the Maffitt Reservoir built by the WPA for a holding of the city of Des Moines reservoir. All three were built by the WPA, still in use today. We can see countless examples of this all over America. We have schools in Iowa which have been modified and upgraded but still were built by the WPA. That is true all over the country.

What happened is they built an infrastructure that helped the private sector be more efficient and more productive and make lives better for our people. We need to do that again, and we need to invest all over America. The Recovery Act started that, but now we know it was not enough and it was not long enough. Just as in 1937, we are about to repeat that same mistake. If we had kept the stimulus going through 1937 and 1938, we would not have fallen back as we did at that time.

The nonpartisan Congressional Budget Office estimates that through the end of 2010 the Recovery Act had raised the gross domestic product by as much as 3.5 percent and increased the number of employed Americans by as many as 3.3 million people—employed in the public sector but also in the private sector.

Business columnists and pundits have no doubt that the Recovery Act has boosted the economy. You can go to CNBC or Bloomberg on cable TV. In recent months, it has almost become a cliche for commentators to say this: Sure the economy is growing again, but this is largely because of the Recovery Act and the easing by the Federal Reserve. As those things wind down, the economy will be in danger once again.

OK, it seems to me, then, that we do not want to wind them down. Why wind them down and throw us into a tailspin again? These business pundits are correct. The shot in the arm provided by the Recovery Act is now winding down. It threatens our fragile recovery. In the absence of Federal assistance, many States are making deep budget cuts or laying off their employees. In Texas, Governor Perry has proposed to cut education funding by a staggering $10 billion. In New York City, Mayor Bloomberg has proposed laying off 6,000 teachers. Total State and local government layoffs just in the last 6 months have been nearly 350,000—350,000 people who were working no longer work. They are laid off. Where will the demand be for goods and services from the private sector from all these laid off individuals? Now, if the Federal Government follows suit, after what is happening in our States, with these massive short-term spending cuts, the prospect of a more severe recession will be very real, and we will go off that cliff.

So I reject the false choice between addressing the budget deficit and addressing the job deficit. We can and must do both. As I said earlier, the budget deficit is in large part caused because of the high jobs deficit. High unemployment over the last 3 years has ballooned the deficit by hundreds of billions of dollars because tax revenues have fallen. Federal spending has increased for things such as food stamps, nutrition assistance, unemployment benefits, Medicaid. How often do we hear that Medicaid spending is skyrocketing? You know, before you get Medicaid, you have to fall under certain poverty guidelines. The reason Medicaid is going up is because people are not working. People are not working because there aren't any jobs. And there aren't any jobs because the Federal Government will not prime the pump, because the Federal Government—now we are being told we must cut back with huge cuts, tremendous cuts that will further make more people get laid off and will further make the problem even worse than it is now.

The smartest approach is to take measures to sharply reduce the deficits in the medium and long term but to invest in job creation in the short term. We have it backward. Washington now has it backward. My Republican friends have it backward. They are going to slash and cut, and that is going to push us into another recession. Better we invest in the infrastructure and keep new jobs and more jobs out there that will create the pent-up demand we need for goods and services. That will help us reduce the deficit in the medium and the long term.

We have to do it right, a balanced way—some spending cuts, revenue increases. People say: How can we invest, Senator HARKIN, in all these roads and new schools and new infrastructure, new energy systems—how can we do that when we are broke? Will we just have to borrow more money from China, go further into debt, put more debt on our kids and grandkids' heads?

I thoroughly reject the premise under which the Ryan budget and the Republican budget is based. It is based on the premise that we are broke, that we are poor, that we can't afford to have teachers and we can't afford to have more medical personnel out there taking care of our elderly, that we can't afford more roads and bridges and sewer and water systems and better school facilities and better technology and new energy systems—we can't afford to do that because we are broke. I reject that. We are not broke. We are not poor.

The United States of America is the richest nation in the history of mankind. We are the richest nation on the face of the Earth. We have the highest per capita income of any major nation in the world. So one has to ask the question, if we are so rich, why are we so broke? Why are we so poor? The reason is because the system is broken.

This really started with the massive tax cuts enacted under the George W. Bush administration in 2001. Need I remind anyone that we had 3 straight years of budget surplus? CBO said that if we kept on the track we were on, we would pay off the national debt by 2010. But as soon as President Bush was in office, Republicans took control of both the House and the Senate and gave, massive tax cuts mostly to the wealthy in our country. That, plus two unpaid-for wars and an unpaid-for Medicare benefit, put us into the greatest deficit and biggest debt we have ever had as a nation.

If 50 percent of the problem we have with the deficit was made because of the tax cuts that mostly went to the wealthy, then we have to think seriously—no, I will rephrase that. We don't have to think seriously; we must act decisively to raise revenues so we

do not have to borrow more money. There are revenues there to be had. A few people made a lot of money in the last 10 years. I don't think it is untoward to ask them to perhaps help rebuild America. The private sector companies, I am told, are sitting on about $2 trillion in cash, and they will not invest it. There is money there. Our tax system—our system is screwed up. So we need both—yes, to make targeted cuts in certain programs. We can do that. But we also need to raise the revenues necessary to invest in putting people to work and rebuilding the infrastructure of this country.

Republicans are saying we need more tax breaks for the wealthy. If working people and the middle class are taking a hit in tough times, it should not be to pay for more tax breaks for the wealthy. As our leader just said, after weeks of debate, Republicans blocked passage of a bipartisan small business bill, and just this week they killed the Economic Development Administration development bill with a proven record of job creation. The key to renewing America and restoring our economy is to revitalize the middle class. That means investing in education, innovation, the infrastructure, boasting American competitiveness in a highly competitive global marketplace. How do we do both? We do it by making certain targeted cuts but raising revenues by raising revenues. I would have to add, one of those ways we have to think about cutting is, why we are continuing to spend billions of dollars and losing American lives in Afghanistan? What are we still doing in Iraq? I saw a recent report that said we have spent over $87 billion in Iraq. What do we have to show for it? Higher gasoline prices than ever before and a country that is still torn apart by internal strife.

If we want to move ahead and create these jobs, it means a level playing field, fair taxation, an empowered workforce, a strong ladder of opportunity to give every American a shot at the middle class.

With the fragile economic recovery, we should not reduce fiscal support for job creation at this time. Deficit reduction efforts can start but sequenced in. When the economy is recovering, that is when they start taking place. Now is the time to invest in job creation. We need to keep our priorities straight. The greatest challenge right now is not the budget deficit. The greatest challenge is the jobs deficit. The greatest challenge is the erosion of the middle class, which is under siege in America. The middle class is being dismantled every day. People are losing their savings, their health care, their pensions and, in many cases, even their homes. These proposed gradual budget cuts, drastic budget cuts will destroy jobs and further damage the economy. The people, the middle class of America, have every reason to believe they are losing the American dream not just for themselves but for their children.

Instead of the Republican budget, which is being sold through fear and fatalism, we need a budget that reflects the hopes and aspirations of the American people. We need a budget that will invest to create jobs, that will bring future deficits under control as more people come to work, as fewer people need Medicaid, as fewer and fewer people need food stamps, as fewer and fewer people need unemployment compensation when they begin working and becoming taxpayers again. It is up to the Federal Government to take this step, and we should not be afraid to do so. It must be bold. It cannot be tinkering around the edges. It must be something that is big and that is bold and that will jump-start our economy. That is our No. 1 priority. I hope we can do this so it will not happen that we go into another Great Depression or what happened in the late 1930s; that we had to depend upon another war to stimulate Government spending and put people back to work. God help us if that is the only thing we can look forward to, to get our economy going again. We should have learned from the past, taken those lessons from the past and take the steps necessary right now to invest in jobs, to rebuild the middle class of America, and to have a fair taxation system so those people at the top who make so much—and I don't begrudge people making money, but I do begrudge if they are not paying their fair share in revenues to this country. That is our challenge. I hope Congress is up to meeting that challenge. The middle class is the backbone of America, and it is time this Congress showed the backbone to stick up for them.

I yield the floor.

Madam President, how much time is remaining on our side?

The ACTING PRESIDENT pro tempore. Nineteen minutes.

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

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

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. 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. HARKIN. Madam President, how much time do we have remaining now?

The ACTING PRESIDENT pro tempore. Eighteen minutes.

NEW NLRB RULES

Mr. HARKIN. Madam President, I also wanted to speak about the new National Labor Relations Board rules that came out just yesterday. It also has a lot do with the middle class in America and what happens to the middle class.

In 1912, women went on strike at a textile plant in Lawrence, MA. They inspired the Nation when they walked the picket lines with signs that said: ''We want bread, but we want roses too.'' Well, what did they mean by that? They meant they wanted jobs, but they didn't want just bear subsistence and slave jobs. As you know, many women died in the terrible triangle shirtwaist textile plant fire. They wanted jobs, but they wanted jobs that paid a living wage. They wanted jobs that did not work people 12, 18 hours a day, 6 or 7 days a week. Those words helped to shape the character of the country we created, a shared prosperity for the American people.

Almost 100 years later, we face the same fundamental question about what kind of country we want to be. When we imagine the America of our dreams or our children and grandchildren, is bread just good enough for the middle class or should we have some roses too?

Republicans portray our country as poor and broke, and they have used that as an excuse to rationalize an unprecedented attack on the middle class. But, the reality is we are the wealthiest Nation in history. It is just more and more of our country's wealth is being concentrated at the top.

Certainly, the American people do not begrudge the rich their good fortune and success. But they do resent it when the wealthy and the powerful manipulate the political system to reap huge advantages at the expense of working people. Today, unfortunately, more and more people sense in their hearts that the rules of the game have are rigged in favor of CEOs and big corporations, and nowhere is this more apparent than the process by which workers form a union or, I should say, by which process workers are blocked from forming a union.

As it now stands, the union election process is a never-ending, bitter struggle marred by corporate intimidation and frivolous lawsuits. Workers have to walk through broken glass on their hands and knees to get the same basic rights that every wealthy CEO has the right to have the terms of their employment set out in an enforceable contract. Right now, CEO's bargain extremely generous salaries and golden-parachute retirements, but millions of hardworking Americans don't have a way to guarantee from week to week that they will have enough hours to feed their family or that their health benefits won't be cut without notice.

So the rules promulgated by the NLRB yesterday try to right this and to make it a fair and equitable process so people can form a union. The proposed rules are very modest. What it does is cut down on the number of frivolous lawsuits and removes unnecessary delays that prevent workers from getting a vote in elections. Sometimes it takes months and, in some cases, years before workers even get a chance to vote on whether or not they want to form a union. All the while, people are harassed and intimidated. These workers know first hand that justice delayed is justice denied. That is not the

American way. Workers deserve a fair shake and a fair election. If people want to form a union, they deserve that right to do so.

The steps they took are common sense. It removes unnecessary delays, cuts down on frivolous legal challenges, gives workers the right to a fair up-or-down vote, in a reasonable period of time. These new rules do not encourage unionization, and they do not discourage it. They just give workers the ability to say yes or no. Again, what they seek is valid.

The current system is broken. If a party takes advantage of every opportunity for delay, the average time before workers can vote is 198 days, and, as I have said, it has taken 13 years before people were allowed to vote in a union election. A study by the Center for Economic Policy Research found, among workers who openly advocate for a union during an election campaign, one in five is fired. Madam President, 9 out of 10 employers require their employees to attend meetings on work time to hear anti-union presentations. Workers are required to attend 10 anti-union meetings. Well, it is time to right this imbalance.

That is what the NLRB did—not tilt it one way or another but to give workers a fair right to have an election. The rules apply to secret ballot elections, but make modest changes to not to have it dragged out for years and years with frivolous lawsuits while preserving employer's due process rights. The new rules standardize time lines for union elections so that both sides have a fair chance to make their case and then employees have the right to a timely vote. They ensure that employers and employees have a level playing field, where corporate executives and rank-and-file workers alike have an equal chance to make their case for or against the union. That is all it is. It is nothing more, nothing less than that. This is a fair set of rules.

I am sure we are going to hear from the business community about this, saying this is meddling and this is going to tilt toward the unions. No, it doesn't. For far too long it has been tilted on the side of the employer and against the unions. Now we bring it back to the middle, where we say we are neither pro nor against, but we are going to let workers have the right to say whether they want to form a union. Some workplaces will choose a union, some will not. But protecting the right of workers to make that choice brings some balance and fairness to the system, so the deck isn't always stacked in favor of the wealthy and the powerful.

America's future depends on the middle class having not just bread, but roses too, just as was the case 99 years ago. Our government faces a clear choice: do we stand for seemingly endless corporate power, or do we stand for the basic rights of working people? Republicans keep pushing for special favors for the wealthy and big corporations, claiming this will create jobs and economic prosperity. Instead, over the last decade, it has brought us high unemployment and the worst economic downturn since the Great Depression. The problem with trick down economics is that it failed to trickle down. Wealth has been increasingly concentrated at the top.

There is a better way. Quality jobs that pay a living wage, provide health insurance and a secure retirement are the foundation of a strong middle class. Having a strong middle class that can afford to buy quality products made in America is the recipe for our economic renewal.

I compliment the NLRB. I know I have heard there will be some challenges to it on the floor of the Senate. I hope reason will prevail and the Senate will once again stand for the inherent right of people to be able to organize and bargain collectively for their wages, hours, and conditions of employment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

EDA

Mr. DURBIN. Madam President, there was a vote yesterday on the Senate floor about a bill that was pending. It goes directly to the topic just raised by the Senator from Iowa. It was the Economic Development Revitalization Act. The EDA is an agency created almost a half century ago to create incentives for businesses to build, expand, and locate in places across America where there is high unemployment. It has been a success in Illinois and almost every other State.

For every $1 the Federal Government puts on the table, it generates $7 in economic activity. There is not a lot to go around, so they pick those projects that are the most promising, and it is a good agency. It is an agency that has enjoyed wide bipartisan support. Yet, when it came time yesterday to vote on whether we go ahead and pass the bill to reauthorize the agency, unfortunately, we could not find 60 Senators on the floor to vote yes. So the bill languishes and basically was pulled from the calendar.

It is the second time this year, when we face this recession and high unemployment, the Senate has refused to take up a bill that literally will help businesses create jobs across America. It does not make sense, does it, that when we have so many people out of work, we cannot even agree on a bill to create jobs and help business. It does not make sense, unless the premise of this debate is understood.

The Republican minority leader, Senator MCCONNELL, said his highest legislative priority this session was to make sure President Obama is a one-term President. It is that guiding force that led to the vote yesterday. It is that guiding force that has stopped us from passing meaningful legislation when it comes to unemployment in America, time and again. You see, if we are destined and determined to stop this President and frustrate any efforts to build jobs, then the Senate will continue to languish.

How does this work? It works because when bills come to the floor, brought by the majority leader, HARRY REID, Senators from the other side of the aisle start a steady stream procession to this desk to file amendment after amendment, until we had literally 100 amendments filed to the Economic Development Administration bill. You say: Well, maybe this bill needed some work.

The amendments had little or nothing do with the bill. They are about everything under the Sun—every issue a Senator can dream up or that his or her staff thinks might be interesting. Believe me, 100 is a modest number. We could certainly, our staff people and others, come up with hundreds more. But at the end of the day we still would not pass the Economic Development Revitalization Act. We would not help businesses locate, expand, and create jobs, and we will still continue to languish with millions of Americans unemployed.

I think it is time for us to face reality. The reality we face is that America has two deficits. The one we talk about a lot is the budget deficit, and it is serious. I was on the deficit commission, the Bowles-Simpson Commission. We looked at it long and hard and realized it is unsustainable for America to borrow 40 cents for every dollar it spends in Washington. We can't continue to do this. The debt of our Nation is growing dramatically, and we have to bring it to a stop. That means cutting spending and raising revenue. Those are the only two ways to reduce the deficit, and we have to do both. That is what the Bowles-Simpson Commission said—and I voted for it—a bipartisan vote for the Commission to move forward on the deficit. But they said something else: Don't do this too quickly; don't do it precipitously; be careful that we don't kill off the recovery we are engaged in.

The Bowles-Simpson Commission basically said to wait a year. Make a plan, make a commitment, but say for this year we are going to get America back to work. The Bowles-Simpson Commission knew—and we all know—we can't balance America's budget with 14 million people out of work. These are folks who should be earning a paycheck and paying taxes but instead are home looking for work, searching the Internet, searching the classifieds, and drawing benefits from the government instead of paying taxes. So as long as 14 million Americans are in that position, then, sadly, we are going to have a deficit that is aggravated rather than one that is cured.

So the Bowles-Simpson Commission said don't move too quickly to kill programs that make a difference. They are

right. I happen to think they were right in many other respects.

When we deal with our budget deficit, let's be honest about it. It is going to take sacrifice from everybody. Maybe some of the poorest among us cannot sacrifice any more. I understand that. But for most of us a little change in our lifestyle, a little change in the government benefits we might be receiving or the taxes we might be paying is not too high a price or too much to ask to put this economy on the right track.

I think a lot about sacrifices being made by Americans, and the first people who come to mind are our men and women in uniform who are serving around the world. I think about the sacrifice they have volunteered to make every single day. They are willing to risk and, in many cases, give their lives for this Nation. If they are willing to make that kind of sacrifice, can we honestly say with a straight face we can make no sacrifice to make America stronger? I think we can. I think we should. I think we ought to come together in a bipartisan fashion.

I am frustrated by the fact that for the last 5 months I have been meeting with a bipartisan group of Senators and we have come up with the basic outline of an approach which would dramatically reduce America's deficit in a balanced and fair way. It would put everything on the table. Let me underline the word ''everything.'' Many of my colleagues don't want everything on the table. On this side of the aisle they don't want to talk about our entitlement programs. On the other side of the aisle they don't want to talk about revenue. I understand that, but we both have to give a little for the good of this country. But after 5 months of long, tortured negotiation; after what I consider to be a successful effort—95 percent successful—in producing a plan for deficit reduction, I am sorry to report we are just not ready to let the world in on what we have been doing. I wish we would.

I am prepared, and I hope other colleagues will be too, to come to the floor and to lay this out and say: If this helps—if this helps our country, if this helps Congress, if it helps the President, if it helps those who are working with Vice President BIDEN—then here is our offering. Here is our best effort. It is not perfect, and it won't be the end product. But for goodness' sakes, the time is over for talking behind closed doors. I appeal to all of my colleagues who believe we should come forward with this Gang of 6—now down to Gang of 5—proposal, to let it be known: Come to the floor, talk to our colleagues, let us break this logjam which has stopped us from bringing these ideas forward.

I want to keep my good faith with those who are engaged in this effort. I am not going to stand here and describe in any detail what we have been doing. I will, however, tell my colleagues I have reached a level of frustration. After all this work and all this time, all this effort and all the political courage I have seen exhibited behind closed doors, we need to step forward and say something publicly. We need to do it in a fashion that gives some guidance to those who are making critical decisions.

Let's not reach the point where we literally test the creditworthiness of the United States of America by refusing to extend the debt ceiling. That is a bill which goes largely unnoticed each year. It is when America renews its mortgage. It comes due August 2 this year. If we don't do it, I can tell my colleagues what is going to happen. My projections are not based on any great expertise I have but on what has been told to me by the Chairman of the Federal Reserve, by the Secretary of the Treasury, by the President.

Here is what will happen: If the United States does not show we are ready to pay our debts in a timely fashion, what is going to happen automatically is that interest rates will rise. The Federal Reserve is supposed to report this week that they are going to keep interest rates low because they want America's economy to recover. We can spoil this party in a hurry if we get engaged in a political cat fight between the House and the Senate and both political parties and do not extend the debt ceiling. Failure to extend the debt ceiling or creating uncertainty about its extension will raise interest rates. Who will pay the price? Americans across the board.

When we want to buy a car, we will pay a higher interest rate. When we want to buy a home, we will pay a higher interest rate. If we want to start a business and expand and hire more people, if we can borrow money, it will be at a higher interest rate. This will slow down our recovery at a time when we need just the opposite.

So let me suggest that those who believe, as I do—and I think I have put up my beliefs for display when it comes to this deficit—that we need a bipartisan approach that is serious, for goodness' sakes, let's not bargain with the debt ceiling. Let's do what is right for America in a bipartisan fashion and then stand up together and accept the responsibility of governing, the responsibility of reaching a decision and moving forward.

When we see a bill such as the Economic Development Administration bill die on the Senate floor, as we did last night, it is a reminder of how partisanship run amok can hurt us when America needs leadership the most. To put 100 amendments on the floor to a bill as simple as this—it used to pass with a voice vote—is an indication there are some in the Senate who want to accomplish absolutely nothing except partisan debate. That is not good for this country. If the best thing we can do at the end of the day, after all 100 Senators come filing through the door, is to pass some resolution extolling the virtue of someone across America—if that is the best we can do—maybe we don't deserve these paychecks we are being sent. Maybe it is time for the American people to demand an accounting of those elected to office.

We have to be ready to not only make the speeches and make the political points, but we have to stand and make a difference. That means standing together. It means taking a risk of putting everything on the table and getting America moving. If we can get this deficit resolved, we can convince people across this country and around the world we are serious about it and we are going to launch an economic recovery that will create jobs and help businesses and make us a stronger nation and give our kids a chance. The alternative is unacceptable.

Today, I hope my colleagues—if they believe we should move forward on a bipartisan basis to deal with this deficit and to put everything on the table now and get down to business—will come to the floor and say as much.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Madam President, I understand I have 10 minutes to speak; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CORKER. If the Chair will show me the courtesy of letting me know if I happen to get within 2 minutes of that.

The ACTING PRESIDENT pro tempore. The Chair will.

Mr. CORKER. Madam President, I rise to speak on the same topic the Senator from Illinois was speaking about; that is, the discussions taking place right now around the debt ceiling vote and what kind of arrangement or what kind of agreement can take place. These are called the Blair House negotiations. They are happening between the Vice President of the United States—the actual President of the Senate when he is here—and leaders on both the Republican and Democratic side of the House and Senate.

What I wish to speak about today stems from reading some of the public comments. I am concerned the type of deal they may be trying to seek is not something many of us in this body would even agree to if they reached it, meaning it is far more modest than I think most of us have been looking at. It is my understanding they are going to be meeting all week. It is my understanding they had hoped to reach an agreement by next week. So my reason for coming to the floor is to ask the Vice President and those others who are involved in this to publicly tell us by the end of next week what deal it is they are trying to accomplish and in what timeframe.

I think all of us are frustrated. We work in the Senate, and as the Senator from Illinois was just mentioning, we have done absolutely nothing in this body this year—nothing. We have voted on a few noncontroversial judges—

maybe we have done slightly more than that, but almost nothing—while our country languishes, worrying about what we are going to do with these budget debates. As a matter of fact, we haven't passed a budget now in something like 770 days.

So here we are shelling out taxpayer money each year—$3.5 trillion, $3.7 trillion—and we don't have a budget, which is about as irresponsible as one can be.

Actually, there are groups working on other solutions. I think it would be good for this body to know what kind of arrangement is being looked at, what kind of goals are trying to be achieved, and in what timeframe they are going to be achieved so that people will know with some degree of certainty whether there is going to be something achieved to which we would agree.

Let me give an example. One of the things I have heard is, we are going to have the same amount of debt limit extension as we do in reductions, meaning we will have $2.4 trillion in debt ceiling additions and $2.4 trillion in cuts. The problem is, the debt extension is over an 18-month period and the cuts are over a 10-year period. So we can see there is a vast discrepancy in what is taking place. The semantics may sound good, but the result, candidly, is not near what I believe the American people would like to see, nor what I believe financial markets would like to see. So if our goal is something we know on the front end is not even acceptable to this body, it seems to me it is not rational for us to be sitting here waiting on this group at the Blair House to make a deal we all know is not good enough.

So I hope by the end of next week this group who is negotiating will come forth and tell us what it is they are trying to achieve, the likelihood of achieving it, and in what timeframe.

I am also hearing there are discussions that we do not believe we will reach a deal by the August recess. There have been some public comments about short-term extensions. I cannot imagine going home to the people of Tennessee for recess on August 6 and telling them: We are on August recess, and I am here to tell you we haven't done a thing—not one thing—to reach a deal on how many cuts are going to take place in spending relative to our debt ceiling extension. But I am here in Tennessee to tell you that we are on recess, and we have accomplished nothing.

I cannot imagine us doing that as a body.

The other thing I am hearing is we may be looking at a short-term extension to move beyond the August recess, to get us back into this fall. Maybe that is a way of dealing with this issue. But, again, if we adopt a short-term extension to try to give us time to reach a deal we all know is unacceptable on the front end, why would we give a short-term extension? So it just seems to me the most responsible happening would be for negotiators on both sides to tell this body—this body which has done nothing of importance this year—maybe a few minor things, not much; We spent no time dealing with serious issues; no time dealing with a budget; no time trying to deal publicly with the issues of deficit reduction—to let us know where they are.

It seems to me a number of people in this body are getting very restless. They see what is happening. We have seen this movie before where we bump up against a deadline and we have to make a decision up or down because ''it is going to create havoc in the marketplace.'' It seems to me, again, the responsible thing for the Blair House group to do is to let us know where they are at the end of this next week so if Members of this body wanted to figure out a different route to go because they thought the route that was being taken was not acceptable, not good enough—as a matter of fact, I noticed yesterday where the chairman of the Budget Committee on the other side of the aisle has said the things he has heard are not good enough for him. I can tell my colleagues they are not good enough for me. So the goal we are trying to achieve is not something I would even agree to.

So maybe if we cannot get some degree of clarity as to what is happening at the Blair House and some degree of update, maybe there is some other route we should take or maybe the market should know well in advance that this body does not have the discipline, does not have the ability, does not have the courage to deal with what we know is an upcoming calamity—a calamity that is either going to occur because we cannot reach agreement and we do not raise the debt ceiling or a calamity that occurs a little bit down the road because we have not shown the fiscal discipline in this body to put our house in order, knowing that at some point in time the markets will run from us, interest rates will rise, people will no longer be willing to loan us money because we have shown how irresponsible we are and we have a calamity on that end.

So let me restate, I am 58 years old. I came to this body to solve problems. If there is going to be a calamity, I want the calamity to occur while I am here so I can deal with it and take responsibility for it versus kicking the can down the road for somebody else to have to deal with the fact that we as a body are irresponsible.

In closing, Madam President, thank you for the time. I implore the folks who are meeting behind closed doors—implore them—to come forward and to outline the goals they are trying to achieve and when they think they are going to achieve them so all of us who are sitting around here cooling our heels, doing nothing—doing almost nothing of importance for this country—the Senator from Illinois talked about the EDA bill. We all knew it was not going to pass. Everybody knew that. Everybody knew that bill was offered on the floor to kill time, to make it look as though the Senate was doing something. That is all it was for. Everybody knew that. Everybody working up front knew that. The pages knew that. Everybody knew that. So for people to come down here and act as if it is a shock that cloture was not achieved on EDA when we knew it was here just for a filler is kind of surprising. We knew what it was about.

So I would like for us to get on with dealing with the most important issue our country has to deal with; that is, the huge amount of deficit spending, where every day we are spending $4.1 billion we do not have. Every day we are borrowing 40 cents of that from other folks. Every day we are causing this country, because of that, to be in decline—hopefully, we will rectify that, but to be in decline, lowering the standard of living of all Americans because we in this body do not show the capability, the will, the desire to solve that problem.

I am hoping—I am hoping—the Blair House negotiations yield a result. I really do. That is why I think all of us are being patient as they meet in private, sharing no details about what they are doing. But at the end of this week, the end of this work period, I think it is time they come forth to give us a status as to where they are so that if there are other routes that ought to be taken, people have the ability to do that.

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

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

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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.

SOCIAL SECURITY

Mrs. HUTCHISON. Madam President, I rise today to discuss Social Security and its future.

This is certainly an issue that affects all Americans, and now is the time we can address it in a way that will not be horribly obtrusive to the people who will be on Social Security in 25 years, when it just hits the bottom and we have stark realities that are going to hurt people. We can avoid that.

Last Thursday, I introduced, with Senator JON KYL as an original cosponsor, S. 1213, the Defend and Save Social Security Act, a bill that will secure Social Security for the next 75 years without raising taxes and without cutting core benefits to anyone.

Madam President, 28 years ago this past April, Congress and President Reagan came together in a bipartisan manner and acted decisively to address Social Security's finances to save the

program for retirees. The men and women of that Congress, working with President Reagan, did it because at that time the program's expenditures had begun exceeding revenues in 1975. By mid-1982, the Social Security trustees warned:

Social Security will be unable to make benefit payments on time beginning in the latter half of 1982.

So the President and the Congress, in a bipartisan effort, started on a glidepath of raising the retirement age to meet the current actuarial tables.

Today, we are in roughly the same place. This spring, the trustees estimated that the Social Security trust fund reserves will be depleted in 2036, which is 25 years away. We have a little more time than President Reagan and Congress had back in 1982. The trustees today estimate that at that point in time, payroll tax revenue to the Social Security trust fund will only be able to pay out 77 percent of benefits to beneficiaries. In today's dollars, that would mean a cut in benefits of 23 percent, or $271 a month average, in core benefit cuts if we do not do anything.

Last year, just to give you the numbers, 157 million American workers paid Social Security payroll taxes, totaling about $637 billion in revenues.

However, a total of $702 billion in benefits was paid to the approximately 54 million beneficiaries. These numbers are clear. The amount of Social Security benefits being paid out now exceeds the revenues that Social Security is collecting. The trustees, when they gave their report a month or so ago, said that to increase the assets you could increase taxes right now. The payroll taxes on employees and employers could go from 12.4 percent to 14.5 percent right now during this jobless economic situation. I would not vote to raise taxes on our Social Security payers now or our employers. It would be unthinkable.

The other thing suggested by the trustees that would meet this shortfall is that you can have a cut in benefits right now. An immediate cut of $150 a month from core benefits would do it.

Well, what kind of option is that? It is no option. We are not going to do that. Everyone knows we are not going to do that. We are not going to raise payroll taxes and we are not going to cut core benefits now. We have more time today than the ''race against the clock'' that occurred in 1983. We have the option for 25 years of doing something that would have a gradual reform to shore up Social Security and give future retirees sufficient time to prepare for the modest changes in raising the retirement age.

If we wait, we have a 23-percent cut in core benefits. So it is imperative for Social Security's financial future that we join together again in a bipartisan effort to stabilize Social Security and ensure that full benefits are paid out for the next 75 years. We can do it if we do not delay.

In 1935, when Social Security was established, there were 40 workers supporting each retiree. Twenty years later, in 1955, the ratio was nine workers supporting one retiree. Today, there are three workers supporting one retiree. In tandem with these rapidly changing and troubling demographics is the fact that we also must start taking the necessary steps to pay down—not add to—our national debt.

We know Vice President BIDEN, along with members of the House and Senate, is negotiating. As we speak, the staffs are working and the Members have been meeting. They are negotiating to try to do some kind of spending cuts before the debt ceiling is reached. The $14 trillion debt ceiling will be reached around the first of August of this year. So now the Vice President and the group from the House and Senate are meeting to try to cut spending, because we are not going to raise the debt ceiling unless there is real reform. A number of us on both sides of the aisle have agreed, we have got to have spending reforms so we do not have to raise the debt ceiling again beyond $14 trillion.

Now is the time we can address the issue of the debt and do it in a responsible way, because if we just use discretionary spending for the reforms needed, we will never get there. We will never have enough cuts in discretionary spending. Why is that? It is because discretionary spending is less than 50 percent of the spending of our government. It is the mandatory spending that is the vast majority of the spending.

Discretionary spending is in the 40-percent range—60 percent is mandatory. So we cannot get to responsible budgetary cuts without looking at the entitlements. Now, what kind of entitlements do we have to work with? Medicare, Medicaid, and Social Security. I think we can do a lot to reform Medicare. But it is complicated, and it will take time. It will take time to work out all of the pieces because so many people are dependent on Medicare. It is the people who use Medicare, and it is the providers who provide it, and it is the insurance companies that augment and supplement it, so there are a lot of moving parts in Medicare which we need to address.

But what can we do between now and August 2 that would make a real difference, that would put us on a more responsible path, and begin to make the reforms that would allow a responsible lifting of the debt ceiling, knowing that we are going to cut those deficits so we will not have to do this again, hopefully ever.

That is where Social Security comes in. My Defend and Save Social Security Act, which Senator JON KYL and I are sponsoring, will do the following: It will raise the age gradually. Under my bill, with Senator KYL, anyone who is currently 58 years old or older will not be affected at all by the gradual increase of the retirement age. For everyone else, the normal retirement age and the early retirement age would increase by 3 months each year starting in 2016. The normal retirement age would reach 67 by 2019. Keep in mind that we are already on the glide path to go to 67. That is what President Reagan and the previous Congress did, and that was done with the Greenspan commission's input later. So with that trajectory, we will go to the 67 age. My bill takes us to 67 in 2019. We would already be going in that direction anyway. It then goes, by 2023, to age 68, and by 2027 to 69. The early retirement age would gradually increase to 63 by 2019 and, by 2023, 64. So you have 3 months per year added to the retirement age. It is a very gradual increase, to 69 or 64.

The second part is the COLA. We do not cut core benefits at all. But the cost-of-living increase is meant to hedge against rising inflation. When inflation gets above 1 percent, then you need, in my opinion, to start helping people with COLAs. Under my plan, we would have COLAs after inflation is over 1 percent. The average COLA has been 2.2 percent. The rate of inflation has been about 2.2 percent over the last 10 years. So the average COLA would, under my bill, start after 1 percent. If it is 2 percent, you would get a 1-percent COLA. I believe that a 1-percent reduction in the COLA, not for benefits, would be preferable to the drastic cuts in core benefits that will evolve if we do not do something now.

In today's dollars, a 1-percent cost increase that you would get in a COLA is about $11. So you would not get $11 of increase, but you would get your core COLA. Then after 1 percent, you would get the regular COLA that would be expected. So my bill will generate cashflow for Social Security, maintain a positive balance for the trust fund over the next 75 years.

Social Security's deficits would be eliminated under my bill. We had the Social Security Administration look at our proposal and give us all of our numbers. According to the Chief Actuary, my proposal would achieve, in the next 10 years, $416 billion in deficit reduction.

What that means is, in perspective for what we are dealing with in the budget talks for the debt ceiling lift, we are talking about a 10-year window. Within that 10-year budget window, we could take out $416 billion in deficit reduction, along with the spending cuts in discretionary spending that are part of any kind of reform. So we can address a responsible cut in the mandatory spending over the 10-year period with these very gradual and small adjustments, and help in our deficit reduction, which we have to do if we are going to achieve the reductions that must be done. Every year we wait, we are going to have to shave more off the COLAs or the age.

There are some proposals out there that take the age to 70, and maybe over the next 25 years that will be part of our actuarial table, because today the average lifespan is 77, so people are wanting to work longer. They are

healthier longer. A lot of people are trying to keep working longer. I think more and more of the companies and employers want that experience, want the experienced people to stay longer. So it is part of our actuarial adjustment that we should be making.

Over the next 25 years, we would be going into the long-term adjustments that are necessary. If we look, say, out until 2085, we will take $7.2 trillion off the Social Security requirements. So now you are talking about fiscal responsibility looking at both sides of our spending equation, mandatory as well as discretionary, which gives us a real chance to make a difference and to say this Congress, hopefully working with this President, because it has to be bipartisan—we cannot pass a bill the President will not sign.

The Democrats are in the majority in the Senate. Republicans are in the majority in the House. So this is going to take some compromising. The Republicans do not control the Senate, and the Democrats do not control the House. And the Republicans do not control the White House. So it is not as though we are able to say: My way or the highway. You cannot do it, and neither can the President. So we have got to come together if we are going to make the very tough choices that will get our fiscal house in order for future retirees to have the cushion that Social Security would be—it is supposed to be a safety net—to talk another day. But we need a better retirement option for our retirees as well, so they can save more in IRAs. Because Social Security is not supposed to be a pension plan. It is a safety net. It is a supplement. So if we can solve this, the next thing we ought to be doing is adding more options for people to save. We have done some of that with the bill I sponsored with Senator BARBARA MIKULSKI, the Democrat from Maryland, with spousal IRAs.

We have increased the amount you can save and that a stay-at-home spouse can save, and we have made some major good moves in the right direction. But that is different from what we are talking about today, which is Social Security.

I have written a letter to the Vice President. I have asked him to put Social Security on the agenda, because when we finish all of these discussions, they are going to come back with cuts in discretionary spending, but it cannot be enough when it is less than 40 percent of our spending. We have to look at entitlements if we are going to be responsible.

Since I have filed my bill last week, and have had the opportunity with the Heritage Foundation and the media to talk about my plan, we are getting some good support. Of course, we are getting the people who say: No cuts, no way, no how. We expect that. But it is burying your head in the sand if you say: No way, no how.

So we are getting some support. The founder of the Association of Mature American Citizens, Dan Weber, who on their Web site says they now have 160,000 members—the fastest growing organization for older Americans in our country—has stated his support for my proposal. They see changes have to be made. They have even gone a step further and talked about private accounts, which I certainly support, but it is not in my plan.

I appreciate the Association of Mature American Citizens being willing to do what is right for their constituents, their retirees, but also for the long-term, to say we know that if we are going to have a responsible approach, entitlements must be on the table. And Social Security is one that we can do, if it is bipartisan, together.

My plan will address the issue now, with no tax increases and no cuts in core benefits. It will have the gradual rise in the retirement age, affecting no one before the year 2016 and after that just 3 months a year in added age to be eligible for Social Security. The cost-of-living adjustment would be adjusted 1 percent down, and after 1 percent inflation, then you would have the cost-of-living adjustment as well but no cuts in core benefits. The amendments of the past—in 1983—the amendments that have put us back on track with actuarial tables in the past can be done again.

It is my great hope that we can step up to the plate, as those who came before us did, and do the right thing for the long term and burst the bubble that we can reform spending only addressing the discretionary side. It is a myth. Anyone who tells you with a straight face ''I am not going to look at the entitlements'' is not being a responsible steward of our problem. That is what we were elected to do, and I hope we can put together a bipartisan coalition, working with the President, to do it.

Madam President, I ask unanimous consent to have printed in the RECORD the Association of Mature American Citizens article by Dan Weber.

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

[From the Wall Street Journal, June 20, 2011]

WHILE AARP WAFFLES AMAC PROPOSES CHANGE IN SOCIAL SECURITY

(By Daniel C. Weber)

According to the Wall Street Journal AARP has decided to accept some changes in Social Security to assure that it will continue to be financially stable. However as soon as the story came out and was broadly circulated its C.E.O., A. Barry Rand issued a statement saying AARP has not changed its position on being against changes in Social Security.

But, Mr. Rand in his statement said their position is ''that any changes would be phased in slowly, over time and would not affect any current or near term beneficiaries''.

In response, Dan Weber, president of AMAC, the Association of Mature American Citizens, said ''that sure sounds like he is in favor of making changes to me''.

AMAC, which bills itself as the conservative alternative to AARP is the fastest growing organization for older Americans according to Weber.

''We have over 160,000 paid members and are growing stronger each day.'' Weber said, ''And while AARP is waffling AMAC has proposed serious changes in Social Security that will stabilize Social Security and allow people to have more money when they are retired than the present system.''

Weber explained the AMAC proposal was to incorporate the change recommended by Texas Senator Kay Bailey Hutchison and others, to raise the age when a recipient would receive their full benefit from age 66 to age 69. The new age would start to be implemented in 2013 and won't be fully phased in until 2018.

The key difference between their suggested changes and ours is that we would also incorporate the mandatory offering of a new ''Social Security IRA'' to anyone who would be affected by the change in age. The SS IRA would be tax deductible, payroll deducted and put into an individual IRA owned by the wage earner. The funds invested would not be accessible until either age 62 or Security 65. It could be started with as little as $5 per week and be put into a plan offered by the same companies that presently offer IRAs and 401ks.

Fifty percent or more of the funds would have to be invested in guaranteed interest accounts so the person would be guaranteed to have gains in at least half of their funds.

Weber said ''It is unfair to force Americans to continue to work until age 69, especially those who work in occupations that require physical labor. People who are farmers, construction workers, laborers, skilled tradesmen such as carpenters, plumbers, electricians, masons and other workers have punished their bodies after years of labor suffer from various ailments that white collar workers generally avoid.

They should be able to stop working at a lower age and the SS IRA would allow anyone to do that.

At the same time, extending the full age to 69 would make Social Security stable for many years in the future. Weber ended by saying ''It is time for the political leaders of both parties to have courage, and stand up to solve this problem by adopting the AMAC plan.''

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Madam President, I ask unanimous consent that morning business be extended until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. CONRAD. Madam President, I am going to put in a quorum call at this moment, but then I am going to ask to be given time to speak on a dire emergency facing my State.

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. CONRAD. 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. CONRAD. Madam President, I ask unanimous consent to use such time as I might consume.

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

NORTH DAKOTA FLOODING

Mr. CONRAD. Madam President, the city of Minot, ND, in my home state, is facing a dire emergency. Minot and other communities on the Souris River in my home State are facing a flood of epic proportion. We have a wall of water heading toward the city. I am told the sirens have just sounded in that town alerting people to evacuate.

This is the headline this morning from that town's major newspaper. The headline reads: ''Projection: Devastation. Minot residents evacuate as historic rise in the Souris River approaches.''

This flood is a result of overly wet conditions for an extended period of time, a record snowmelt, combined with record rainfall in the basin above the city. We are now told that perhaps a third of the city will be underwater, and unprecedented rains have filled upstream reservoirs to capacity, leading to a dramatic change in the forecast in 48 hours.

On Saturday, we were told we could expect the river level to reach elevation 1,555 feet in the city. On Monday, we were told 1,566 feet—an 11-foot increase in 48 hours. The result is the defenses that have been built up over an extended period of time, that gave us about 3 feet of freeboard, are absolutely incapable of dealing with a flood of this magnitude and a rise happening this rapidly.

This is the headline from yesterday in the Minot Daily News, which kind of summed it all up: '' 'It's a sad day.' Crest could be 10 feet higher than June 1.''

It is staggering to understand what is happening here. There are four reservoirs above the city of Minot, all of them filled to capacity. In fact, we have been told the floodgates of the major reservoir in Canada are wide open. They cannot control the flow of water. Whatever comes in is going out because they have lost the ability to meter out the water more slowly.

This is what we are seeing happen all over Minot as crews rush in to try and provide secondary defenses, to protect as much of the city's critical infrastructure as possible—schools, water treatment facilities, other critical infrastructure—that is going to be necessary to be able to continue to fight this flood menace.

This was the headline in the Bismarck Tribune: ''Crisis to the North. Souris Floods Force 11,000 Residents From Minot.'' It is a town of 40,000. So when you have 11,000 people forced to flee, that has a devastating impact.

This is the headline, again, from the Minot Daily News of June 20, on Monday: ''Water Woes Continue. People in danger zones advised to be prepared to evacuate.'' And as I have said, that evacuation is occurring as I speak.

The Fargo Forum, which is the biggest newspaper in our State, had this headline: ''11,000 Forced Out. Rising Souris moves up evacuation time. Residents in heart of city work fast to save what they can.''

My own cousin and her family have a home that is in danger. They have moved everything from the basement to the first floor. Now they say they will have 7 feet of water on the first floor of their house. This is happening to people throughout the Minot community.

These pictures that ran in the newspapers tell the story in a powerful and clear way. What we have is somebody trying to go into a neighborhood. You can see there is a police vehicle, because they are under mandatory evacuation. This person tried to get over to perhaps rescue a pet or take care of some last-minute business; maybe turn off the gas. And there he is, stuck in the water, as these floodwaters rise, and rise very rapidly.

This picture also gives a perspective on what we are confronting. Here is the dike, levee, that has just been raised, and you can see there is maybe 2 or 3 feet of freeboard there. But what is coming is 10 more feet of water, so there is absolutely no way these dikes can possibly hold. There is no way they can protect the city. These dikes are going to overtop, and thousands of residents will be displaced.

This picture shows another shot. In this place, they didn't have the dikes covered by plastic. You can see a couple of feet of freeboard there. All these houses are at risk as this wall of water comes our way.

This is another shot showing a house, and you can see they have the main dike and they have also built a secondary dike to protect their home. All these efforts will prove to be for naught because of this unprecedented wall of water. In fact, this is five feet higher than in all of recorded history. That is what is happening to this community of Minot, ND—home to 40,000 people, home to one of the major Air Force bases of the United States, home of the Minuteman missiles, and home of the B–52 bombers. Minot, ND, the fourth largest city in my State, is about to experience the greatest devastation in the history of the town—a flood worse than the 1969 flood by many feet, and that flood was a modern-day record to that point, the 1969 flood.

This chart shows the evacuation zones. This gives you some sense of how major the relocation of people is out of this city. These are the evacuation zones 1 through 8 that go right on the edge of the river, and you can see all of these people under mandatory evacuation.

They are going to have to leave, and they are going to have to leave very quickly.

Madam President, I would like to end as I began, by showing the headline this morning in the Minot Daily News. ''Projection: Devastation.''

There is no way around it. There is absolutely no way to respond when the flood forecast changes this rapidly and the water is coming this quickly. The result is these people are going to face high water not for just a day or two. Typically in a flood, the water comes and the water goes. In this circumstance, the water is coming and it is not leaving anytime soon. They have told us as recently as yesterday that we could expect high water until the middle of July. Can you imagine, to have your house under water from late June to the middle of July, the devastation that will result.

So this headline, ''Projection: Devastation,'' says it very well. That is what we are faced with in this community.

The bottom line is, we are going to need help. And we are certainly getting it. We deeply appreciate the efforts of the Corps of Engineers, FEMA, and all of the other Federal agencies that are helping. The National Guard, certainly hundreds of troops there are doing a fantastic job of patrolling these dikes, of helping people move, of making certain that people get out of harm's way because job number 1 is protecting people's lives. We also have an obligation to do everything we can to protect as much of the property as is humanly possible. We very much appreciate the assistance the Red Cross is giving.

I just met with General Kowalski of the U.S. Air Force, a three-star general who has as part of his command the Minot Air Force Base. I called the Secretary of the Air Force yesterday and the Chief of Staff of the Air Force the day before and asked them to be alert to the need for that base to help us because there is so much they can provide in assistance, being out of harm's way. The base is 12 miles north of the town.

General Kowalski came to me this morning to deliver the message that the U.S. Air Force is prepared to help in every way possible. We deeply appreciate that commitment and that support. We remember very well in 1997, when we had record floods in Grand Forks, ND—that is home to one of the other major Air Force bases of the United States—the extraordinary support and help they provided to us at that time.

The final board I will show is the headline from the Minot Daily News of June 21: ''It's a sad day.'' It is indeed a sad day. But the people of North Dakota are tough, they are resilient, and they are going to come back. I have every confidence that we will rebuild this town. It will be a tough slog, but the people of North Dakota are equal to it, and we deeply appreciate the help we are getting from people all across America.

I have seen America at its best in a time of crisis. When people are down,

when they are hurt, when they are devastated by natural disaster, the people of the United States rally and help out.

That is the ethic of my State. When a farmer gets sick and can't harvest his crop, the neighbors pitch in. When a barn burns down, the neighbors pitch in. That is the best of community spirit. That is the best of America. We are going to be relying on that generosity of spirit in the days ahead.

Madam President, I yield the floor and note 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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the quorum call be rescinded.

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

The Senator from Washington.

MILITARY SUPPORT

Mrs. MURRAY. Madam President, we are going to hear tonight from President Obama about his plans for changes to troop levels in Afghanistan.

Last week I joined with a bipartisan group of my Senate colleagues on a letter to the President urging him to begin a sizeable and sustained reduction in troop levels, and I hope he takes the opportunity to do that tonight. But with all the talk about troop levels, I want to make sure we remember this isn't just about numbers. It is about real people with real families, men and women who are fighting to defend our country and are depending on us to do the right thing for them now and when they come home.

As chairman of the Senate Veterans' Affairs Committee, I have an inside look into something that too often doesn't make the front pages: the unseen costs of war, the costs that come after our men and women take off that uniform.

We all hear about how expensive war is while we are fighting it. But for so many of our servicemembers what happens on the battlefield is just the beginning.

We are seeing suicide rates that are much higher among Active-Duty servicemembers and veterans than among civilians. We are finding they are having trouble accessing the mental health care so many of them desperately need. We are watching as these men and women are sent out on tour after tour. Too often they are having a tough time finding a job when they come home. We owe it to them and their families to do everything we can to get them the support and services they need.

Far too many of our servicemembers have sacrificed life and limb overseas, and we must honor them and their sacrifices by making sure we take care of them and their caregivers not just today, not just when they come home, but for a lifetime. This is going to be expensive, and I am going to fight to make sure it happens. I think it ought to be considered as we think now about the war in Afghanistan.

The enemy we face is real. The Taliban and al-Qaida have demonstrated through their actions and their words they mean us great harm. I was sitting in the Capitol on September 11, 2001, when I saw the smoke rising from the Pentagon. It is a moment and a day I will never forget.

As Americans, we know what this enemy is capable of, and we need to do everything we can to make sure something like that never, ever happens again. That is why I believe American forces need to be prepared to fight terror and terrorists wherever they may be.

After September 11, Afghanistan was providing safe haven for them, and we are absolutely right to go in and take them out. But we know terrorism isn't a country; it is a network and a threat that exists around the world. We have seen that our terrorist enemies are not tied to a specific location. They are not bound by lines on a map. They are in Afghanistan, but they are also in Yemen, in Iraq, in Pakistan, and elsewhere. In fact, our top target in the war against terrorism, Osama bin Laden, was just killed in a brave operation in a safe house in Pakistan.

It is absolutely critical we have a military that is prepared to take on our threats wherever they may be. So as we consider the wars we are fighting now in Afghanistan and in Iraq, we need to make sure we aren't overextending the servicemembers we are counting on; that we continue to have the financial resources available to defend ourselves against the very real threat of terrorism that continues to exist; and that the costs and resources of boots on the ground for years on end doesn't inhibit our ability to go after terrorists wherever they are. We need to know our military and intelligence operations are nimble and have the resources they need to keep our Nation safe from all threats.

We have been fighting in Afghanistan for 10 years. I voted for that war. It was the right thing to do. Our brave men and women in uniform have done everything we have asked of them, including finding Osama bin Laden. But we need to make sure today that our strategies are adapted to meet the threats of today. Leaving large levels of troops in Afghanistan is not the best use of our resources, especially in these tough economic times. It is time to redeploy, rebuild our military, and focus on the broader war on terror.

I am hopeful President Obama will make an announcement tonight that reflects those current realities, and I am going to keep working with this administration, the Pentagon, the Department of Veterans Affairs, and all others so that as we fight to keep America safe and to take care of our servicemembers coming home, we do it right.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

Mr. REID. Madam President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 75 be vitiated and the Senate adopt the motion to proceed to Calendar No. 75, S. 679, the Presidential Appointment Efficiency and Streamlining Act.

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

Mr. REID. Will the clerk report the bill, please.

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

The assistant legislative clerk read as follows:

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

The Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Presidential Appointment Efficiency and Streamlining Act of 2011''.

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

(a) AGRICULTURE.—

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

(A) by striking ''subsection (a)'' and inserting ''subsection (a)(3)'';

(B) by striking subsection (c); and

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

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

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

(B) by striking paragraph (2); and

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

(3) COMMODITY CREDIT CORPORATION.—Section 9(a) of the Commodity Credit Corporation

Charter Act (15 U.S.C. 714g(a)) is amended in the third sentence by striking ''by and with the advice and consent of the Senate''.

(b) COMMERCE.—

(1) ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.—The provisions of the Act entitled ''An Act to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes'', approved July 15, 1947 (15 U.S.C. 1505), section 304 of title III of the Departments of State, Justice, and Commerce and the United States Information Agency Appropriation Act, 1955 (15 U.S.C. 1506), and the Act entitled ''An Act to authorize an additional Assistant Secretary of Commerce'', approved February 16, 1962 (15 U.S.C. 1507), that require the advice and consent of the Senate shall not apply with respect to the appointment of the Assistant Secretary for Congressional Relations.

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

(c) DEPARTMENT OF DEFENSE.—

(1) ASSISTANT SECRETARIES OF DEFENSE FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND NETWORKS AND INFORMATION INTEGRATION.—Section 138(a) of title 10, United States Code, as amended by section 901(b)(4)(A) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, is further amended by striking paragraph (2) and inserting the following:

''(2)(A) Except as provided in subparagraph (B), the Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(B) The Assistant Secretary of Defense referred to in subsection (b)(5), the Assistant Secretary of Defense for Public Affairs, and the Assistant Secretary of Defense for Networks and Information Integration shall each be appointed from civilian life by the President.''.

(2) COMPTROLLER OF THE ARMY.—

(A) IN GENERAL.—Section 3016 of title 10, United States Code, is amended—

(i) by striking the section heading and inserting the following:

''§3016. Assistant Secretaries of the Army; Comptroller of the Army'';

(ii) in subsection (a), by striking ''five'' and inserting ''four'';

(iii) in subsection (b)—

(I) by striking paragraph (4); and

(II) by redesignating paragraph (5) as paragraph (4); and

(iv) by adding at the end the following:

''(c) There is a Comptroller of the Army, who shall be appointed from civilian life by the President. The Comptroller shall perform such duties and exercise such powers as the Secretary of the Army may prescribe. The Comptroller shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Army, including financial management functions. The Comptroller shall be responsible for all financial management activities and operations of the Department of the Army and shall advise the Secretary of the Army on financial management.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 303 of title 10, United States Code, is amended by striking the item relating to section 3016 and inserting the following:

''3016. Assistant Secretaries of the Army; Comptroller of the Army.''.

(ii) FINANCIAL MANAGEMENT.—Section 3022 of title 10, United States Code, is amended—

(I) in subsection (a), by striking ''Assistant Secretary of the Army for Financial Management'' and inserting ''Comptroller of the Army''; and

(II) in subsection (d), by striking ''Assistant Secretary of the Army for Financial Management'' and inserting ''Comptroller of the Army''.

(3) COMPTROLLER OF THE NAVY.—

(A) IN GENERAL.—Section 5016 of title 10, United States Code, is amended—

(i) by striking the section heading and inserting the following:

''§5016. Assistant Secretaries of the Navy; Comptroller of the Navy'';

(ii) in subsection (a), by striking ''four'' and inserting ''three'';

(iii) in subsection (b)—

(I) by striking paragraph (3); and

(II) by redesignating paragraph (4) as paragraph (3); and

(iv) by adding at the end the following:

''(c) There is a Comptroller of the Navy, who shall be appointed from civilian life by the President. The Comptroller shall perform such duties and exercise such powers as the Secretary of the Navy may prescribe. The Comptroller shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Navy, including financial management functions. The Comptroller shall be responsible for all financial management activities and operations of the Department of the Navy and shall advise the Secretary of the Navy on financial management.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 503 of title 10, United States Code, is amended by striking the item relating to section 5016 and inserting the following:

''5016. Assistant Secretaries of the Navy; Comptroller of the Navy.''.

(ii) FINANCIAL MANAGEMENT.—Section 5025 of title 10, United States Code, is amended—

(I) in subsection (a), by striking ''Assistant Secretary of the Navy for Financial Management'' and inserting ''Comptroller of the Navy''; and

(II) in subsection (d), by striking ''Assistant Secretary of the Navy for Financial Management'' and inserting ''Comptroller of the Navy''.

(4) COMPTROLLER OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8016 of title 10, United States Code, is amended—

(i) by striking the section heading and inserting the following:

''§8016. Assistant Secretaries of the Air Force; Comptroller of the Air Force'';

(ii) in subsection (a), by striking ''four'' and inserting ''three'';

(iii) in subsection (b)—

(I) by striking paragraph (3); and

(II) by redesignating paragraph (4) as paragraph (3); and

(iv) by adding at the end the following:

''(c) There is a Comptroller of the Air Force, who shall be appointed from civilian life by the President. The Comptroller shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe. The Comptroller shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Comptroller shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections for chapter 803 of title 10, United States Code, is amended by striking the item relating to section 8016 and inserting the following:

''8016. Assistant Secretaries of the Air Force; Comptroller of the Air Force.''.

(ii) FINANCIAL MANAGEMENT.—Section 8022 of title 10, United States Code, is amended—

(I) in subsection (a), by striking ''Assistant Secretary of the Air Force for Financial Management'' and inserting ''Comptroller of the Air Force''; and

(II) in subsection (d), by striking ''Assistant Secretary of the Air Force for Financial Management'' and inserting ''Comptroller of the Air Force''.

(5) TECHNICAL AND CONFORMING AMENDMENTS RELATING TO LEVEL IV POSITIONS ON THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended as follows—

(A) by striking the item relating to Assistant Secretaries of the Air Force (4) and inserting the following:

''Assistant Secretaries of the Air Force (3)'';

(B) by striking the item relating to Assistant Secretaries of the Army (5) and inserting the following:

''Assistant Secretaries of the Army (4)'';

(C) by striking the item relating to Assistant Secretaries of the Navy (4) and inserting the following:

''Assistant Secretaries of the Navy (3)''; and

(D) by inserting at the end the following:

''Comptroller of the Air Force

''Comptroller of the Army

''Comptroller of the Navy''.

(6) INAPPLICABILITY TO CERTAIN INDIVIDUALS SERVING ON DATE OF ENACTMENT.—

(A) IN GENERAL.—Notwithstanding the amendments made by this subsection, the individual serving in a position described in subparagraph (B) on the date of enactment of this Act may continue to serve in such position as if such amendments had not been enacted.

(B) POSITIONS.—The positions specified in this subparagraph are the following:

(i) The Assistant Secretary of the Army for Financial Management.

(ii) The Assistant Secretary of the Navy for Financial Management.

(iii) The Assistant Secretary of the Air Force for Financial Management.

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

(8) DIRECTOR, OFFICE OF SELECTIVE SERVICE RECORDS.—The first section of the Act entitled ''An Act to establish an Office of Selective Service Records to liquidate the Selective Service System following the termination of its functions on March 31, 1947, and to preserve and service the Selective Service records, and for other purposes'', approved March 31, 1947 (50 U.S.C. 321; 61 Stat. 31) is amended by striking '', by and with the advice and consent of the Senate''.

(d) DEPARTMENT OF EDUCATION.—

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

(2) COMMISSIONER, REHABILITATION SERVICES ADMINISTRATION.—Section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended by striking ''by and with the advice and consent of the Senate''.

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

(e) DEPARTMENT OF ENERGY.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking ''Senate;'' and inserting ''Senate (except that the Assistant Secretary for Congressional and Intergovernmental Affairs of the Department may be appointed by the President without the advice and consent of the Senate);''.

(f) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

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

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

(3) COMMISSIONER, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES.—Section 915(b)(2) of the Claude Pepper Young Americans Act of 1990 (42 U.S.C. 12311(b)(2)) is amended by striking '', by and with the advice and consent of the Senate,''.

(4) COMMISSIONER, ADMINISTRATION FOR NATIVE AMERICANS.—Section 803B(c) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(c)) is amended by striking '', by and with the advice and consent of the Senate''.

(g) DEPARTMENT OF HOMELAND SECURITY.—

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

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

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

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

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

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

(2) by striking ''eight'' and inserting ''6''; and

(3) by adding at the end the following:

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

(i) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL, LEGISLATIVE AFFAIRS.—

(A) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended—

(i) in section 506, by striking ''11 Assistant Attorneys General'' and inserting ''10 Assistant Attorneys General''; and

(ii) by inserting after section 507A the following:

''§ 507B. Assistant Attorney General for Legislative Affairs

''The President shall appoint an Assistant Attorney General for Legislative Affairs to assist the Attorney General in the performance of the duties of the Attorney General.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 28, United States Code, is amended by inserting after the item relating to section 507A the following:

''507B. Assistant Attorney General for Legislative Affairs.''.

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

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

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

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

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

(j) DEPARTMENT OF LABOR.—

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

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

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

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

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

(l) DEPARTMENT OF TRANSPORTATION.—

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

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

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

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

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

''(B) an Assistant Secretary for Budget and Programs and Chief Financial Officer and an Assistant Secretary for Governmental Affairs, who shall each be appointed by the President;

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

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

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

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

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

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

(m) DEPARTMENT OF THE TREASURY.—

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

(A) by striking ''10 Assistant Secretaries'' and inserting ''7 Assistant Secretaries''; and

(B) by inserting ''The Department shall have 3 Assistant Secretaries not subject to the advice and consent of the Senate who shall be the Assistant Secretary for Legislative Affairs, the Assistant Secretary for Public Affairs, and the Assistant Secretary for Management.'' after the first sentence.

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

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

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

(3) DIRECTOR OF THE MINT.—Section 304(b)(1) of title 31, United States Code, is amended—

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

(B) by striking ''On removal, the President shall send a message to the Senate giving the reasons for removal.''.

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

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

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

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

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

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

''(A) The Assistant Secretary for Management.

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

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

''(D) The Assistant Secretary for Congressional and Legislative Affairs.

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

(o) APPALACHIAN REGIONAL COMMISSION; ALTERNATE FEDERAL CO-CHAIRMAN.—Section 14301(b)(1) of title 40, United States Code, is amended by striking ''by and with the advice and consent of the Senate''.

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) NATIONAL SCIENCE FOUNDATION; BOARD MEMBERS.—Section 4(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

(u) OFFICE OF MANAGEMENT AND BUDGET; CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT.—Section 504(b) of title 31, United States Code, is amended by striking '', by and with the advice and consent of the Senate,''.

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

''(1) IN GENERAL.—

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

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

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

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

(x) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

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

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

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

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

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

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

(1) IN GENERAL.—Section 1333(a) of the African Development Bank Act (22 U.S.C. 290i–1(a)) is amended by striking '', by and with'' and all that follows through ''Bank'' and inserting ''shall appoint a Governor and an Alternate Governor''.

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

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

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

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

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

(cc) GOVERNOR AND ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK.—Section 3(a) of the Asian Development Bank Act (22 U.S.C. 285a(a)) is amended by striking '', by and with'' and all that follows through the end period and inserting ''shall appoint—''

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

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

(dd) GOVERNORS AND ALTERNATE GOVERNORS OF THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT.—Section 3 of the Bretton Woods Agreements Act (22 U.S.C. 286a) is amended—

(1) in subsection (a), by striking '', by and with the advice and consent of the Senate, shall appoint a governor of the Fund who shall also serve as governor of the Bank, and an executive director'' and inserting ''shall appoint a governor of the Fund who shall also serve as governor of the Bank and, by and with the advice and consent of the Senate, an executive director''; and

(2) in subsection (b), by striking '', by and with the advice and consent of the Senate,'' the first place it appears.

(ee) GOVERNOR AND ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND.—Section 203(a) of the African Development Fund Act (22 U.S.C. 290g–1(a)) is amended by striking '', by and with the advice and consent of the Senate,''.

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

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

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

(ii) FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS.—Section 106(b)(1) of the Alaska Natural Gas Pipeline Act (division C of Public Law 108–324; 15 U.S.C. 720d(b)(1)) is amended by striking '', by and with the advice and consent of the Senate,''.

(jj) PUBLIC HEALTH SERVICE COMMISSIONED OFFICER CORPS.—

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

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

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

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

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

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

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

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

(ll) CHIEF FINANCIAL OFFICER POSITIONS.—Section 901 of title 31, United States Code, is amended—

(1) in subsection(a)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) be appointed by the President; or

''(B) be designated by the President, in consultation with the head of the agency, from among officials of the agency who are required by law to be appointed by the President, whether or not by and with the advice and consent of the Senate;'';

(2) in subsection (b)(1), striking subparagraph (Q); and

(3) in subsection (b)(2), inserting at the end:

''(H) The National Aeronautics and Space Administration.''.

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

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

''§21. Director of the Census; duties

''(a) APPOINTMENT.—

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

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

''(b) TERM OF OFFICE.—

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

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

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

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

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(a) of title 13, United States Code, as amended by subsection (a).

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

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

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

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

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

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

(b) MEMBERSHIP.—

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

(A) the chairperson who shall be—

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

(ii) a Federal officer designated by the President;

(B) representatives designated by the President from—

(i) the Office of Personnel Management;

(ii) the Office of Government Ethics; and

(iii) the Federal Bureau of Investigation; and

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

(i) individuals from other relevant Federal agencies; and

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

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

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

(A) the President;

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

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

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

(3) CONTENTS.—

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

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

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

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

(i) provide for—

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

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

(III) fewer errors of omission; and

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

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

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

(III) secure the information provided by a nominee;

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

(V) be compatible across different computer platforms;

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

(VII) allow error checking; and

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

(d) REVIEW OF BACKGROUND INVESTIGATION REQUIREMENTS.—

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

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

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

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

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

(A) the President;

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

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

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

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

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

(2) TRAVEL EXPENSES.—The members of the Working Group shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Working Group.

(3) STAFF.—

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

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

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

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

SEC. 5. EFFECTIVE DATE.

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

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

Mr. REID. Madam President, I ask unanimous consent that the committee substitute amendment be agreed to and considered original text for the purpose of further amendment; that there be a period of debate only on the bill until 3 p.m. today; that following the debate-only time, it be in order for any Senator to call up any relevant filed amendment, including a managers' amendment to be offered by Senators ALEXANDER and SCHUMER; that no amendment offered to the bill be divisible; further, that in addition to relevant amendments offered to the bill, the amendments listed here also be in order: Vitter, relating to czars; DeMint, which relates to IMF bailouts; and Coburn, which relates to duplications; further, that the DeMint and Vitter amendments be subject to a 60-vote threshold and the Coburn amendment be subject to a two-thirds vote threshold; that upon the disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended; that the vote on passage be subject to a 60-vote threshold; and that if the bill does not achieve that threshold, the bill be returned to the calendar; that upon disposition of this matter, the Senate proceed to the immediate consideration of Calendar No. 45, S. Res. 116, a resolution providing for expedited consideration of certain

nominations; that only relevant amendments be in order; and that upon disposition of the amendments to the resolution, the Senate proceed to vote on the adoption of the resolution, as amended, if amended.

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

Mr. REID. Madam President, this means Senators will not need to obtain unanimous consent prior to setting aside the pending amendments for amendments to be called up.

I would also say—I wanted to hold up saying anything about this until we got this agreement—the work done on this bill by Senators SCHUMER and ALEXANDER has been work that has been ongoing for years and took their partnership, working together as the two men who run the Rules Committee, to move this forward. It has been very hard to get from here to there. I have every bit of confidence that we are going to move forward and do, for the first time in decades, a streamlining of how Presidential nominations are approved. This is good. This is what we talked about doing at the beginning of this year, and we need to continue doing that.

I also express my appreciation to the chairman and ranking member of the Homeland Security Committee, Senators LIEBERMAN and COLLINS, for doing additional hard work in sorting through what the committees should do in approving nominations. They have done a good job because virtually every committee chair says: Are you sure you want to do all these? If we were back where we had been in years past, we would wind up getting nothing done because the chairs simply thought they needed to have a hand in everything that went on with all these nominations. Senators LIEBERMAN and COLLINS did a good job getting us to this point.

When this is done, we will move to some rules changes that Senators SCHUMER and ALEXANDER have approved.

I see my friend, the Senator from Tennessee, on the floor. Again, as he does on virtually everything—he is a very thoughtful person—he is always trying to work for the betterment of this body. I am grateful he and Senator SCHUMER have been able to do the good work they have on this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the majority leader and the Republican leader, Senator MCCONNELL, for the way they worked on this legislation. Not just on this bill, but when they were the respective whips of their parties several years ago, each of them working on trying to help improve the Senate's ability to do its oversight by doing a better job with our advice-and-consent responsibility. That is one of our better known responsibilities. It is a constitutional responsibility. It is in Article II, Section 2. But as a part of that advice-and-consent responsibility, the Senate has the opportunity to define which other positions the President may appoint. That is what this is about.

Senator COLLINS and Senator LIEBERMAN have also worked for many years, and they will be here in a few minutes to open the debate. Senator SCHUMER and I will come to the floor about at 2:40 and make our statements on behalf of the Rules Committee.

I thank the majority leader and Republican leader for doing this because this is not the most glamorous piece of legislation. What I am about to say is not so glamorous either. But this bill has come to the floor by unanimous consent. That means there were 100 Members of this body who could have objected, and none have.

I thank the Senators—many of whom have very different views on this bill—for agreeing to this agreement by which we are proceeding. We are not proceeding under a cloture vote; we are proceeding the way the Senate really ought to work day-in and day-out. Members have the opportunity to offer relevant amendments. I am sure many will. I thank the Republican leader and the majority leader for their forbearance in that way. We have to have an element of trust for each other.

I am going to do my best to make sure the relevant amendments that come before us, Democratic or Republican, are voted on.

I thank all those involved. I hope Senators will be preparing their relevant amendments if they are not already filed and were not already enumerated in the agreement.

I will refrain from making my remarks until my colleague, Senator SCHUMER, the chairman of the Rules Committee, comes to the floor at 2:40. We will await the arrival of Senator COLLINS and Senator LIEBERMAN, who are the chairman and ranking member of the committee that reported the bill to the Senate.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

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

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

Mr. LIEBERMAN. Mr. President, it is my honor now to rise as chairman of the Homeland Security and Governmental Affairs Committee to speak on behalf of S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, and I do so with great gratitude toward Senator ALEXANDER, who is now on the Senate floor, Senator SCHUMER, and others who worked together to clear away procedural obstacles to focus on this piece of legislation.

This is a noble effort that has been tried before and failed, but I am confident this time, with the support of our leaders—really our bipartisan leadership, Senator REID, Senator MCCONNELL, Senator ALEXANDER, Senator SCHUMER, not to mention Senator COLLINS and me—we are going to, in our committee role, get this passed. This is a bipartisan effort to solve a problem, or at least help solve part of a problem, that has been growing for a long time in Washington in our government—certainly since the Kennedy administration—which is, it takes too long for an incoming President and a sitting President to get their team in place, and there are too many vacancies throughout the course of an administration, as I will indicate during my remarks.

The average is 25 percent, one-quarter of the positions in the administration, are empty at any one time because of the length of the process, the delays that occur in the executive branch, the White House, and in the Senate, and this is a direct attempt to try to lessen that problem. One of my favorite descriptions of our current nomination and confirmation process—I have used this so often I forgot who said it; the gentleman in the chair might have said it—described the current confirmation and nomination process as ''nasty and brutish without being short.'' So, hopefully, this will make the process at least less nasty and brutish and shorter as well.

Mr. President, 100 days into President Obama's administration only 14 percent of the full-time Senate-confirmed positions had been filled—only 14 percent. After 18 months, 25 percent of key policymaking positions were still vacant. This is not an unusual circumstance. Presidents Clinton and George W. Bush faced similar difficulties. It is a problem that does have, however, a serious national and economic security implication because crucial offices go unfilled for months and months.

President Bush actually did not have his national security team, including critical subcabinet officials, confirmed and on the job until at least 6 months after he took office. The 9/11 Commission pointed out how dangerous this was and recommended steps to speed up the process for national security appointments, some of which were adopted as part of the 9/11 Commission Act of 2004.

At the height of the financial crisis, which we are still working our way out of, Secretary of the Treasury Geithner was actually home alone, with no other Senate-confirmed positions at the Treasury Department filled for over 3 months. That is an outrageous result.

So what would the bill before the Senate now do? It would eliminate the need for Senate confirmation for about 200 positions out of about 1,200 that now need Senate confirmation. Of these 200 positions, most of them are in the areas of legislative and public affairs, internal management positions,

such as, chief financial officers who report to others up the chain of command, directors, commissioners, or administrators at or below the Assistant Secretary level who, again, will report to another Senate-confirmed official, and the members of a number of part-time advisory boards which, under the current state of the law, have to go through full vetting and then full Senate consideration and confirmation.

The proposal before us is not by any means a radical proposal. Removing these positions from the need for Senate confirmation would free up both the Senate and future administrations to concentrate more fully on the nominations for those key positions where public policy is made. I want to note, again, the bipartisan nature of these proposals.

In January, Majority Leader REID and Minority Leader MCCONNELL decided the nomination and confirmation process had become too slow and cumbersome. That was in January of this year. They established a working group on executive nominations and asked leaders SCHUMER and ALEXANDER to be in charge of that. Chairman and ranking member, respectively, of the Rules Committee, Senator COLLINS and I were also privileged to be part of that group as chair and ranking member of the Homeland Security and Governmental Affairs Committee.

The reforms proposed by Senators SCHUMER and ALEXANDER in our group have really been carefully crafted, and I cannot thank them enough for both their legislative intellectual work on this but also for sticking with it right to this moment. They introduced their legislation on March 30; that is, SCHUMER and ALEXANDER, with a bipartisan group of 15 cosponsors. On April 13, our Homeland Security and Governmental Affairs Committee, again, on a bipartisan vote, reported the bill favorably to the Senate.

Senators SCHUMER and ALEXANDER are also proposing an important Senate Resolution, S. Res. 116, that would streamline the confirmation process for approximately 200 other Presidential appointments that receive Senate confirmation by allowing their nominations to bypass the committee process and come directly to the Senate floor as long as no Senator objects. This is an important companion proposal.

So if all goes well, we will have 400 of the current 1,200 positions—that is about one-third of the current nominations requiring full Senate consideration, Senate proposal, committee consideration, et cetera—to be in a different status. These 200 positions that will be the subject of S. Res. 116 come from 30 bipartisan Federal advisory groups and councils, such as the Social Security Advisory Board and the IRS Advisory Board.

This is the way the Senate should work. A problem is identified, both sides of the aisle work together to craft a solution, then bring it to the floor for debate. Hopefully, it is a model for what we can and should do in a lot of other areas that are pressing not just on the Senate but on the country and the people of the country.

On March 2, Senator COLLINS and I—just speaking a bit more in detail—held a hearing which we called ''Eliminating the Bottlenecks: Streamlining the Nominations Process.'' We heard from a group of former executives, really White House officials, both parties, and from some experts in the private sector. They made a compelling case for change, and here is some of what we learned.

When President Kennedy entered office in 1961, there were 850 Senate-confirmed positions that the President had to fill. By the time President George W. Bush took office, that had increased to 1,143. When President Obama was sworn in just 8 years later, that was already up to 1,215. Not surprisingly, with more positions it takes longer to fill them. The delay is not, fortunately, at the Cabinet level. Between 1987 and 2005, it took Presidents an average of only 17 days from the time of a vacancy to nominate a Cabinet Secretary, and the Senate took an average of just 16 days to confirm the nominee. But it is at the critical subcabinet level where things slow to a crawl.

It took Presidents an average of 95 days—that is, of course, more than 3 months—to nominate Deputy Cabinet Secretaries, and the Senate took 62 days to confirm them, another 2 months. Now we are up to more than 5 months for Deputy Cabinet Members which are critical to the functioning of their departments. Noncabinet agency heads waited an average of 173 days for nomination and 63 additional days for confirmation. So we are up to over 230 days, over 7 months, approaching 8 months. Noncabinet agency deputy heads fared even worse, an average of 301 days before nomination and 82 days before confirmation. That is more than a year to go through this process while those offices are effectively unfilled, and the people's business is not being done.

Part of the problem is a large number of appointments that need to be made at the outset of an administration can overwhelm the resources available within the executive branch and the Senate to review and vet these nominees. So eliminating the requirement for Senate confirmation for nonpolicymaking or lower level positions should allow an incoming administration and the Senate, as well as the FBI and the Office of Government Ethics, which do the vetting, to focus on more important policymaking positions, speeding up the process.

Other problems contributing to the delay are the numerous duplicative and time-consuming forms that potential nominees are required to fill out. Most nominees actually submit to at least four reviews, each represented by a separate packet of government forms, including a White House personnel data statement, questionnaires from the FBI, Office of Government Ethics, and at least one questionnaire from the Senate committee of jurisdiction.

There is a very interesting study done by Professor Terry Sullivan at the University of North Carolina that found half the questions asked in those four reviews for each nominee are redundant. They are repetitive. This act would establish, therefore, an executive branch working group to study and report to the President and the Congress the best ways to streamline all this paperwork, along with a detailed plan for creating and implementing a smart reform. An example would be an electronic system for collecting and distributing background information for nominees requiring Senate confirmation. With a ''smart form'' such as this, a nominee could answer a question once and the information would be filled in for all of the relevant forms.

The need for reforms in the Federal appointments process is not a new topic. Over the past three decades, an abundance of commissions, think tanks, good government groups, and individual academics have turned their sights on this problem.

I will not list them all, but here are just a few: the National Academy of Public Administration in 1983 and 1985; the President's Commission on the Federal Appointments Process in 1990; the Twentieth Century Fund in 1996; the Brookings Institution's Presidential Appointee Initiative, cochaired by former Senator Nancy Kassebaum and former Director of the Office of Management and Budget Franklin Raines in 2001; and the bipartisan National Commission on the Public Service, headed by Paul Volcker, in 1989 and 2003.

The Senate has looked into making changes as well. In 2001, our committee—then called the Governmental Affairs Committee and chaired by former Senator Fred Thompson—held a 2-day hearing titled ''The State of the Presidential Appointment Process,'' which looked at many of the ideas we are considering today.

The committee also reported out a bill—''The Presidential Appointments Improvement Act of 2002''—that sought to make modest improvements to the appointments process, including streamlining financial disclosure requirements. But the full Senate never considered it.

Then, as I mentioned, Congress passed the 2004 Intelligence Reform and Terrorism Prevention Act, which included some improvements to help speed up the consideration of critical members of a new President's national security team.

Now it is time to take a modest next step. We have reasonable, bipartisan legislation in front of us and it is time—in fact, past time—to act.

Now let me address the question that seems to be of concern to some of our colleagues, which is: Is the Senate, in limiting by 200, and in some sense limiting another 200, giving away its

power to advise and consent? I say the answer is a resounding no, and I wish to explain why. Let me read directly from article 2 of the Constitution:

[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law.

This part of the quote is crucial:

But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The very first Congress, in which, of course, many of the Framers of our Constitution sat, did precisely what they authorized in the Constitution when they created the State Department, which was then called the Department of Foreign Affairs. The Secretary—a man by the name of Thomas Jefferson—was subject to Senate confirmation, but the legislation creating the Department also called for the hiring of a ''chief clerk'' who would be second in command—essentially the deputy. That position was not subject to confirmation and Jefferson hired a man named Henry Remsen, who had held the same job under the previous Articles of Confederation.

So right from the beginning—from the Founding Fathers, the drafters of the Constitution—it was clear they understood there had to be limits on the number of offices the Senate would be called on to advise and consent to.

Incidentally, I think it is also worth noting that in that first Congress, on a single day in 1789, the Senate took up 102 nominations sent to it by President Washington 2 days earlier and approved them all but one. Needless to say, President Washington complained about the one nominee whom the Senate did not confirm. But Washington, obviously acknowledged as the Father of our Country, was unique, and no President—appropriately, I would say—has received exactly that kind of deference since. The nominations process can be a rough and tumble one, and that is to be expected under our separation of powers.

This legislation, however, I wish to emphasize, does nothing to change that. In fact, I would argue this legislation enhances the Senate's authority regarding advice and consent by enabling us to focus our energies on the qualifications of those who would shape national policy. If we don't fix this system, which almost everybody regards as broken, I think we risk what has already begun to happen, which is that some of our Nation's most talented people will simply not accept nominations for these important positions because of the time involved, the redundancy involved, and they will go unfilled.

There has been a lot of work done to support this effort, some of which was done by some of our former colleagues, including Senator Bill Frist and Chuck Robb and former White House officials Clay Johnson from the Bush administration and Mack McLarty from the Clinton administration. For the past year, the four of them have headed up a bipartisan commission to reform the Federal appointments process and they have all endorsed this bill as well as S. Res. 116, and so too has the Partnership for Public Service.

I know there is a natural tendency—notwithstanding all the reasons everybody understands to limit the number of nominees that come before the Senate for advice and consent—when we come to that moment where individual chairs of committees and ranking members don't want to yield what seems to be any authority. But, honestly, this is not an authority worth fighting to retain, and it works against the general functioning of the Senate, against the functioning of our government and, in my opinion, actually undercuts the vitality of the advice and consent clause.

I call on my fellow chairmen, ranking members, and of course all of our colleagues on both sides of the aisle to vote yes on this legislation so future Presidents can recruit the best nominees to serve us and the Senate can make sure it does its full job under the advice and consent clause to investigate and confirm them before they take office and deal with the Nation's business.

As always, I have been privileged on the committee to be working with Senator COLLINS as my ranking member, and I yield to her at this time.

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I am delighted to join with the chairman of the Homeland Security Committee, my dear friend Senator LIEBERMAN, in rising today in support of the Presidential Appointment Efficiency and Streamlining Act of 2011.

First, let me join Senator LIEBERMAN in commending Senators SCHUMER and ALEXANDER for their leadership on this bill. Senator ALEXANDER, in particular, has worked so hard on this issue. In fact, I am convinced we would not be where we are today without his persistent leadership. He deserves great credit for his patience and his dogged determination to bring this bill and this issue to the floor. Senators REID and MCCONNELL also deserve great credit. They made the commitment in January to make reform of the nominations process a priority.

Finally, I wish to recognize Senator LIEBERMAN, the chairman of the committee, on which I have the privilege of being the ranking member. He and I have also been part of what has truly been a bipartisan effort to craft this bill. It is an effort we need to see more often in this Senate if we are to tackle and actually solve the many problems facing our Nation.

This bill before us addresses shortcomings in the process of confirming Presidential appointees without diminishing the constitutional roles of the President or of the Senate. The fact is this is a very modest bill that takes limited but much needed steps to reform the confirmation process. When we look at the full-time positions that now require Senate confirmation, this bill would eliminate only approximately 85 full-time positions, a truly modest number. These positions were selected because either they do not have significant policymaking authority or funding responsibilities or report directly to a Senate-confirmed official.

To be clear, not included in these numbers are almost 3,000 officer corps positions that would no longer require Senate confirmation under this bill. But let me quickly explain exactly what those officer positions are, because when many people hear the words ''officer positions,'' they are going to think the Department of Defense and that would raise the issue of civilian control of the military. Let me say these are not military or Department of Defense positions. Rather, they are members of the Public Health Service and the National Oceanic and Atmospheric Administration Corps of the Department of Commerce.

Apart from these officer corps positions, more than 83 percent of all currently confirmed positions and more than 90 percent of all the full-time positions will continue to require Senate approval under this bill. Let me emphasize that again because, unfortunately, there is some misinformation about this bill. More than 90 percent of the full-time positions in the Federal Government that have required Senate confirmation will continue to require Senate approval under our bill. Furthermore, nothing in this bill limits the ability of Congress to create new Senate-confirmed positions in the future. It may be that there is a new department created someday or a new position that is very important. The Senate can choose to exercise its will to make those new positions subject to Senate confirmation.

The companion standing order reported by the Rules Committee proposes that some additional 240 positions go through a new expedited confirmation process. Although that resolution is not now before us, it will be, I hope, shortly after we conclude our work on this bill. So I wish to explain briefly what the process would be under that resolution.

That expedited process would still require nominees to respond to all committee questionnaires and would still

provide the opportunity for closer scrutiny of a nominee if requested by a single Senator—any Senator. The confirmation process must be thorough enough for the Senate to exercise its constitutional duty, but it should not be so onerous as to deter qualified people from public service, particularly when they are being asked to serve as a part-time member of an advisory board.

A letter from three of our former colleagues, one House Member and two Senators, put it well. The bipartisan Policy Center in endorsing this bill sent us a letter that is signed by former Congressmen and Secretary of Agriculture Dan Glickman, Senator Pete Domenici, and Senator Trent Lott, who of course served as the majority leader of the Senate. Here is what they said, and here is what we heard over and over at the hearing Senator LIEBERMAN and I conducted before our committee. This is the bipartisan Policy Center's conclusion:

Many public spirited people are discouraged from serving in appointed office because of the length and the extreme adversarial nature of the confirmation process.

This is an issue the Committee on Homeland Security and Governmental Affairs has been working to address for a long time. In fact, in 2001, when Senator Fred Thompson chaired the committee, we held two hearings focusing on the state of the Presidential appointment process. As a result of those hearings, the committee reported favorably reform legislation. A few of the provisions of that bill were later incorporated into the Intelligence Reform and Terrorism Prevention Act of 2004, which I, along with Senator LIEBERMAN, authored.

Let me give our colleagues some more background, some of which has been covered by the chairman of the committee but I think is important to repeat to counter some misimpressions about this bill that somehow it undermines our constitutional obligations. In fact, the Constitution, in the appointments clause, makes the appointment of senior Federal executive officers a joint responsibility of the President and the Senate. The President determines who in his judgment is best qualified to serve in the most senior and critical positions across the executive branch of our government. Then we, the Senate, exercise our independent judgment to determine if these nominees have the necessary qualifications and character to serve our Nation in these important positions of public trust. But at the same time, the Constitution envisions the appointment of lesser officers by the President alone. Specifically, the Constitution provides that ''Congress may by Law vest the Appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.'' So that process is spelled out in the Constitution.

The National Commission on the Public Service, commonly known as the Volcker Commission, gathered some very illuminating statistics. They differ a bit from some of the statistics the chairman has given because he is using CRS, but what they show is the enormous increase in the number of positions that are now subject to Senate confirmation and approval.

When President Kennedy came to office, he had just 286 positions to fill that had the titles of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator. But using those titles, there were only 286 when President Kennedy assumed office. By the end of the Clinton administration, there were 914 positions with those titles. Today, according to the Congressional Research Service, there are between 1,200 and 1,400 positions in total that are appointed by the President that require the advice and consent of the Senate. Too often, that large number of positions requiring confirmation leads to long delays in vetting, nominating, and confirming these appointees.

I would also point out that there is a great expense that goes along with this process. Having an FBI background check is expensive. Having our congressional investigators do their own vetting process is expensive. And many a nominee will tell you how expensive it is for the nominee to go through this process. The result of the length of this process is that administrations can go for months without key officials in these many agencies. That is why you will find there is bipartisan support from previous administrations urging us to finally tackle this issue.

The 9/11 Commission found that ''[a]t the sub-cabinet level, there were significant delays in the confirmation of key officials, particularly at the Department of Defense,'' in 2001. It was not until 6 months after President Bush took office that he had his national security team in place. Our enemies take note of that fact. That is what the 9/11 Commission found. And it creates a national security vulnerability that terrorists can and have exploited. We have seen that in the United States, we have seen that in Madrid, that when there is a change in administration, it is a particularly difficult time, particularly if we do not have our appointees in place.

As I have mentioned, Senators SCHUMER and ALEXANDER have been the bipartisan authors of this bill, which has been cosponsored not only by Senator LIEBERMAN and myself but by members of the leadership of the Senate on both sides of the aisle. But I believe, of all members of the working group, Senator ALEXANDER may have the best perspective. In fact, I believe he does have the best perspective because he is one of the few Members of the Senate who have served as a Cabinet Secretary and as a Senator. He has endured the nominations process himself, and I am sure he will explain what he went through in his comments later, but he will talk about how long it was, that it was 9 months before he had a chief financial officer. It took him 6 months, I believe, to be confirmed, and he could not get his team in place because the process was so bogged down.

The nominations reform bill we take up today removes only 203 positions out of an estimated 1,200 to 1,400 from the Senate confirmation requirement, and most of those positions are part-time advisory board members. I would ask my colleagues, should the Senate really spend its time and its resources confirming 10 part-time members of the National Institute for Literacy Advisory Board? I am not in any way denigrating the work of this board or the people who are willing to serve on it. I am just suggesting that I do not think that board requires our confirmation. What about the National Board of Education Sciences or the National Museum and Library Sciences Board, which has 20 part-time members, all of whom have to be confirmed by the Senate?

Again, I would point out there is a cost involved for my colleagues, and that involves everyone here who is concerned about the amount of money we are spending in the Federal Government. There is a cost to an FBI background investigation. There is a cost to having a sufficient number of staff to go out and do the kinds of background checks and vetting that we do. There is a cost to the nominees involved, who have to fill out all these forms, who have to be very careful that they are divesting themselves of certain assets. And it makes sense for the Office of Government Ethics, which already has a system in place to check for those kinds of conflicts, to not have its work duplicated, and that is what happens now far too often.

This legislation will free the Senate and enable us to focus on those nominees whose jobs are absolutely critical to our Nation, who do have significant policy responsibility, who do have significant control over Federal funds, and that will make a difference. It will also enable the Senate to spend more time on the critical work of how can we best create more jobs in this country, how can we reduce our unsustainable $14 trillion debt, how can we strengthen our homeland security, and how can we conduct more effective oversight of the executive branch. Isn't it a better use of our time to be holding oversight hearings to examine the enormous duplication the Government Accountability Office has found across government that wastes hundreds of millions, perhaps billions of taxpayer dollars, rather than spending our time worrying about the confirmation of 20 part-time members of the National Museum and Library Services Board?

Over the years, our committee has continued to hear from experts on the executive nominations process. In April of this year, we received a letter from the bipartisan Commission to Reform the Federal Appointments Process, which is chaired by our former colleagues, Senators Frist and Robb, as

well as we have heard from the former Director of Presidential Personnel for the Bush administration, Clay Johnson, and the former Chief of Staff for the Clinton administration, Mack McLarty. They wrote—and I think this puts it well—that ''[m]ost everyone agrees the federal appointments process is broken.'' They underscored that the bill before us will help the next administration ''to put in place very early in its first year the . . . people that the new Department heads need to get off to a fast start . . . working effectively with Congress.''

I hope we can agree to undertake the modest reforms we have included in this bill. I hope we do not let this legislation and the Rules Committee resolution get caught up in the turf battles and the power struggles that too often sink good government initiatives in this body. This bill is a step in the right direction and a step we should take together by an overwhelming margin.

Mr. President, I ask unanimous consent, if they have not already been printed in the RECORD, that letters endorsing the bill from the Bipartisan Policy Center, the Partnership for Public Service, Senator Fred Thompson, former Defense Secretary Frank Carlucci, and former Senators Bill Frist and Chuck Robb be printed in the RECORD.

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

BIPARTISAN POLICY CENTER,
Washington, DC, June 21, 2011.

Re S. 679 and S. Res. 116—Support.

TO LEGISLATIVE DIRECTORS: As former senators and presidential appointees of both parties, we fully support the Senate's efforts to improve the nomination and confirmation process by reducing the number of political appointees who require senate confirmation, forming a commission to make recommendations for a more efficient financial disclosure and background check process, and streamlining the senate confirmation process for nominees to advisory boards and commissions.

The problem and the solution are truly bipartisan. Presidents of both parties and senates controlled by both parties have seen the increasing difficulties in the presidential appointment and senate confirmation process. With each recent presidency, the length of time to select, nominate and confirm appointees has lengthened. [Many public spirited people are discouraged from serving in appointive office because of the length and extreme adversarial nature of the process.]

In S. 679 and S. Res. 116, the Senate proposes modest improvements in the system. These bills will not alter the fundamental character of the appointment and confirmation process. The president will continue to make nominations and the senate will exercise its advise and consent role for hundreds of appointments. But for some lower level nominees, the senate confirmation process will be eliminated or streamlined and the financial disclosure and background check process will be simplified and improved.

Beyond these immediate measures, we hope that in the future the Senate will continue to work to improve the confirmation process by coordinating senate committee financial disclosure forms with executive branch disclosure forms. And we encourage consultation between the executive and legislative branches to find ways to limit the use of the recess appointment power.

S. 679 and S. Res. 116 are small and important steps in the right direction. We encourage the Senate to pass these two measures.

Best Regards,

SECRETARY DAN GLICKMAN,
Senior Fellow, BPC.
SENATOR PETE DOMENICI,
Senior Fellow, BPC.
SENATOR TRENT LOTT,
Senior Fellow, BPC.

PARTNERSHIP FOR PUBLIC SERVICE,
Washington, DC, June 20, 2011.

Hon. JOSEPH LIEBERMAN,
Hart Senate Office Building, Washington, DC.
Hon. SUSAN COLLINS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS LIEBERMAN AND COLLINS: I commend you, as Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee, for your leadership in moving forward legislation to streamline the presidential appointments process. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 will contribute to better, more effective government by reducing the number of presidential appointees subject to Senate confirmation and doing much to fix a broken nominations process that takes too long, is too complex and discourages some of our nation's best talent from serving.

This legislation is urgently needed, and I applaud you for your efforts to ensure our federal government has the right talent in place to face our nation's many challenges. The Partnership for Public Service strongly supports S. 679 and S. Res. 116 and urges their swift passage.

Very best wishes.

Sincerely,

MAX STIER,
President and CEO.

HERMITAGE, TN, *April 12, 2011.*

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.
Hon. SUSAN COLLINS,
Ranking Republican Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR JOE AND SUSAN: In 2001, when I was Chairman of the Senate Committee on Governmental Affairs, we held hearings reviewing the nominations process and potential options for reforms. President George W. Bush had been in office 10 months and only about 60 percent of the government's top political jobs had been filled—which created national security concerns.

That's why I want to commend you for your work on the Presidential Appointment Efficiency and Streamlining Act of 2011 which would eliminate the need for Senate confirmation of approximately 200 relatively low level positions. We tried to fix this problem when I was chairman, and it still needs to be done.

My experience was that our confirmation process led to substantial delay and extraordinary expense for nominees as they are vetted beyond what is necessary even for the least sensitive positions. I believe that this will result in an increasingly narrow pool of potential public servants who are more likely to be wealthy, and already live in the Washington, DC, area.

In 1960, President Kennedy had 286 positions to fill in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator and by the end of the Clinton Administration there were 914 positions with these titles. Reform would not diminish oversight. It would make oversight more effective.

Comprehensive reforms throughout the presidential appointment process are needed so that the Senate can spend its time focusing on senior nominations and on major priorities such as national defense and tackling our budget problems.

The Senate should take its advice and consent powers seriously, but the number of nominations have grown and expanded over time—much like the rest of the federal government. I hope your committee will take quick action on this legislation and send the bill to the full Senate for its consideration.

Sincerely,

U.S. SENATOR FRED THOMPSON.

FRANK C. CARLUCCI,
McLean, VA, June 1, 2011.

Hon. HARRY REID,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.
Hon. CHARLES SCHUMER,
U.S. Senate, Hart Senate Office Bldg., Washington, DC.
Hon. LAMAR ALEXANDER,
U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR SENATORS REID, MCCONNELL, SCHUMER AND ALEXANDER: I am writing to commend you for your leadership and bipartisan approach to tackling one of the great challenges facing our government—presidential appointments and nominations reform. There is little dispute that the current nominations process has grown too cumbersome and complicated, and the number of political appointees is too large. S. 679, the Presidential Appointment Efficiency and Streamlining Act, and S. Res. 116 are a promising show of progress, and I encourage all Senators to support this bipartisan legislation.

As former Secretary of Defense (under President Reagan), I know the importance of having high quality leaders in place within an agency. Leaving positions vacant indefinitely as appointees wait to be confirmed is not smart management, and is frankly a threat to our national security. We need strong leaders installed quickly in agencies to ensure our government is ready to meet the many challenges it faces. S. 679 and S. Res. 116 together present a common-sense solution that preserves the important role of the Senate in confirming key nominees, but unburdens the process by relieving the advice and consent requirement for less critical positions.

Congress would be wise to act now, before the politics of the next election cycle get in the way of practical reforms to improve the efficiency and effectiveness of our federal government. I urge the Senate to swiftly pass both S. 679 and S. Res. 116 to ensure our government has its senior leaders in place within agencies to carry out critical missions.

Sincerely,

FRANK CARLUCCI.

JUNE 17, 2011.

Senator SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: We write today to encourage your support for the Presidential Appointment Efficiency and Streamlining Act of 2011 (S. 679). Having served in the Senate and participated in this process firsthand, we believe this bill would constructively improve the federal appointments process, which we all know is broken.

We believe that this bill will dramatically improve government operations, especially in the first months of a new administration. S. 679 will make it possible for a new administration to more quickly put into place the roughly 70 vital communication and operations personnel needed by department heads to effectively work and communicate with Congress, the public, and federal employees.

S. 679 will create more time and capacity for the Senate within an administration's early months to confirm or deny the appointment of senior-most, operational and policy-making officials, whose qualifications clearly warrant Senate scrutiny.

Importantly, S. 679 will create a working group to develop a specific plan to improve the efficiency, manner and speed with which background data are collected from potential nominees. The goal is to streamline and better coordinate the now cumbersome process whereby the FBI, Office of Government Ethics, and the Senate receive and consider a nominees' information; vetting would begin sooner, critical especially in the first few months of a new administration. Furthermore, the unnecessary and duplicative data-gathering burden on the individual nominee can be reduced significantly. The Executive Branch will similarly develop a plan to accelerate the process by which they receive nominees' background information, so that nominees can be submitted for Senate approval in a more timely fashion.

We believe the Act does not diminish the institutional influence or Constitutional duties of the Senate, as it will retain the power to advise on and consent to the appointment of some 1200 policy-making and senior officials, including those officials to whim the subject positions of S. 679 report. Through the use of hearings, reports to congress, Inspector General and GAO reports, the Senate will continue to hold responsible offices accountable for performance expectations, regardless of whether or not the appointed individuals in those offices are confirmed by the Senate. The Senate will still maintain the high performance standards sought for all government functions and programs.

Moreover, in no way does the Act diminish the stature of appointed positions that will no longer require Senate confirmation, a process which we all know makes it more difficult to attract highly qualified candidates. Currently a number of comparable positions are Senate confirmed in one agency, yet not in another. We believe there is no evidence to suggest those appointees requiring Senate confirmation are more qualified and talented than those having the same job at other agencies only not requiring Senate confirmation.

It is noteworthy that leaders from both parties have come together to develop this legislation to improve the working of the Senate confirmation process and markedly improve government operations, especially in the first year of a new administration. We highly encourage you to join Senators Reid, McConnell, Schumer, Alexander, Lieberman and Collins to pass S. 679 to make the Senate confirmation process more effective.

Respectfully yours,

WILLIAM H. FRIST, M.D.
CHARLES S. ROBB.

Ms. COLLINS. I thank my colleagues.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the distinguished Senators from Maine and Connecticut not just for their comments today but for their work for nearly a decade on this issue. This is hard, slogging work in the Senate. It is not easy to do. As I mentioned earlier, it is not one bit glamorous, but it helps make the Senate a more effective institution. If we are more effective, then we can deal better with our debt, then we can deal better with Libya, then we can deal better with creating jobs, then we can earn more respect from the people who elect us. So I thank them for their leadership.

I thank Senator MCCONNELL and Senator REID for creating the environment in which this can happen.

I thank all my colleagues, many of whom did not exercise all their rights, and allowed the bill to come to the floor in this agreement by unanimous consent. We have not had this privilege very often in the Senate. It is a good way for the Senate to work. It is the right way for the Senate to work. What it means is, over the next day or two, however long it takes, Senators may bring their relevant amendments to the floor and they may call them up without asking unanimous consent to set aside a pending amendment.

Then we will have a debate, and then we will vote on them. When we are through voting, we will vote on the bill. I would encourage my colleagues to prepare to bring their amendments to the floor. I am going to defer my remarks until this afternoon, when Senator SCHUMER, the chairman of the Rules Committee, will come to the floor at 2:40. I will speak following him. We will talk about the resolution, which is the other half of the bill.

But this is legislation about making Senate oversight, as Senator LIEBERMAN said, more effective, not less effective. It is about putting a stop to the trivializing of our constitutional duty for advice and consent. It is about ending the phenomenon of innocent until nominated, which is what happens to distinguished citizens of this country who are asked to serve in the Federal Government and, to their great horror, discover they are heading through a maze of conflicting forms and questionnaires, until finally they are dragged before a tribunal in the Senate and caught in an inadvertent error and made out to be a criminal, when they thought they were an upstanding citizen, having served in their hometowns for a long time.

We should stop that business, and every administration in recent years has asked us to do it. So this is the right thing to do. It is a modest step but an important step. It is a signal that we can do our business well, that we can treat American citizens with respect, that we can focus our attention where it needs to be focused and not focus our attention where it is not.

Senator COLLINS mentioned there are several thousand public health officers and others who are now confirmed by the Senate. That is the rough equivalent of confirming forest rangers or staff members of the Senate or agricultural extension officers. I mean, they are all valuable positions, but did our Founders expect that we would be sending the FBI to ask whether they lived beyond their means before they took their job and then conduct diligent inquiries there and before some committee of the Senate?

Well, of course not. So we are going to end up with about 1,200 nominations from the President, to whom we need to devote advice and consent. One indication of why it is so necessary to do this is, nobody can tell us how many Presidential appointments there are that need advice and consent. The Congressional Research Service at first said 1,200, and then when our staffs began looking at it, it is more like 1,400.

In the last Congress, how many of these important advice-and-consent positions actually deserved a rollcall vote? Three percent. So we only had time to give a rollcall vote to 3 percent of the men and women whom we have decided need the extraordinary constitutional process of advice and consent. We need to elevate the advice-and-consent process back to where it ought to be, do our jobs correctly, treat people who are nominated by the President with dignity and hope the President can staff his government appropriately so we do not have to. As Senator COLLINS said, it has been 6 months while we wait to get the President's defense team in place.

That is partly the President's own fault, but it is partly our fault, and we need to work together. We have a process in this bill where we will work together to try to speed that up. So I am glad I had the opportunity to hear Senator LIEBERMAN and Senator COLLINS. This is not the first time they have tried to do this. But they will succeed in doing this because they have broad bipartisan support and an era of cooperation within the Senate.

We will have some debate. We still have some disagreements about which positions should be in and which positions should be out. That is why we have relevant amendments. That is why we bring them up. That is why we vote on them. That is why we will eventually come to a final result on the bill.

I thank them for their leadership, for their eloquence, and for their public spiritedness.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank our friend and colleague from Tennessee for his statement and even more for the hard work he has done, along with Senator SCHUMER—the hard work, the steadfast work, without which we would not be on the floor right now.

Senator COLLINS and I both agree this is one of those rare cases where I would not say we gave up, but we were beginning to grow pessimistic about our capability to achieve these reforms. It is unusual for us because we are usually so stubbornly persistent.

But Senator ALEXANDER and Senator SCHUMER, working with the encouragement and blessing of the two leaders,

Senators REID and MCCONNELL, have put us in a position to get this done. It would be a real step forward. So I thank the Senator. Obviously, the work begins now.

The floor is open for debate, as of 3 o'clock, for amendment. If either of my colleagues do not have anything more to say, I would suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

NORTH DAKOTA FLOODING

Mr. HOEVEN. Mr. President, I rise today to call attention to my home State of North Dakota where we have terrible flooding occurring. We have flooding today on the Souris River and the community of Minot is now in the process of evacuating more than 11,000 people from their homes. In truth, we have had tremendous challenges with flooding all spring, throughout the State of North Dakota—the Red River Valley, Cheyenne River Valley, James River Valley around Devil's Lake, the Missouri River, Bismarck, Mandan area, up and down Missouri, all the points throughout western North Dakota and today it is in north central North Dakota. The Souris River is flooding, not only in the community of Minot but also in communities upstream to the north, small communities, counties, rural areas, and downstream as well, creating real hardship for citizens.

Even as I speak, more than 11,000 people are leaving their homes in and around the community of Minot. The Minot community is something over 40,000 people, so somewhere between a third and a fourth of our citizens in that community and the region will be displaced from their homes and their businesses. Our thoughts and our prayers go out to all of them.

At the same time we must do all we can to help them, both now at this time of need but also in the days coming as we go forward. Minot and the region have been in this flood fight for some time. In fact, together with the Corps of Engineers, with the National Guard, with local contractors, with the local officials, State support, the Federal agencies, the citizens have been fighting a battle against flooding for months this spring. They have built up their defenses. They have built levees along the river, the Souris River that flows through the Minot community and through the region. They built those levees up to an elevation of 1556. They built levees and dikes along the river.

In addition, years ago the community in fact levied a sales tax on itself to help build dams in Canada, Rafferty Dam and Alameda Dam, to try to have permanent flood control in place. This is a community and this is a region of our State that has worked very hard, using its own local dollars along with State and Federal sources, to build permanent flood protection—dams in Canada, as well as levees along the river.

Those defenses have stood for more than 30 years and protected the community and the region from flooding but this time they are not enough. As I say, the elevation is about 1556 on those levees along the river and it looks as though the crest will be 1563, 7 to maybe 10 feet higher than the levees provide defense. That means people have to leave their homes and their businesses and their property.

Ironically, 3 weeks ago with the projections that we had at that time, roughly 10,000 to 11,000 people were forced to leave their homes at that time. But fortunately the crest came in lower than was projected and, with the work they were able to do on the levees, raising the levees yet again, they were able to keep the water within the banks of the Souris River so people were able to return to their homes and their property was not damaged. But unfortunately that is not the case now. Already the water is rising to the very tops of the levees and, as I say, the crest is projected to be well above those levees.

The first priority must be to keep people safe, to protect lives and protect people. The mayor, Mayor Zimbelman, is working with local officials and our Governor, Governor Jack Dalrymple. The National Guard is there. On the order of 500 National Guardsmen are helping with this evacuation process. Local law enforcement, fire emergency responders, they are all engaged. We truly appreciate their help and their efforts.

Minot Air Force base, a major Air Force base for our Nation, is located right near the community. I think there are on the order of 12,000 more people who live at that Air Force base. Some of the air men and women who are stationed at the base of course live in the community. Those men and women of the Air Force are helping the community. Minot Air Force base is providing a place for shelter for our citizens and providing help. I have spoken with the Air Force officials and we truly appreciate their help with manpower, with transportation, and with shelter.

Also Minot State University, our local university, is providing shelter for people who need it in the community. We have the relief organizations there as well, the Red Cross, the Salvation Army, and others.

Of course, in addition to all of that, we have citizens helping each other. That is truly the North Dakota way and they are doing a fine job. As a matter of fact, in the recent evacuation I mentioned several weeks ago, even though more than 10,000 people were evacuated, very few ended up staying in the shelters because friends and family, caring people in the community and in the region, provided a place for so many to stay. Of course, we know that will happen again as people open their homes to help others in a time of need. But clearly more help will be needed and help with recovery will be needed as well. That means Homeland Security, that means FEMA, that means the other Federal agencies as well. Many homes and many businesses will be flooded and those homes and businesses will be likely in floodwaters until into July. That assistance will be very much needed, very much required.

That means programs such as public assistance and individual assistance through FEMA to help with public infrastructure that is damaged, to help individual homeowners with damage to their homes, will be necessary, along with flood insurance, SBA disaster assistance for businesses—because this flood is right through the very central part of the community so it affects not just homes and property but many businesses as well. Of course, it will affect public infrastructure.

To that end, I am already meeting with the Director of FEMA Craig Fugate this afternoon. We must be committed to that process, to help all we can, both in this flood fight and in the ensuing recovery.

It has been a real challenge this year. As you look around the country, look around our State, the flooding I described, not just here in Minot but throughout the State, and as you look around the country with flooding up and down the Missouri, up and down the Mississippi, and you look at the tornadoes and now look at fires occurring in the Southwest—this has been a tough year. It is a challenging year. So we need to pull together and we need to help each other. I know we will, because that is the American way. That is the way we have always done it and I know we will be there to help each other, to help our citizens in Minot, in the Minot region, throughout the State of North Dakota, but in other places around the country as well. As I say, that is the American way. We will prevail in this endeavor.

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

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ENZI. Mr. President, I know the issue before us is to change the way the nominations are handled. I wish to express my appreciation for that act and ask my colleagues to support it. A number of the nominations come through the Health, Education, Labor, and Pensions Committee. I have been the chairman of that committee, and am now the ranking member. There have been times when nearly 350 appointments have come through at one

time, none of which are accompanied by any paperwork. This situation relates to the Public Health Service Corps nominees, which the Committee is required to report and confirm. However, there is no way to check on any of them because HELP Committee rules specifically state that routine paperwork does not need to be filed for these nominees. So it is a waste of time to take these nominees through the committee process and then to the floor. This bill would eliminate that need.

Now, under the proposal, there are about 250 positions where any Senator can call for a nominee to go through regular order. So for these nominees, anybody who has a concern about a nominee the President appoints has the leverage to be able to take a look at that person, to voice their comments, and to have it considered in the regular order.

I do see a great capability for us to be more productive under this new system, and that is what I would like to see. I would like to ask everybody to support the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SCHUMER. Mr. President, first, I rise in support of S. 679, a bipartisan effort that will streamline Presidential appointments and reduce the number of Senate confirmations for certain types of positions, and I urge my colleagues to support this bill.

First, I want to praise my colleague and friend, Senator ALEXANDER, who has been a leading, if not the leading, force in this effort. We have worked together well in a bipartisan way to try to come up with a proposal that meets the agreement of the Chamber. He has done a great job, and it has been a pleasure, I would say to my friend from Tennessee, to work with him, as it always is.

I also want to thank, of course, Senator REID, who has encouraged us to get involved in this process and has been right there with us all the way, as well as Republican Leader MCCONNELL, who, again, has from the beginning been on our side and agreed that this is a worthwhile endeavor.

So we formed a bipartisan working group at the behest of Senator REID and Senator MCCONNELL to try to figure out how to try to reduce the number of Presidential appointments that require Senate confirmation and to create new procedures to improve the pace of confirmation for executive branch nominees, as part of an overall reform of the Senate rules.

Senators ALEXANDER, LIEBERMAN, COLLINS and I, in conjunction with the leaders, worked closely to develop this bill and the accompanying resolution, which we will turn to immediately after the bill, to improve how the Senate deals with executive nominations.

Throughout this entire process, we have partnered with folks from both sides of the aisle, and many have significantly contributed to this process. This package is an essential piece of the bipartisan rules reform we began at the start of Congress, and Senators LIEBERMAN and COLLINS have had a lot of experience in this regard. They have tried it before, and their advice to us has been invaluable as well.

The Senate was designed to be a thoughtful and deliberative body. But the confirmation process is often slowed to a near standstill. This legislation will clear some of the more noncontroversial positions so the Senate can focus on its constitutional advise and consent power as it was intended, to confirm the most important positions.

The bill is not intended to take away or diminish the Senate's advise and consent power. The power will remain and still be used for the confirmation of senior policymaking appointments. The purpose of this legislation is to help the Senate function better and more efficiently.

Rather than spending time in committee and on the floor confirming nominees who have part-time appointments, nonpolicymaking responsibilities, or who directly report to Senate-confirmed individuals, we can alleviate ourselves of this burden and make these individuals nonconfirmable.

With that said, I recognize that some of our chairmen would like to see certain positions remain confirmable. We are continuing to work with them on their concerns, and we want to be flexible. We will be working with some of those Senators from both sides of the aisle who have voiced some objections and think the list is too large.

However, we also want to avoid the hollowing out of this bill so it no longer represents real reform. Over the past few decades, hundreds of these positions have been created which have contributed to a clogging of the Senate and a delay in getting good mid-level candidates in place to help the government function effectively.

The bill will eliminate from Senate confirmation 200 executive nomination positions. It covers several categories of positions, including legislative and public affairs positions, information technology administrators, internal management and administrative positions, and deputies or nonpolicy-related assistant secretaries who report to individuals who are Senate confirmable.

Additionally, we have removed thousands of positions from the Public Health Service Officer Corps and the National Oceanic and Atmospheric Administration Officer Corps from the confirmation process. These positions are noncontroversial and their removal will further prevent the possibility of gridlock. Removing those positions from the Senate confirmation process will allow a new administration to be set up with more efficiency and speed, thus making government work better for the people.

The public should not be harmed because we are not able to get qualified people confirmed in a timely manner. The bill will also create a working group that will provide recommendations to the President and the Senate to further improve the confirmation process. The group will focus on offering guidance on the paperwork process for nominees through examining the creation of a single searchable electronic smart form and will also conduct a review of the current background investigation requirements.

In conclusion, this will help make the confirmation process less tedious for nominees by preventing them from having to submit the same information in several different forms to several entities. The bill was successfully passed by the Homeland Security and Government Affairs Committee, and S. Res. 116, which we will turn to immediately after this bill, was marked up in the Rules Committee unanimously.

We are confident that this bill, in conjunction with the resolution, will eliminate many of the delays in the current confirmation process. In conclusion, these delays are very detrimental to the efficient operation of government and to the efforts to recruit the most qualified people to these Federal jobs.

The public deserves a focus of our deliberation on confirming the most important positions and not to hold up those generally noncontroversial positions which more closely resemble appointments that are currently made without Senate approval.

I yield the floor, and I know my colleague, Senator ALEXANDER will speak next.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I congratulate Senator SCHUMER for his diligent work on this effort to help the Senate do a better job with its responsibilities of advice and consent.

As the chairman of the Rules Committee, he and I have been working together at the direction of Senator REID and Senator MCCONNELL to come up with a consensus about how to do this. Our colleagues, all 100, have agreed that we can move on to the bill and debate any relevant amendment, which has not happened very often around here, and is exactly the way the Senate ought to work.

So I thank Senator SCHUMER for taking on this difficult task. It is not a glamorous task, but it is one that hopefully will make the Senate more effective. If we are more effective, we can do a better job of dealing with the debt, of helping to make it easier and cheaper to create private sector jobs, of

coming up with an energy policy that helps us find more American energy and use less, and regain respect from the American people who have given us the privilege of serving here.

I start this discussion with our Constitution, which, as the late Senator Byrd used to suggest, we should all carry around with us. Perhaps the most celebrated constitutional duty of the United States Senate is our responsibility to provide advice and consent. It is in article II, section 2, of the Constitution. It talks about the President there, but it says: ''He shall nominate, and by and with the Advice and Consent of the Senate'' and among other things—to appoint a number of people. But it also says:

. . . the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

So this discussion is about that part of our constitutional responsibility, deciding what inferior officers should be vested—the appointment of which should be vested in the President alone or in heads of departments. I will talk more about that in a moment. But there are really three major goals of this legislation.

One is to stop the trivializing of the constitutional duty of advice and consent. We are providing our advice and consent on so many Presidential nominations that the President is not able to spend as much time as he should on getting them to us rapidly.

It is slowing down the organization of government. We, in turn, are not able to spend as much time as we should reviewing the qualifications of the important officers of the government that the President needs to appoint, and we are not serving ourselves well. We are trivializing the constitutional duty of advice and consent.

The second thing we are doing—and in this, the Executive, the President and the Congress, are equally to blame—is creating an environment that I would describe as being ''innocent until nominated'' in which we take some self-respecting U.S. citizen, and the President invites them to come take a position in the Federal Government of honor and dignity, and suddenly they find themselves immersed in a series of duplicative interrogations from all directions in which they must fill out forms that define words such as ''income'' in different ways, all of which is designed to lead them before a committee, not to really assess their qualifications but to see if they can be trapped and turned into an apparent criminal. In other words, they are innocent until nominated.

Every former administration's officials in recent memory have come to us and said we need to work together. No. 1, we need to stop the trivializing of the Senate's advice and consent responsibility; No. 2, we need to do something about this environment of innocent until nominated.

Finally, this legislation—which, as I said, has been moved to the floor for debate with the consent of all 100 Members of the Senate—is really the third step in the discussion that began in January about what steps we can take to make the Senate a more effective place. One step was to get rid of secret holds. Another step was to limit the reading of the minutes as a dilatory tactic.

This is the third step, appointed by the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL. They asked Senator SCHUMER and I to form a working group. We have come forward with a bill and a resolution, which we will debate today and tomorrow—until we finish—and it will streamline executive nominations and hopefully give us a chance to do more oversight on the positions that need the oversight and not waste our time with positions that don't. At the same time, it will make it easier for the next President to staff his or her government promptly so that they can deal with questions of war and the economy as they come up and not have to wait 6 months or 9 months after they have taken office to deal with those questions. And it will make it more inviting for good citizens of this country to accept a President's invitation to come serve in the Federal Government.

As I mentioned, this came about earlier this year when we were about to have a showdown over the filibuster. The Senator from Oregon was part of that debate. I hope he feels some credit for moving this discussion to where it is today. This is not all that the Senator from Oregon or the Senator from New Mexico or others want, but I think what we quickly learn in the Senate is that a few small steps in the right direction is one good way to get where you want to go. This will be a third step.

Basically, this is what we will be doing. We are affecting about 451 Presidential appointments. This represents about one-third of all Senate-confirmed positions. That sounds like a lot, and it is a lot. Let me qualify it in this way. Here is what has happened over the last several years.

In 1960, President Kennedy had to fill 286 positions in the ranks of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator.

By the time President Clinton came into office, there were 914 positions with those titles. That is according to the Volcker Commission Report, which recommended the kinds of things we are considering today.

Since then, CRS has counted more than 1,200 Presidential appointments requiring the advice and consent of the Senate, and our staffs on the Rules Committee and the Homeland Security Committee found more than 1,400. So we are in the embarrassing position of having to answer the question—if somebody were to say: Here is this enormously important position of the Senate, this constitutional duty to provide advice and consent, and how many Presidential appointments are subject to advice and consent? The answer would be that we don't know. CRS says it is 1,200. Our staffs say it is 1,410.

Another indication that we are not giving them sufficient attention—at least to the ones we should—is the number of rollcall votes on Presidential appointments requiring advice and consent. You would think that if a Presidential appointment were important enough to require a full FBI check, which is very expensive, time consuming, and takes several months; and then a nomination by the President and all of the vetting that goes with that; and then the work of the White House personnel office and all the time spent with that; and then it comes to the Senate and goes to our committees, and our committees have their own questionnaire and their own investigator and their own schedule for hearings and their own schedule for voting, and then they report it to the floor—you would think if it were important enough to go through all of that in order to get our advice and consent, we would take time to vote on it, would you not? Well, in the last Congress, this Senate voted on 3 percent of the nominations that require advice and consent. That is one indication that we are doing too many—we are trivializing the duty. So not only do we not know how many there are—we think, now that our staffs have worked through this, there are about 1,410—97 percent of them are not important enough to vote on; we just pass them by unanimous consent.

As Senator ENZI said earlier today in another setting, and I don't think he minds my bringing this up, sometimes we approve these nominations in blocks—280 at a time—without knowing anything about them. So we are pretending we are giving advice and consent when we are not.

An example of that would be the positions of the several thousand members of the Public Health Service Officer Corps and the National Oceanic Atmospheric Administration Officer Corps. They are all subject to advice and consent. They come through in the box loads. They are all very valuable public servants, I am sure, but to subject the Public Health Service Officer Corps and the National Oceanic Administration Officer Corps to a full Senate advice and consent would be the approximate equivalent of requiring advice and consent of agricultural extension officers or forest rangers or members of the Senate staff. They all have important jobs, but they are not supposed to rise to the level of advice and consent, which is why the U.S. Constitution specifically said that we should select ''inferior officers,'' in its words, whom the President himself—the President alone—or heads of departments may appoint.

Now, what is an ''inferior officer''? Well, words have meaning, and Justice

Scalia gave a definition to the words ''inferior officer'' in the case of Edmund v. United States in 1997. Justice Scalia said:

> We think it is evident that inferior officers are officers whose work is directed and supervised at some level by others who were appointed by the Presidential nomination with the advice and consent of the Senate.

That makes pretty good sense. If you are working for someone who is appointed by the President and subject to the advice and consent of the Senate, then you are accountable to the Senate and the people of the United States through your superior. That makes you an inferior officer. You may be important, but you are subordinate to someone else whose appointment was subject to advice and consent.

Here is what we have done in the legislation.

First, we have a bill from the Homeland Security Committee, and then we have a resolution that comes from our Rules Committee. Of the 451 positions that are affected, in addition to the thousands of members of the officer corps I mentioned, 248 are part-time board and commission positions that could be expedited and would keep their advice and consent rolls and remain Senate-confirmed. I will talk more about that in a minute. Then 118 other part-time board and commission positions will no longer require Senate confirmation. And then 85 positions that are full-time would not require advice and consent for confirmation.

After all is said and done, when you include the fact that 248 positions we affected are merely expedited and still subject to advice and consent if a single U.S. Senator says it is necessary—they are still subject to it under any event and to the full investigation if a single Senator says it is necessary—we will still have more than 1,200 Senate-confirmed executive branch nominations. So, as Senator COLLINS said on the floor today, after this is done, if our bill and resolution are passed, more than 90 percent of the full-time positions that now are subject to advice and consent will still be subject to it, as will more than 85 percent of the part-time positions.

Why is it important that we have so many positions that are subject to advice and consent? One could argue, why don't you narrow it simply to the Cabinet members or the Cabinet members and their deputies? Why slow the President down in his work by requiring so many to come over, because even after we are through this, after everything Senators SCHUMER, COLLINS, LIEBERMAN, and I recommended to the Senate was adopted, the Senate will have 1,200 persons it could put through this gauntlet of advice and consent and make its point.

Many Senators choose to use these confirmation proceedings to exercise our prerogative as elected Members of Congress to get information, to assert our views or to influence the direction of government. For example, Senator MCCONNELL has been holding President Obama's trade nominees until President Obama sends his free-trade agreements to Congress. Senator GRASSLEY and Senator CHAMBLISS held up the Solicitor General's nomination because it had been 2 years and their request for documents from the Department of Justice had not been forthcoming. After they held up the Solicitor General's nomination in the advice and consent process, they got their documents.

I suggest that having 1,200 opportunities to hold a Presidential nominee hostage is enough for any Senator to work his or her will in order to make a point and that to go beyond that is to begin to trivialize the whole process.

As I mentioned earlier, our legislation has two parts. In the first part—the part we are debating now, the bill—there are approximately 200 positions that now are subject to Presidential confirmation that would not be subject to Presidential confirmation. These would be 85 full-time positions, including legislative affairs and public affairs positions, chief financial officers, information technology positions, and others. These are all important positions, but let's think of it this way:

I was once a Cabinet member. It took me about 3 months—well, 4 or 5, from December through March—after I was announced and confirmed by the Senate, and then I had the opportunity to ask the President to send to the Senate all of the subordinate officials who required Senate confirmation. That means the President had to vet those people. That means the Senate had to go through its whole process, once information got here, and vet those people. It had to schedule a hearing. It had to report out the name. That had to come to the Senate. That had to be voted on on the floor.

So there I was, sitting—confirmed in March or April, after I had been announced in December as the President's Education Secretary—but it took me until toward the end of the year to get most of the President's team in place in the Department of Education. Who does that serve? Who does that serve well? Wouldn't it be better if I could appoint my own legislative affairs officer who could then come up and deal with Congress from April on instead of having to wait until later?

This is important for citizens to know. If you are in a position subject to advice and consent, you are not to go to the Department until you are confirmed or you will not be confirmed because it would be considered to be an insult to the Senate. So you have Cabinet members, particularly at the beginning of an administration, sitting there almost alone, without any new members of the President's team to help them implement policy.

That affects the voters in a bad way. Let's say all the voters in a country get upset with President Obama and elect a Republican President whose job it is to bring the deficit down. Let us pose a hypothetical. In comes the new Republican President and it takes 2 or 3 months to confirm the Secretaries of the Treasury, the Office of Management and Budget, and then with other key people it might take 6 or 8 months. The people of this country are saying: Wait, I voted in November and here we are coming into the next summer and the government still isn't formed and the deficit is still bad. I am very frustrated with my government.

This legislation is set to deal with that. The bill itself takes about 200 positions and removes advice and consent, with 118 of those being part-time advisory commission members.

The second part of the bill we will be discussing takes 248 nominations and expedites them. These are all part time. This might be the Goldwater Scholarship Foundation or the National Council on the Arts. What it does is create a new procedure in the Senate, where the President's nomination simply comes to the desk—the President has already vetted this person; the person has to answer the questions of the relevant committee in the Senate—and unless some Senator objects, once that is done, the vote can come to the floor within 10 days. Yet, if one Senator objects, all 248 of those nominations can go through the full process. So with those we believe we are, at least, speeding up things.

To summarize, for 451 nominations in this bill, we take about 118 part-time positions and remove them from advice and consent. These include, for example, 15 members of the National Board of Education Sciences, 20 members of the National Museum and Library Services Board, and 7 Commissioners of the Mississippi River Commission.

I am sure the National Museum and Library Services part-time advisory board does good work for us and for this country, but is it necessary for the Senate to spend its time providing advice and consent on these part-time advisory members of the National Museum and Library Services Board when we ought to be reducing the debt, inquiring into the policies of a Cabinet member or working on some other legislation?

Then, in the resolution, 248 part-time positions are expedited. As I mentioned earlier, nearly 3,000 members of the Public Health Service Corps are taken out of the process of advice and consent.

Let me speak for just a moment about the other part of the legislation. I talked about how the bill and the resolution will take 451 of approximately 1,410 Presidential nominees subject to advice and consent and take about half of those and expedite them and take the other half and take away the advice and consent requirement, leaving 1,200 persons whose nominations actually require advice and consent. What happens to those persons? Let me give an example, and it is a personal example I have repeated on the Senate floor before.

In December of 1990, President Bush announced in the White House that he was going to nominate me to be the U.S. Education Secretary. I was excited about that. I was then the President of the University of Tennessee. I sold my house, my wife and I packed up, and we moved our children to schools in Washington. I came up here prepared to serve and help the President be the education President, but I forgot about Senate confirmation. I should have known. I should have known because I used to work in the Senate years ago. But I forgot about the Senate confirmation and all its splendor. So when I got up here, I was, after a while, summoned before the Health, Education, Labor, and Pensions Committee—on which I now serve—and with my family sitting there, the Senator from Ohio, the late Senator Metzenbaum, said: Well, Governor Alexander, I have heard some very disturbing things about you, but I don't think I will bring them up here.

Well, Senator Kassebaum from Kansas turned around and said: Howard, you did just bring it up so why don't you go ahead and talk about it. I said: Senator, if you have heard any disturbing things, I would like to know about them because I would like to answer the question. But he decided not to do that, and in his wisdom—and it was his right—Senator Metzenbaum held my nomination up for 3½ months. I didn't know what to do about that so I went around and finally saw Senator Warren Rudman of New Hampshire and told him the story of what had happened. I said: What is your advice? He said: Keep your mouth shut. You have no cards to play. I said: What do you mean? He said: Let me tell you my story. He said President Ford had nominated him to be on—I think it was the Federal Trade Commission in the 1970s. Warren Rudman was then the attorney general of New Hampshire, a well-respected citizen. The Senator from New Hampshire put a secret hold on Warren Rudman's nomination and so days and weeks went by and no action was taken in the Senate on the attorney general of New Hampshire. He was greatly embarrassed by the whole thing. I said: Well, what did you finally do? He said: Well, I asked the President to withdraw my name. I said: Is that the end of the story? He said: No. I then ran against the so-and-so in the next election and beat him, and that is how I got in the Senate.

Well, not every citizen can run for the Senate and defeat the Senator who they think doesn't treat them fairly in the confirmation process. But there is a lot about the confirmation process that can be fixed and still leave all of us with the right to hold up, to vote against, and to defeat 1,200 different nominations by the President.

Take, for example, what happened in President Obama's first year. According to news accounts, in March of 2009, there were key vacant positions at the Treasury Department—an Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Analysis, the Deputy Assistant Secretary for Tax, Trade and Tariff Policy, and the Deputy Assistant Secretary for International Tax Affairs. The first choice for Deputy Secretary of the Treasury withdrew her name from consideration 4 months after the President's selection in the biggest economic crisis we had had since the Great Depression.

According to one news source, the list of vacancies on the Treasury Department Web site showed:

> The Main Treasury building is a lonely place, conjuring up visions of Geithner signing dollar bills one by one . . . watering the plants, and answering the phones when he is not crafting a bank rescue plan.

Of course, there are other career employees available—at least one holdover Assistant Secretary and various Czars in the White House. This kind of delay actually encourages the unhealthy appointment of Czars in the White House because the President can just do that, but even one of the Czars expressed concern about the slow filling up of the Treasury Department.

Of course, whether you are a Republican or a Democrat and voted for President Obama or not, you certainly don't want a President whose Treasury Secretary isn't equipped to deal with the biggest economic crisis since the Great Depression.

The President brought some of this difficulty on himself, and our legislation recognizes that—not just this President but previous Presidents and the next President. Part of the President's difficulty in filling jobs—and this is one that has afflicted every President since Watergate—is the maze of investigations and forms that prospective senior officials must complete and the risk they run of then being trapped and humiliated and disqualified by an unintentional and harmless mistake.

I voted against Secretary Geithner's nomination because I thought it was a bad example for the man in charge of collecting taxes not to have paid them, and I didn't think his excuse for not paying them was plausible. But that doesn't mean I think that every minor tax discrepancy in our Byzantine Tax Code—that reaches 3.7 million words and is badly in need of reform—should disqualify any citizen for public office. I think very few Americans with complex tax forms can make their way through our maze of investigations and come out without a single change in what they did.

Take the case of the former mayor of Dallas, Ron Kirk. He was President Obama's nominee to be the U.S. Trade Representative. Headlines in the newspaper said Kirk paid back taxes. Why? Primarily because he had failed to list his income and then take a charitable deduction on speaking fees he gave away to charity. Let me say that again. He failed to list his income and then take a charitable deduction on speaking fees he gave away to charity.

Common sense suggests Mr. Kirk and his tax adviser did what was appropriate. After all, he didn't keep the money. The IRS apparently has a more convoluted rule for dealing with such things. In any event, the matter is so trivial as to be irrelevant to his suitability to be the Trade Representative.

Tax audits are only the beginning. There is an FBI full field investigation. Should we be having FBI field investigations for part-time advisory board members on the Museum Library Corporation? Instead of investigating terrorists or catching bank robbers, should we be paying FBI agents to go out and ask your neighbors: Does he or she live beyond their means—all this in order to serve on a part-time advisory board for the Federal Government?

Then there is the Federal financial disclosures, the White House questionnaire, and of course the questions from the confirming Senate committee. All these are different, and the definitions they ask for are different. An unsuspecting nominee, as I mentioned earlier, might actually fill out a form that says what is your income in the same way each time, but the question might have been different each time. It is easy to make a mistake. Then, when you finally appear before the confirming committee, you are innocent until nominated.

Washington, DC, has become the only place where you should hire a lawyer, an accountant and an ethics officer before you find a house and put your child in school. The motto around here has become ''innocent until nominated.'' Every legal counsel in the White House since President Nixon agrees with what I have just said.

In the name of effective government, this process ought to be changed. There are some limits as to what we can do in the Senate. We have to respect separation of powers. In the end, the President has to conduct his own vetting process and, in the end, the Senate must conduct its own investigations. But we might work together to look at possible ways of reducing burdens and delays in the appointment process, and that is what the executive branch working group provided for in our legislation says. It will be chaired by the Director of the Office of Presidential Personnel, and members would include representatives from the Office of Personnel Management, the Office of Government Ethics, the FBI, individuals appointed by the chair who have experience and expertise, individuals from other agencies, and other individuals from previous administrations, and they would report to us in 90 days on a smart form. A smart form would simply be a single form that would make it possible for a nominee to answer duplicative vetting questions one time.

That makes pretty good common sense. Why can't the government do that? It would submit those findings within 90 days to the President for his

consideration and to our relevant Senate committees for our consideration.

In addition, Senator COLLINS has asked the working group within the next 270 days to take a look at the background investigations. A big part of the delay in forming a government is the President's own background investigations.

We wish to know if somebody used to be a member of al-Qaida or has some other serious problem before they come into a government, but there are gradations of that. Whether you are Secretary of the Treasury or a member of the part-time advisory board might have a little different level of vetting, I would think. But in any event, Senator COLLINS wants the working group to report back to the President and to us the feasibility, in appropriate circumstances, of using non-FBI personnel to conduct background investigations for Senate-confirmed positions.

These will simply be reports, an effort between the Senate and the Executive to take a look at streamlining the process so that we can staff the government more quickly, so we can stop wasting so much time here in duplicative ways, so we can stop the expense of that wasted time, and so we can treat with respect the men and women any President invites to become a member of the administration.

Since our bill was first drafted, we have made a number of changes in response to suggestions by our colleagues both on the Democrat and Republican sides of the aisle. I suspect that is one reason why all 100 Senators have agreed to allow this bill to come to the floor and to be debated with any relevant amendment, because we are open to that. We have made some changes.

For example, I mentioned the 248 expedited part-time appointments. The concern was that while there is a Democratic President, there is a requirement in the law that a minority of those appointees be Republican members of the part-time advisory board. Well, what if a Democratic President said, I am going to appoint Republican members who I define as Republicans? We Republicans didn't like that very much. The Democrats wouldn't like it very much if they were on the other side of the fence in another administration. So the solution was this expedited process whereby we can send those 248 nominations through the Senate much more quickly; and if a single Senator thinks the President is playing games with minority nominations, he or she can insist that the nominee go through the whole advice and consent process. In fact, for any reason a single Senator can do that.

Another change we have made is to say all relevant amendments are open for debate and for voting. I am hopeful my colleagues will bring some of those to the floor this afternoon and we will begin to debate them, perhaps to vote on them today; if not vote on them today, start voting on them tomorrow.

We have also agreed that Senator DEMINT, Senator VITTER, and Senator COBURN can each offer a specific amendment. I know Senator SCHUMER has been meeting with Democratic Senators, just as I have been meeting with Republican Senators, to see if there are any other changes. We will have the amendments. I may oppose them all, I may support them all, but at least we will be doing what the Senate ought to do, which is to bring them up. If they are good amendments and the majority of us agree or 60 of us agree, then we will change the bill and eventually vote on them.

Senator COLLINS mentioned earlier the amount of support we have gotten from outside groups who worked on this, and especially from those who once served in the Senate or once served in the White House in positions that had to do with personnel. My work with the White House goes back a long time. I was a young staff aide in the Nixon administration and I was a Cabinet member in the first Bush administration. So I know a lot of the men and women who have been the general counsels to Presidents, who have been the personnel directors who watched the process closely.

I think it was Boyden Gray who was counsel of the first President Bush who gave me the phrase ''innocent until nominated.'' But every single one of those men and women—I don't know of one, without exception, who doesn't think the system is broken, who doesn't think we are trivializing the advice and consent process of the Senate, who doesn't think we are doing a great disservice to our country and to individuals when we allow this ''innocent until nominated'' syndrome to persevere, and they have watched over the last 10 years as very good Senators have tried to change this without success.

Senator REID and Senator MCCONNELL, when they were whips, tried to do it, and they didn't succeed. Senator LIEBERMAN and Senator COLLINS tried a few years ago. They didn't succeed. Senator Thompson tried to do it when he was chairman of the Homeland Security Committee, and he got a few changes made but not very many. It is only this year in response to our general discussion about how to make the Senate a more effective place, and because of the strong support of Senator REID and Senator MCCONNELL, and because of the battle scars Senator LIEBERMAN and Senator COLLINS have, having tried before and their willingness to try again, that we have gotten to this place. I think we will get to where we need to go, but I want to make sure that in this debate we don't succumb to the desire to say, oh, well, my committee wants to have this person go through the process of advice and consent for the prestige of it.

I think it is more important for a new Cabinet member to have an appointee who can serve the President and serve the country and do his or her job, and then let the Secretary and the Deputy Secretary and the Under Secretary be the ones who are accountable to the President. At least that is the recommendation of former Senator Fred Thompson who was chairman of the Committee on Governmental Affairs. That is the recommendation of a task force formed by the Aspen Institute, which included Senator Bill Frist, our former majority leader, Chuck Robb, a Democratic Senator, Clay Johnson, who was George W. Bush's Director of Presidential Personnel, Mack McLarty, who was the White House Chief of Staff for Bill Clinton. They all said this urgently needs to be done.

Frank Carlucci, the former Secretary of Defense, weighed in with his support. The Bipartisan Policy Center, including former Secretary of Agriculture Dan Glickman, a Democrat, Trent Lott, our former whip and majority leader, Pete Domenici, our former Senator, and Dirk Kempthorne, former Governor, Cabinet member, and Senator, all urged us to do this.

Senator COLLINS asked that all these letters of support be placed in the RECORD, and so I will not.

I would simply conclude by saying there has been a little information around that somehow this is legislation to reduce oversight. This is legislation to make oversight more effective. If we were to propose using advice and consent for every Senate staff member, for every agricultural extension servicemember, and every forest ranger, that would be less oversight because we wouldn't have time to do anything. That, in effect, is what we are doing now with advice and consent by the bucketload of officer corps members and of part-time advisory commission members whom the President can vet and appoint, and all of whom report to somebody over whom we do have advice and consent control.

I look forward to this discussion and this debate. I am very grateful to my Republican colleagues, some of whom have questions about the bill, who have allowed the bill to come forward in the way the Senate should operate. Senators can bring their relevant amendments to the floor as long as they and the Parliamentarian agree they are relevant. They can call it up, we will debate it, and we will either vote on it then or set a time for a vote in the near future.

I expect there to be several amendments. I would urge Senators to come to the floor, and hope at the end of the day that we complete these modest but important steps toward making the Senate more effective by reducing the trivializing of advice and consent, our constitutional duty, and by reducing the syndrome that Presidential nominees are innocent until nominated.

Mr. President, I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

AMENDMENT NO. 501

Mr. DEMINT. Mr. President, I would like to call up three amendments and speak on them at another time. First, I would like to call up amendment No. 501.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 501.

Mr. DEMINT. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and to rescind related appropriated amounts)

On page 63, strike lines 3 through 18, and insert the following:

(dd) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND, THE INCREASE IN THE UNITED STATES QUOTA, AND CERTAIN OTHER AUTHORITIES, AND RESCISSION OF RELATED APPROPRIATED AMOUNTS.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(A) in section 17—

(i) in subsection (a)—

(I) by striking ''(1) In order'' and inserting ''In order''; and

(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—

(I) by striking ''(1) For the purpose'' and inserting ''For the purpose'';

(II) by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(III) by striking paragraph (2);

(B) by striking sections 64, 65, 66, and 67; and

(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;

(ii) shall be deposited in the General Fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and

(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the amounts appropriated under the heading ''UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND'', and under the heading ''LOANS TO INTERNATIONAL MONETARY FUND'', under the heading ''INTERNATIONAL MONETARY PROGRAMS'' under the heading ''INTERNATIONAL ASSISTANCE PROGRAMS'' in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1916).

AMENDMENT NO. 510

Mr. DEMINT. Mr. President, I call up amendment No. 510.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 510.

Mr. DEMINT. I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provision relating to the Director, Bureau of Justice Statistics)

On page 50, strike lines 19 through 23.

AMENDMENT NO. 511

Mr. DEMINT. Mr. President, I call up amendment No. 511.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 511.

Mr. DEMINT. I ask further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To enhance accountability and transparency among various Executive agencies)

On page 36, lines 7 and 8, strike ''ASSISTANT SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND''.

On page 36, line 14, insert ''(a)(1) or'' after ''subsection''.

On page 37, beginning on line 7, strike all through line 20.

On page 38, lines 2 and 3, strike ''ASSISTANT SECRETARIES OF DEFENSE FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY OF DEFENSE FOR''.

On page 38, line 14 through line 16, strike ''Assistant Secretary of Defense referred to in subsection (b)(5), the Assistant Secretary of Defense for Public Affairs, and the''.

On page 38, line 17, strike ''each''.

On page 46, lines 7 and 8, strike ''ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND''.

On page 46, lines 14 and 15, strike ''Assistant Secretary for Legislation and Congressional Affairs and the''.

On page 47, strike lines 3 through 9.

On page 47, strike lines 12 through 23.

On page 49, strike lines 7 through 21.

On page 49, beginning on line 23, strike all through page 50, line 18.

On page 50, strike the item between lines 18 and 19.

On page 51, line 20 through line 22, strike ''ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT, CONGRESSIONAL AFFAIRS, AND PUBLIC AFFAIRS'' and insert ''ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT''.

On page 51, beginning on line 25 through page 52, line 2, strike '', the Assistant Secretary for Congressional Affairs, and the Assistant Secretary for Public Affairs''.

On page 52, line 9 through line 11, strike ''ASSISTANT SECRETARY FOR LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, AND''.

On page 52, line 21 through line 24, strike ''Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs, and the''.

On page 53, lines 17 and 18, strike ''and an Assistant Secretary for Governmental Affairs''.

On page 54, lines 24 and 25, strike ''ASSISTANT SECRETARIES FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY FOR''.

On page 55, line 4, strike ''7'' and insert ''9''.

On page 55, line 6, strike ''3 Assistant Secretaries'' and insert ''1 Assistant Secretary''.

On page 55, strike lines 8 through 9.

On page 57, strike lines 1 through 4.

On page 60, beginning on line 22, strike all through page 61, line 4.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

AMENDMENT NO. 499

Mr. VITTER. Mr. President, I call up and would make pending amendment No. 499, which is part of the agreement in terms of the debate on this bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. PAUL, Mr. HELLER and Mr. GRASSLEY, proposes an amendment numbered 499.

Mr. VITTER. I ask unanimous consent further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To end the appointments of presidential Czars who have not been subject to the advice and consent of the Senate and to prohibit funds for any salaries and expenses for appointed Czars)

On page 75, between lines 20 and 21, insert the following:

SEC. 5. PROHIBITION OF FUNDS FOR OFFICES HEADED BY CZARS.

(a) DEFINITION.—In this section, the term ''Czar''—

(1) means the head of any task force, council, policy office, or similar office established by or at the direction of the President who—

(A) is appointed to such position (other than on an interim basis) without the advice and consent of the Senate;

(B) is excepted from the competitive service by reason of such position's confidential, policy-determining, policy-making, or policy-advocating character; and

(C) performs or delegates functions which (but for the establishment of such task force, council, policy office, or similar office) would be performed or delegated by an individual in a position that the President appoints by and with the advice and consent of the Senate; and

(2) does not include—

(A) any individual who, before the date of the enactment of this Act, was serving in the position of Assistant Secretary, or an equivalent position, that requires confirmation by and with the advice and consent of the Senate, or a designee; or

(B) the Assistant to the President for National Security Affairs.

(b) PROHIBITION OF FUNDS.—Appropriated funds may not be used to pay for any salaries or expenses of any task force, council, policy office within the Executive Office of the President, or similar office—

(1) that is established by or at the direction of the President; and

(2) the head of which is a Czar.

Mr. VITTER. Mr. President, I thank Senators PAUL and HELLER and GRASSLEY for cosponsoring this amendment, which is about czars—this administration, any administration, usurping the appropriate role and authority of the Senate in the advice and consent process. This is, obviously, directly relevant to this legislation.

As we debate this legislation designed to reduce the number of positions in the government that require Senate confirmation, we should also ensure that the Senate's role is not eroded by unconfirmed Federal czars in very significant positions which should be subject to advice and consent. That is what my amendment is about. That is what my amendment would correct.

This amendment would ensure that any administration—not just this one, any administration, Republican, Democrat, other—is prevented from using so-called czars for similar positions to perform duties that are the responsibility of those positions subject to confirmation by prohibiting funding of those so-called czar positions. Specifically, the amendment would prohibit funding for these czar positions.

The amendment does not unduly restrict Presidential advisory staff. We all agree the President is entitled to direct advisers. Instead, it focuses on ''the head of any task force, council, policy office or similar office established by or at the direction of the President.'' It is aimed squarely at positions created in order to circumvent the advice and consent role of the Senate. Unfortunately, that is exactly what has happened at greatly increasing frequency over the last several years.

It also carves out of the prohibition and allows two things: No. 1, any individuals who are serving in the position of Assistant Secretary or the equivalent position that requires Senate confirmation, that situation is living by the normal, appropriate advice and consent requirement. It also carves out the assistant to the President for National Security Affairs, and we include this carve-out simply to ensure that national security concerns are not impacted.

As a result of these carefully crafted exemptions, my amendment would not remove the President's ability to have advisory staff and keeps the focus on the intended targets and the real abuses—czars created to circumvent the scrutiny of the Senate and the advice and consent and the confirmation process.

Under the current administration, we have seen dramatic increases in this practice—in the amount of power given to these so-called czars appointed directly by the President and not subject to advice and consent and confirmation by the Senate.

Politico has written that President Obama ''is taking the notion of a powerful White House staff to new heights'' and he is creating ''perhaps the most powerful staff in modern history.''

President Obama has created many of these new czar positions. Some include a climate czar, a health care czar, a pay czar, and more.

The power of implementing policy and directing Federal agencies was never meant to be put in these czar positions, subject only to the control of the President. That was always meant to be put in high-level administration positions, subject to the advice and consent role of the Senate and subject to Senate confirmation.

So in this bill, which is all about advice and consent and which is all about the confirmation process, we should certainly address the single biggest problem with that process in the eyes of the American people, which is recent administrations—particularly the current administration—just doing a straight end run around the Constitution, trying to ignore the genius of the Constitution, trying to ignore one of the fundamental balances created by the Constitution through Senate confirmation.

With that in mind, I urge all my colleagues, Democratic and Republican, to support this Vitter amendment. This isn't an amendment against the Obama administration; this is an amendment for the advice and consent role of the Senate. This is an amendment in support of balance of powers. This is an amendment to preserve the significance of the confirmation process. Every Member of this Senate should be for that, no matter whose administration it is. Unfortunately, this czar practice has reached new heights recently, which is all the more reason we need to act. But we need to act to preserve and defend the Constitution, to preserve and defend the appropriate role of the Senate under the Constitution, advice and consent and confirmation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENUMERATED POWERS ACT OF 2011

Mr. COBURN. Madam President, in a few minutes, I will offer an amendment, but first I wish to speak about a bill that myself and 26 other Senators have introduced today, and it is called The Enumerated Powers Act. Our Founding Fathers understood the only way to preserve our freedom for future generations was to limit Federal authority. They understood the tendency of government to seize increasing power, and thus they created protections in our Constitution for posterity.

Earlier this year, newly elected and returning Members of the Senate took an oath to support and defend the Constitution of the United States. In my case, that oath never mentioned the State of Oklahoma or any other State an individual Senator might represent. Rather, the oath each of us took was to uphold the Constitution for the betterment of the country as a whole.

Yet every day, Members of Congress ignore their oath and the protective principles embodied in the Constitution, trampling both the freedom and the prosperity of the American people. This has never been as evident as in the congressional spending spree we have seen over the last 3½ to 4 years.

At the beginning of the 111th Congress, our national debt stood at $10.6 trillion. Today it is over $14.4 trillion, an increase of nearly $4 trillion in the last 3-plus years. How did we get there? How did we get into such deep debt? How did we shackle our children and grandchildren to an increasing deficit and an inevitable decreased standard of living? It doesn't lie with any President having done that. Where it lies is with the Congress of the United States.

Today, along with the Senator from Kentucky, Dr. RAND PAUL, and 23 other cosponsors, I am introducing the Enumerated Powers Act. This legislation ensures Members of Congress truly follow article I, section 8 of the Constitution. That section plainly lists the enumerated powers given to Congress, of which there are 18, and they are very well defined.

One of the major reasons why we are facing such tough economic times and such tough fiscal challenges is because Congress routinely in the recent past has ignored this aspect of the Constitution. Until we reconnect Congress with its limited and enumerated powers, we will never put our Nation back on a sustainable basis.

James Madison stated in Federalist 51:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place, oblige it to control itself.

Clearly, we have a government administered by men over men, and the government has failed to control itself. The best way for the Federal Government to appropriately restrain itself is for Congress to abide by the enumerated powers of the Constitution.

The Supreme Court noted at the beginning of the 21st century:

> Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution. ''The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution is written.''

In an 1831 letter, James Madison also stated:

> With respect to the words ''general welfare''—

Which is what is so often used to justify new government programs—

I have always regarded them as qualified by the detail of [enumerated] powers connected with them. To take them in a literal and unlimited sense would be a metamorphosis of the Constitution into a character which there is a host of proofs was not contemplated by its creators.

Moreover, the 10th amendment states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In other words, everything outside of those 18 enumerated powers are reserved for the States and the people. They are not ours to deal with.

Our Founding Fathers intended for the Federal Government to be one of limited powers that cannot encroach on the powers reserved to the States or to the people. What this bill does is highlight the importance of those principles embodied in our Constitution and gives Members of Congress a new procedural tool to stop unconstitutional legislation.

A former Representative from Arizona, Congressman John Shadegg, took the lead on this issue starting in 1994, and introduced it every year up until he left Congress this last year. I joined Representative Shadegg in offering this bill, starting in the 110th Congress, and again in the 111th. Today I am delighted, along with these 24 cosponsors—and many other Republicans joining me—to reintroduce an updated version of this important legislation.

The Enumerated Powers Act requires each act of Congress, bill, and resolution to contain a concise explanation of the specific authority in the Constitution under which the measure would be enacted. It also states Members cannot merely mindlessly invoke subsections of article I, section 8, such as the Commerce, General Welfare, or Necessary and Proper Clauses to meet that test.

The goal of this legislation is to ensure Congress is accountable to the American people for its actions. The very least we can do—if we are going to violate article I, section 8—is explain our constitutional basis to the American people for that.

With a sufficient two-thirds vote of the Senate, a point of order raised against a bill for failure to cite specific constitutional authority for the legislation can still be overcome. However, the Enumerated Powers Act requires both Houses of Congress to debate that point of order. The American people need to see the transparency when we violate the Constitution and what our basis is for doing that.

As I mentioned earlier, as Members of the Senate, we have each taken an oath to uphold the Constitution, not to put our individual States first. If each of us abides by that oath, we will improve our country as a whole. For Oklahoma, Kentucky, Maine, or any other State to fare well in our country, they cannot do so if the country as a whole is not faring well.

AMENDMENT NO. 500

Madam President, let me take a moment and use as an example one of the reasons I would like the Enumerated Powers Act passed, but also why I am going to discuss the amendment I have at the desk.

Here is what we know right now from the first third of the Federal Government that was studied by the Government Accountability Office. They just looked at the first third of the Federal Government. We asked them in the last debt limit increase to give us the list of duplications of programs that do essentially the same thing across that first third. We will get the next third about 6 months from now, and the final third a year from then.

But what you see and what they came up with is we have more than 100 different Federal programs for surface transportation. That is 100 sets of agencies. That is 100 sets of bureaucracies. That is mindless and thousands upon hundreds of thousands of rules and regulations just on surface transportation. Nobody in Congress knew we had 100 agencies.

Teacher quality. We have 82 separate teacher quality programs across 6 different government agencies. One question is whether that is a responsibility of the Federal Government under the Enumerated Powers Act. But to have 82?

Or how about economic development. Eighty-eight programs, eighty of which are under four different agencies. We just had a bill on the floor, the Economic Development Act, and it is one of 80 programs run by those four agencies. None of them have metrics to see if they are effective. They have anecdotal evidence, but there are no metrics to see if they are. Again, 88 sets of bureaucracies within all these agencies—duplication after duplication after duplication.

Transportation assistance. Eighty different programs.

Financial literacy. A government that is $14 trillion in debt, running a $1.6 trillion deficit, has no business telling anybody about financial literacy. Yet we have 56 programs across multiple agencies teaching the American people about financial literacy. I think the source of that wisdom is somewhat questionable.

We have 47 different job training programs that cost $18 billion a year, run across 9 different agencies. Not one of them has a metric, and all but 3 duplicate what the other 44 are doing. Why would we do that? Why would we have all that?

Homeless prevention and assistance. We have 20 programs out of the Federal Government for homeless prevention and assistance.

Food for the hungry. We have 18 separate programs.

Disaster response and preparedness through FEMA. We have 17 different programs.

So the point is, we got there for two reasons. No. 1, we did not look at the enumerated powers; and, No. 2, too often we are trying to fix a problem with great intent, with the right heart, even when it is constitutional and would meet the demands of article I, section 8, and we have no idea what else is out there, so when we see a problem, rather than go see what we are doing now, we create a new program.

I would ask consideration of my amendment, which is amendment No. 500, which is an amendment to change the Standing Rules of the Senate. What it does is it mandates a rule in the Senate that every report that comes to the Senate on every bill or joint resolution shall contain ''an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or [duplication]. . . . '' and ''an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.''

So it is a rule change. The reason I bring it to this bill is because this is a bill for rule changes. It requires 67 votes for this to pass. I understand we have heard some concerns from the Congressional Research Service. But with the work the Government Accountability Office has done, and will do, it will be very easy for them to look at the results of the Government Accountability Office and their list of duplications. It is very straightforward. It is less than 100 pages. They can see, and then they can advise the Congress on what we have.

If we cannot depend on the Congressional Research Service to tell us where we have multiple programs when that is available from the Government Accountability Office, and list what their intentions and what their budgets are, then we need to relook at the congressional office and what it does.

They do great work for me. We ask them for things all the time, and they do great. This is something they can accomplish. It is going to get easier as we go forward. But without this knowledge of what we are already doing, we will never solve our problems.

I know my chairman has some concerns with this initiative in terms of how it might affect this bill, but I plan on going right back to the Congressional Research Service to have a discussion with them after I have been on the floor. But if we cannot do this, we cannot do anything. If we cannot change the rules so we actually know what we are doing, so we can actually know if a new bill duplicates something that is already operating, when we have this tremendous list—and this shown on the chart is just a small set of the list. I picked some of the obvious

ones. There are hundreds of thousands of duplicate programs in the Federal Government, wasting billions if not trillions of dollars every year. So if we cannot do something like this, then what can we do to solve our problems?

Knowledge is power. Not knowing what programs are intended to do now before we create another new program to me is the height of insanity. We should be aggressively asking for as much information as we can get, so we know what we are doing when we pass new pieces of legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am not going to take long at this point. I absolutely support the policy behind the amendment offered by my friend and colleague Senator COBURN. In fact, I am a cosponsor of a standalone bill he has on this issue. My concern is that it is a rules change, and the bill before us is not a rules change. It is not a resolution. It is not a rules change. It is legislation.

Coming up after this bill is the second half of the nominations reform package, and that is a rules change that is coming from the Rules Committee.

My suggestion to my colleague and friend from Oklahoma is that his amendment would be better directed to the second half than to this bill. But, again, I am a cosponsor of his standalone bill, so it is not that I object to the policy.

I would note for the information of my colleagues, the Congressional Research Service does have concerns about whether it has the resources and the ability to carry out the task the Senator would assign it.

From my many years of working both with GAO and CRS, this sounds to me like a job for GAO, which has the auditors and the experience to do this kind of review and, indeed, has already started due to the good Senator's farsighted amendment which became law to identify duplication.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will call up my amendment No. 500. I also tell the Senator from Maine, I will very much consider her recommendation in terms of trying to put it on the second half of this. But I wish to call it up now, and then maybe ask that we withdraw it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself, Mr. MCCAIN, Mr. BURR, and Mr. PAUL, proposes an amendment numbered 500.

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

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

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

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

''(c) Each such report shall also contain—

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

LIBYA

Mr. KERRY. Mr. President, yesterday Senator MCCAIN and I introduced a resolution with respect to our engagement in a support role in Libya. I think the majority leader is making a determination about exactly when the Senate might consider this. But a number of colleagues on our side have sort of expressed some questions about it, and because of those questions, I thought it was important that we clarify for the record, as Senators consider this over the course of the next days, the answers to their questions.

With that in mind, I am happy to engage in a colloquy now with both the Senator from California, Mrs. BOXER, and the Senator from Illinois, Mr. DURBIN. I think Senator BOXER wishes to lead off.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, is it in order for me to ask some questions of the distinguished chairman of the Foreign Relations Committee at this time?

The PRESIDING OFFICER. Without objection, the Senators may engage in a colloquy.

Mrs. BOXER. I want to say to my chairman, whom I sit next to on the Foreign Relations Committee, how much I admire his work in the arena of foreign policy, and everything he has given to become one of the most informed human beings on the planet in terms of the challenges this country faces.

I want to thank him so much for his hard work on a resolution regarding Libya. I also want to make sure today, by asking him a couple of questions, that the clear intent of this resolution, S. J. Res. 20 regarding our engagement in Libya, is that it does not authorize whatsoever, any troops on the ground, any boots on the ground, any ground forces of America in Libya. So I am going to ask him a couple of questions, and assuming those questions are answered the way I hope they will be, I will be much at peace with this resolution.

My understanding from reading this resolution is that while it does not explicitly prohibit the use of U.S. ground forces in Libya, it also does nothing to authorize the use of U.S. ground forces in Libya. Is that correct?

Mr. KERRY. Mr. President, I would say to the Senator from California, first of all, I am very appreciative for her generous comments at the beginning of this colloquy. I thank her. I thank her for her support and involvement on the committee, which is critical.

Secondly, I fully understand and am very sympathetic with the concerns of a lot of Senators, given our engagement in Afghanistan, Pakistan, the Middle East, Yemen, Africa, and elsewhere. People are deeply concerned about the question of where we are heading. So I would answer her question very directly with respect to the authorization. Unequivocally, this resolution does not authorize ground troops with respect to Libya operations. There is no affirmative language in this resolution authorizing the use of U.S. ground forces.

Mrs. BOXER. I thank the Senator. I also wish to ask this: Although there is no authorization in this resolution for the use of ground forces in Libya, for which I am pleased, are there any circumstances where ground forces could be deployed?

Mr. KERRY. Mr. President, the resolution states that Congress opposes the use of forces on the ground in Libya, except in the exceptional case where they might be needed for the immediate personal defense of U.S. government officials or for rescuing a member of the NATO forces from imminent danger. Those are the only circumstances in which it might be contemplated.

The intent of this resolution is to authorize only the very limited mission—the continuation of the very limited mission—in Libya that is a support role, and that does not include the use of U.S. ground forces.

Mrs. BOXER. I have two more questions. If the President decides to change the mission and order the use of U.S. ground forces for reasons other

than the circumstances previously mentioned, does the chairman agree that nothing in this resolution would authorize him to take that step?

Mr. KERRY. I agree.

Mrs. BOXER. It is my understanding that the authorization provided for under this resolution would expire 1 year after its enactment; is that correct?

Mr. KERRY. Mr. President, the Senator from California is correct.

Mrs. BOXER. I want to say thank you very much to Chairman JOHN KERRY for his work on this. I also want to thank the others who helped work on it. I know other Senators did, in addition to Senator MCCAIN. On our side, I know Senator DURBIN, Senator CARDIN, and others had a lot to say. This is important. I so appreciate the Senator's willingness and his staff's willingness to work with us, because words matter, intent matters, and I think we have cleared it up. I am feeling a lot better about this resolution.

I yield back my time to Senator KERRY.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, first let me thank my colleague from California, Senator BOXER. I want to associate myself with her remarks and her colloquy with Senator KERRY, because I believe we are making a clear record in the debate of this important resolution relative to America's role in Libya. The pointed questions asked by Senator BOXER and the responses given by Senator KERRY are consistent with what he has described to me as the legislative intent of this resolution.

I am a newcomer to the Senate Foreign Relations Committee. This is my first year serving. I sit way at the end of the table, even though I have been around Congress for a number of years. I want to salute the chairman of that committee. I do not think the American people can appreciate the hard work Senator KERRY puts into that committee and to his responsibilities with this administration. It is an indication of the trust which he has earned with the President and the Secretary of State that he has been called on often to visit important places around the world at very critical moments to represent the United States and the Congress.

The trip he made to Pakistan a few weeks ago could not have come at a more important moment. He returned to not only brief the administration but also his colleagues in Congress. I know he will be taking other journeys in his capacity with the Senate Foreign Relations Committee. I want to tell him how much I appreciate it, as all Americans should. I also want to tell him how much I appreciate the effort he put into this resolution relative to our assistance to NATO in Libya.

If you look back in terms of this debate on the floor of the Senate, you realize it goes back to the origins of America, when the Founding Fathers sat down and defined what this Congress had the power to do. I do not think they wasted words. Those who will look at article I, section 8, clause 11, will see that Congress is given the authority to declare war. It is one of the most awesome responsibilities given to Congress. But it was clearly given to Congress so, the Founding Fathers said, we would represent the feelings of the people of America, the people whose children, sons and daughters, and husband and wives would be called into combat, and we would make the decision: Will this America go to war?

The President as Commander in Chief certainly has authority to defend America and Americans, but when it came to involvement in war, Congress was given the constitutional responsibility.

Throughout history, many Presidents have honored that clause and have come to Congress asking for the authority to proceed to war. Probably one of the most notable and historic was Franklin Roosevelt who came the day after Pearl Harbor, in December of 1941, hobbled up to the rostrum in the House of Representatives, and declared ''a day that would live in infamy'' and asked for a declaration of war against those who had attacked the United States. It was a clear exercise of constitutional responsibility given to Congress and exercised accordingly.

After that, though, there was a long period of uncertainty. The so-called Korean conflict, where two of my brothers served in the U.S. Navy, was characterized as a ''police action,'' some action that was inspired and authorized by the United Nations. Many men and women died in that conflict, but it was not an official declaration of war that led to it.

Then came the war in Vietnam, where Senator KERRY served with such distinction in the U.S. Navy, literally risking his life in a conflict where there was no official declaration of war. The controversy that came out of that Vietnam conflict led to proposed legislation called the War Powers Act. The War Powers Act set out to describe in statute what we believe the Constitution said in its clear language. That is, at some point, a President must step forward and say to Congress: We need your authority to go forward with this conflict involving hostilities.

There have been debates back and forth about whether it was to be applied. Some Presidents came here asking for authority. President George Herbert Walker Bush did before our invasion of Kuwait. George W. Bush did before the invasions of Iraq and Afghanistan. But there were exceptions also—in Panama, Grenada, Bosnia, and other places.

This has been an ongoing battle between the White House—or executive branch—and the Congress about when the President, as Commander in Chief, has to come to Congress and ask for a declaration of war. It has become even more complicated because war has changed. There was a time in history when the onset of war was very visible: the marching of troops, the weighing of anchors, planes lifting off in flight. You knew a war was underway. Now we live in a different age—an age of no-fly zones, embargoes, predatory drones, and cyber security. The definition of war is one we need to look at in this new context.

I have felt from the beginning that President Obama handled this right in Libya. Senator KERRY and others, like me, were privy to early conversations before the decision was made, when the President briefed us on what we were setting out to do—stop Qadhafi from massacring his own individual citizens in that country, particularly as he said he will march into Benghazi and kill the people of Libya like rats in the street. President Obama said to us: We cannot let this massacre of innocent people continue.

But the President went on to say that the United States will play a specific and limited role in this conflict. First, we come to it at the invitation of the Arab League. This is significant because before the United States gets involved in anything of a military nature in a Muslim nation, we are looking for at least an invitation or cooperation from Arab nations. In this case, the President had it. Then, he went on to say we will use the NATO alliance in Europe to initiate this action, and we will support this. We may play a larger role in the beginning of the conflict but a more diminished role as it continues.

The President went on to say there will be no ground troops from the United States committed to Libya. That was the early briefing. Of course, it has gone on for several months and the question is where it goes from here.

I salute Senator KERRY. He has used the War Powers Act to authorize what the President is doing in Libya. That way there is no question about the authority of the President to go forward, and he has done more. Chairman KERRY has reached out, in a bipartisan fashion, to bring in Senators MCCAIN, KYL, GRAHAM, and others from the Republican side of the aisle, in a bipartisan approval of what we are doing in Libya.

I think this is consistent with the Constitution, with the War Powers Act, and with the finest traditions of the Senate, where we can fight like cats and dogs night and day on many things, but when it comes to the use of our military and our commitment to the men and women in uniform, we do our very best to come together in a bipartisan fashion.

What Senator KERRY offers is consistent with that. The answers he gave earlier to the questions by Senator BOXER satisfy my concerns that there is no authorization in this resolution for the use of ground troops, other than in the specific example given by Senator KERRY when it comes to rescuing government officials and military personnel of the NATO alliance. He goes

on to say, in answers to Senator BOXER, that if this President wanted to use ground troops, it would take an additional passage of legislation authorizing the President to do so.

For the record, President Obama has been clear in his statements. On March 18, he said:

I also want to be clear about what we will not be doing. The United States is not going to deploy ground troops into Libya.

On March 28, he reiterated that point in an address to America when he said:

I said that America's role would be limited; that we would not put ground troops into Libya; that we would focus our unique capabilities on the front end of the operation and that we would transfer responsibility to our allies and partners. Tonight, we are fulfilling that pledge.

Finally, the administration's communication with Congress last week summarizes the President's clear public statements against the deployment of U.S. ground troops. That report, entitled ''United States Activities in Libya,'' reads, in part:

As President Obama has clearly stated, our contributions do not include deploying U.S. military ground forces into Libya, with the exception of personnel recovery operations as may be necessary.

I will close by thanking Senator KERRY for those direct answers to Senator BOXER, and I will make one last point before I yield the floor. First, I thank my colleague from Maryland, Senator CARDIN, who has led the way. I was happy to partner with him in this effort to use the War Powers Act for approval of this action.

There are rumors afloat on Capitol Hill that some on the other side of the Rotunda are going to try to stop funding for our military operations that are supportive of the NATO alliance in Libya. I sincerely hope that does not occur. If that occurs, it will, unfortunately, give hope to this dictator, Qadhafi, that he can somehow survive. It will, unfortunately, undermine the efforts of innocent people in Libya from risking their lives to end his administration and bring a new day to that poor, beleaguered country.

Finally, it would strike a blow at the NATO alliance, which is critically important for the security of America, Europe, and the world. So I hope the House will follow suit, in a bipartisan fashion, and follow this resolution Senator KERRY has authored and brought others together on a bipartisan basis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to begin by thanking the Senator from Illinois, and I thank him for his generous comments. Much more important to this effort, I thank him for the serious and entirely appropriate consideration he has given this very important issue. He has been a leader in our caucus on making certain the Constitution, which he read from and cited, has been properly adhered to and lived up to by this body, which is our solemn responsibility. After all, we all take an oath when we are sworn in to promise to uphold it. That is first and foremost.

This tension that has existed, as he rightly points out, going back to the Vietnam war, is real. President after President has declared that they simply believe the law is unconstitutional, and they don't follow it. President Obama, to his credit, has not asserted that. He has, in fact, written a letter to the Congress in which he said he would not assert that but, rather, he asked us for the appropriate authorization. He did that, I might add, before the 60 days that expired. So it is up to us to be responsible and to do our duty.

I thank Senator DURBIN for the careful way in which he has taken the past slippages or problems, whether inadvertent or advertent, that have followed the War Powers Act through its history, and we have either seen the law not applied or simply ignored. He has been diligent in insisting we have a responsibility we need to live up to. Together with Senator CARDIN, they have been important voices in helping to structure this resolution and together with Senator MCCAIN, Senator GRAHAM, Senator KYL, and others on the other side of the aisle who have been equally committed to making certain we live up to our responsibilities. This has been a bipartisan effort. That is when the Senate works best. That is when our foreign policy, I might add, is strongest.

I hope the Senate will have some impact, perhaps, on the thinking in the House. But no matter what, I hope the Senate will have its opportunity to be able to be heard with respect to this issue.

In response to the remarks of the Senator from Illinois, I wish to make it clear that I agree with the statements he has made. It is the clear understanding of the Senate, based on the President's repeated statements, as reflected in the resolution, that U.S. operatives, with respect to Libya operations, will not involve the introduction of ground troops, with the very narrow exception that I cited earlier to the Senator from California with respect to rescue or grievous, immediate danger to American Government officials—not military but government officials. That language is very carefully structured in the resolution, where in section 2(a) it says:

The President is authorized to continue [by virtue of raising the word ''continue,'' we are embracing the current status] the limited use of the United States Armed Forces in Libya, in support of U.S. national security policy interests, as part of the NATO mission to enforce United Nations Security Council resolution 1973, as requested by the Transitional National Council, the Gulf Cooperation Council, and the Arab League.

This resolution simply authorizes the President to continue the limited support operations in which we are currently engaged in Libya. I think the resolution is explicit about what it entails, just as I think it is explicit about what it does not entail.

The second to last whereas clause quotes the President in his letter to the Senate leadership on May 20 as describing exactly what we are doing in Libya: ''Since April 4, U.S. participation has consisted of: (1) Non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance; (2) aircraft that have assisted in the suppression and destruction of air defenses in support of the no-fly zone; and (3) since April 23, precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition's efforts;''

Listen to those words: Non-kinetic support of the NATO operation and support of the no-fly zone. Folks, we are not in the lead here—we are playing a supporting role to the NATO mission that is being led by the British and French.

And there is obviously no mention of ground troops in that description of the U.S. role, because the President has been crystal clear that there are not—and will not—be U.S. ground troops deployed in Libya.

But just so there is not the shadow of doubt on this point, the resolution quotes the President from his March 18 address as saying that: The United States ''is not going to deploy ground troops into Libya.''

And the Senator from Illinois rightly points out, the President made the same point in an address to the Nation on March 28, saying that ''we would not put ground troops into Libya.''

Finally, the materials provided by the administration last week unequivocally reiterated this position, saying ''As President Obama has clearly stated, our contributions do not include deploying U.S. military ground forces into Libya, with the exception of personnel recovery operations as may be necessary.''

So I think it should be absolutely clear to Senators that is the limited use of U.S. Armed Forces—with no involvement of ground troops, except in clearly defined circumstances—that the President authorized to continue under this resolution. And moreover, it should be absolutely clear that the President has no intention whatsoever of putting ground troops into Libya.

But in fact, the resolution actually goes further in reinforcing this point in section 3, which is entitled: Opposition, to the Use of United States Ground Troops. It reads:

(a) Consistent with the policy and statements of the President of the United States, the Senate does not support deploying, establishing or maintaining the presence of units and members of the United States Armed Forces on the ground in Libya unless the purpose of the presence is limited to the immediate personal defense of United States Government officials (including diplomatic representatives) or to rescuing members of NATO forces from imminent danger.

So I appreciate the opportunity to make sure Senators are clear on my understanding of what is being authorized here.

Unless the Senator has additional questions, I think we are crystal clear about what the resolution says.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I wish to join in the comments of Senator DURBIN and Senator KERRY. First—and I think Senator KERRY will agree—Senator DURBIN may be a new member of the Foreign Relations Committee, but he is one of the most thoughtful Members of the Senate on foreign policy issues and many other issues. He has been extremely helpful in working our way through what is the proper responsibility of the Senate and the Congress relating to the deployment of our troops.

I concur completely in Senator DURBIN's comments about Senator KERRY. We are proud of the work Senator KERRY does. He has traveled around the world representing our Nation and advancing the cause and issues of freedom and democracy, giving hope to so many people. We have seen the universality of democratic aspirations springing up around the world. They look to the United States as a facilitator to make those aspirations real. He has been an incredible voice in their hopes. We thank him for the personal commitment he has made.

I thank Senator KERRY and Senator DURBIN for their colloquy on this issue. I join in their view that we have a responsibility to act whenever our military is placed in harm's way, when the President commits our troops. I think we have a responsibility to act under the War Powers Act. I understand there may be different views about this. But I think most of us agree there is a responsibility for us to pass the resolution.

I think the resolution brought forward by Senator KERRY clearly complies with that responsibility, first and foremost, making it clear we are acting under the authority given to us by the War Powers Act.

Second, I appreciate the clarification the Senator made on the record about how this resolution limits the authority of the President, consistent with the current mission, which I think is very important. I agree with Senator DURBIN that President Obama did the right thing in calling on our military to join the international community. This was a matter in which there was a clear will internationally to stop the atrocities being committed by Qadhafi on his own innocent people. The U.N. Security Council acted by resolution. Many other countries stepped forward, and NATO was prepared to take the lead. The United States was not going to have to take the lead. It is required of us to give some air support, which we are, in fact, doing.

I think the President did the right thing. We want to make sure our resolution not only complies with the War Powers Act but makes it clear—and it is consistent on the authority given under the U.N. Resolution—that we are limiting our involvement. Senator KERRY has made that point very clear. It is limited in time, limited to the fact that U.S. ground troops cannot be deployed, except for the limited causes Senator KERRY pointed out. It is clear our authorization is consistent with the NATO mission to enforce Security Council Resolution 1973, as requested by the Transitional National Council. We have made it clear it is continuing the current mission, it is limited in time, it is limited in scope, and it is the right and responsible thing for us to do as Members of the Senate.

I thank Senator KERRY and Senator DURBIN for taking the time to explain the intent of the legislation. I think we could not be more clear. The President has been very clear, as it relates to the use of ground troops, and the Senate is very clear that ground troops cannot be interjected into this conflict under the authorization we are given.

With that, Mr. President, I yield to Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair and, for the purpose of my colleagues, I will say we will wrap up very quickly.

Again, I think I said it earlier, but I want to thank the Senator from Maryland, whose thoughtful involvement in this and his leadership in the caucus has been critical to helping us build a consensus. He heads up our Helsinki Commission, travels himself significantly in the cause of human rights and carrying America's flag with respect to that, and I think he does a superb job. So I am grateful to him for his cosponsorship together with Senator DURBIN in this initiative, and my hope is the Senate will be able to proceed to this relatively rapidly.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, when Thomas Jefferson wrote the Declaration of Independence, he produced an argumentative masterpiece. He announced to a candid world that all people—regardless of their circumstances—are created free and equal in their natural God-given rights to life, liberty, and the pursuit of happiness.

After announcing these fundamental principles, this great lawyer then turned to proving his case—that King George III and Parliament had violated these principles so repeatedly, and so extensively, that Americans were justified in a revolution that would secure us as a free nation committed to the principles of the Declaration.

Though it does not compare to the ringing rhetoric of the philosophical commitment to rights in the Declaration, we should not forget Jefferson's listing of the colonists' grievances—the long train of abuses that justified our revolution against King George.

Among those grievances, Jefferson and the Second Continental Congress claimed that the King ''has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.'' Since 1776, even before our Constitution was conceived of, much less written, Americans have resented their subjugation to unelected and unaccountable bureaucrats. Americans strove to establish an accountable government that left them free to build their own families and livelihoods.

King George had fair warning. A government that views the people as a draft horse to be exploited for power and resources will be bucked off, and that is what the colonists did.

Following the Revolution, our Founding Fathers sought to construct a government consistent with the principles of the Declaration of Independence. In an effort to keep their new republic accountable to the people, and to provide for the balance of powers between our three branches of government, our forefathers were careful in their assignment of powers regarding executive branch personnel in article II, Section 2 of our Constitution. In speaking of the powers of the President, that section reads in part, ''he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law:''

Let me repeat that.

By and with the advice and consent of the Senate.

In our country, the people are sovereign, and that sovereignty is reflected in the accountability of executive branch officials not only to the President but to the people's elected representatives in Congress.

Even with these constitutional safeguards, we have met with only mixed success in making sure that government officials are accountable to the people. In remarks originally delivered in 1980, former-Senator James L. Buckley—who also went on to be one of our Nation's great appellate court judges here on the DC Circuit—issued the following lament about the growing power of government bureaucrats. ''We have, in short, managed to vest these individuals with a degree of authority over others that the Founders of the Republic went to great pains to prevent anyone from acquiring.''

Things have only gotten worse since Senator Buckley gave that warning, and I think that in no small measure this growing lack of accountability is reflected in citizens' growing despair, and occasional anger, about the responsiveness of their government.

That is why I am very surprised that this body is considering legislation that would further eliminate the accountability of roughly 200 powerful executive branch positions.

I can tell you that I am hearing from my constituents on this. For them, this is more than an academic separation of powers, or checks and balances, issue, where Congress further delegates authority to the executive branch. For them, it is another example of Congress permitting the government bureaucracy to operate with less and less public accountability.

Quite simply, the Federal Government is massive.

And for all of the increases in its size since the founding, for all of the traditional powers of the States that it has displaced, the increases of the last few years stand out as historic.

Congress passed a $1 trillion stimulus, on a largely partisan basis.

It has passed Dodd-Frank, massively burdening our financial and banking sectors with new government mandates.

And the icing on the cake was ObamaCare, a $2.6 trillion spending bill that has resulted in tens of thousands of pages of regulations drafted secretively by unaccountable Washington bureaucrats.

And in this environment, we are urging legislation that would decrease oversight of the executive branch?

With a national debt of more than $14 trillion and deficits that have topped $1 trillion in each of the last 3 years, we are ready to give the President greater discretion?

We are going to give the administration more freedom to act without the oversight of the people's elected representatives?

It is little wonder that the American people are increasingly concluding that no matter what they say or do, Washington won't listen to them.

Commensurate with the increase in the size of government is the employment by the executive branch of unelected and unconfirmed special assistants and advisers with substantial power. These positions are commonly referred to as czars. President Obama is not the first President to appoint these so-called czars, but over the past few years their numbers seems to have increased. In a 2009 Washington Post editorial, current House Majority Leader ERIC CANTOR discussed his concerns with the administration's reliance on 32 identified czars who have not been examined by the legislative branch.

The legislation before us will only increase the number of executive branch staff that are beyond the scope of effective congressional oversight.

I appreciate the arguments of my colleagues who are promoting this legislation, but I respectfully disagree with their conclusions. Proponents believe that many of the positions where advice and consent is eliminated do not exercise a substantive policy role, have responsibilities that are managerial in nature, or have responsibilities that overlap or are duplicative of those of another confirmed officeholder. I am not able to speak on behalf of other committees, but as ranking member of the Finance Committee I can say that the Finance Committee was not consulted on this legislation until less than a week before the Committee on Homeland Security and Government Reform reported its bill.

I am concerned that, though well-intentioned, the architects of this bill did not have the detailed knowledge of the positions being impacted to determine fully the appropriateness of advice and consent. A list of the positions that was circulated by the Rules Committee prior to the Homeland Security markup actually misidentified several Finance Committee nominees as falling within the jurisdiction of the Committee on Health, Education, Labor, and Pensions, and to my knowledge an updated list has not been made available.

Chairman BAUCUS and I sent a letter to the leadership of the Homeland Security Committee before their markup, and I will ask that the letter be printed in the RECORD. That letter discusses the impact of this legislation on seven positions currently subject to the Finance Committees jurisdiction, and we both oppose this bill's removal of our constitutional power of advice and consent with respect to these nominees.

However, the fundamental matter of accountability that we raise in that letter is an issue far broader than the Finance Committee's jurisdiction. I would like to highlight the position of Assistant Secretary for Legislation, and Assistant Secretary for Public Affairs at the Department of Health and Human Services. In light of the controversial passage, and now implementation, of ObamaCare, does it really make sense to relinquish direct oversight over the Assistant Secretary of Legislation, a position which, according to the HHS Web page, ''is responsible for the development and implementation of the Department's legislative agenda''? Regardless of how one voted on the passage of the health care law, does anyone in this body really think that it makes sense for Congress to deliberately minimize oversight of its implementation?

Additionally, I know some Members of this body have been concerned with how HHS has publicly discussed health care reform and have taken issue with the accuracy of information provided to the public. Regardless of whether this applies to any particular Senators, don't all of us want to ensure that HHS provides accurate and substantive information to the public regarding health reform?

The Constitution in general terms provides Congress with the vital function of exercising oversight over the executive branch to ensure that our laws are carried out appropriately.

Let me put that another way.

The people, in ratifying their Constitution, gave to their elected representatives in Congress the solemn duty of supervising the administration of the law.

And the constitutional power that guarantees this critical responsibility is the power of Senate confirmation.

Some justify the legislation before us on the grounds that the Senate takes too long to process nominations for various reasons. I'm not here to say that these claims are totally without merit.

However, I am confident that eliminating the constitutional requirement for advice and consent for hundreds of positions is the wrong solution. Any issues with the nomination process could and should be handled at the committee level, if not by the Senate as a whole, through the rules adopted by this Chamber. If some of us believe that we could carry out our responsibilities better, I am open to those ideas. However, I do believe that each Senate Committee should be able to determine how that committee will handle nominees, and then reexamine that decision as time passes. Enacting this legislation would significantly diminish, if not completely destroy, the possibility for reexamination of our decisions. If we surrender our jurisdiction over hundreds of executive branch positions and turn them into czars, that decision will likely be permanent.

The choice we have to make now is whether we will abdicate part of our constitutional responsibilities or gives ourselves the opportunity to examine how we exercise those responsibilities. Will we share in the madness of King George?

Or will we follow the trail blazed by or forefathers, like Thomas Jefferson?

I think it is critical that we recommit ourselves to a government of the people, one that guarantees the representative character of executive branch officials.

For that reason, I will be voting against cloture on the motion to proceed to this bill, and I urge my colleagues to do the same.

Mr. President, I ask unanimous cnosent to have printed in the RECORD the letter to which I referred.

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

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, April 13, 2011.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Government Affairs, Dirksen Senate Office Building, Washington, DC.

Hon. SUSAN M. COLLINS,
Ranking Member, Committee on Homeland Security and Government Affairs, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: We are writing to express our concerns with S. 679, the Presidential Appointment Efficiency and Streamlining Act of 2011, which we understand the Committee on Homeland Security and Government Affairs will consider at a business meeting on April 13. We understand that if enacted, this bill would eliminate the requirement of Senate confirmation for seven positions appointed by the President that fall within the jurisdiction of the Senate Committee on Finance (Finance Committee).

We respectfully request that S. 679 be amended to remove reference to these seven positions, which are: (1) the Deputy Under Secretary/Assistant Secretary for Legislative Affairs, Department of Treasury; (2) the Assistant Secretary for Public Affairs and Director of Policy Planning, Department of Treasury; (3) the Assistant Secretary for Management and Chief Financial Officer, Department of Treasury; (4) the Treasurer of the United States; (5) the Assistant Secretary for Public Affairs, Department of Health and Human Services (HHS); (6) the Assistant Secretary for Legislation, Department of HHS; and (7) the Commissioner, Administration for Children, Youth, and Families at HHS.

While we fully support the bill's goal of ensuring timely confirmation of qualified Presidential nominees, we believe that the seven positions described above fulfill important policy roles that warrant continued Senate confirmation of nominees chosen to fulfill those roles. And maintaining Senate advice and consent for the seven nominees listed above is important to ensure that the Finance Committee can continue to exercise its robust oversight of two cabinet agencies that directly impact the lives of hundreds of millions of Americans.

The Treasury Department is responsible for implementing numerous economic programs and collecting revenues on behalf of the United States. HHS is responsible for administering several health-related programs for millions of Americans. Exempting the seven positions covered by S. 679 from Senate confirmation would make it more difficult to exercise effective oversight over the Treasury Department and HHS for the reasons we describe below.

First, the Assistant Secretaries of Treasury and HHS for Legislative Affairs advise the Secretaries of these agencies on Congressional input to help formulate policy for their respective agencies. These Assistant Secretaries serve as Congress' conduit to the Treasury Department and HHS. And they are the primary point of contact for Congressional Members and staff, collect Congressional inquiries, and coordinate agency responses. As such, Congress has a direct interest in ensuring that the nominees who fulfill these roles remain accountable to not only the Secretaries of the Treasury and HHS, but also to Congress.

Second, the Assistant Secretaries of Treasury and HHS for Public Affairs are responsible for communicating to the media and the public information about the myriad policies and programs implemented by these agencies. It is imperative that these Assistant Secretaries carry out this role in an objective and transparent manner that adequately provides essential information to the public. Given the importance of the media in communicating policy options and shaping public opinion, it is appropriate for the Senate to continue to provide its advice and consent on this position.

Third, the job description of the Assistant Secretary of Treasury for Management and Chief Financial Officer notes that the position ''is the principal policy advisor to the Secretary and Deputy Secretary on the development and execution of the budget for the Department of the Treasury and the internal management of the Department and its bureaus.'' Although it may appear that the Assistant Secretary for Management has responsibility for matters that impact only the inner workings of the Treasury Department, this responsibility inherently impacts critical policy decisions. For example, just last week the Assistant Secretary for Management was involved in determining how Treasury would continue essential operations, including the administration of tax collection and tax refunds, in the event of a government shutdown. These decisions immediately impact Treasury's most vital functions and the Senate should continue to confirm a position that carries out this substantive role.

Fourth, the Treasurer of the United States also ''serves as a senior advisor and representative of the Treasury on behalf of the Secretary in the areas of community development and public engagement.'' The Treasurer has effective oversight over the U.S. Mint which creates U.S. coins and the Bureau of Engraving and Printing, which prints U.S. currency. And the Treasurer advises the Secretary on important policy decisions such as when the United States should print a new currency. As such, the Treasurer plays a policy role that warrants Senate confirmation.

Fifth, S. 679 removes the requirement for Senate confirmation from the Commissioner of the Administration on Children, Youth and Families (Commissioner) at HHS. Although the Commissioner is overseen by the Assistant Secretary of HHS for Children and Families, the Commissioner has direct responsibility for policies and programs dealing with child welfare. These programs are critical not only to Members of the Finance Committee, but also to Members of the Senate as whole. The Members of the Senate have an interest in confirming a position that oversees substantive policy programs affecting millions of American children.

For the reasons discussed above, we hope that you will modify any product reported by your Committee such that the seven positions that fall within the jurisdiction Finance Committee are not implicated. If you have any further questions pertaining to this issue, we are ready to help you in any way possible.

Sincerely,

MAX BAUCUS,
Chairman.
ORRIN G. HATCH,
Ranking Member.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio.

AMENDMENT NO. 509

Mr. PORTMAN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 509.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN], for himself, Mr. UDALL of New Mexico, and Mr. CORNYN, proposes an amendment numbered 509.

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

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

The amendment is as follows:

(Purpose: To provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect)

On page 76, after line 6, add the following:

(c) PROVISIONS NOT TAKING EFFECT.—Notwithstanding any other provision of this Act, the amendments made by section 2(c)(2) through (6), (u), and (ll) shall not take effect.

Mr. PORTMAN. Mr. President, I rise today to offer amendment No. 509 to the underlying bill, S. 679, which is the Presidential Appointment Efficiency and Streamlining Act of 2011. I am pleased to have Senator TOM UDALL and other cosponsors of this bipartisan amendment.

The aim of the amendment is very simple and straightforward. It would preserve the Senate-confirmed status of our Nation's major chief financial officers. I appreciate very much the thoughtful efforts behind the underlying legislation that is before us today. I want to particularly commend my colleague, Senator COLLINS, who is on the Senate floor, Senator LIEBERMAN, as well as Senator ALEXANDER and Senator SCHUMER, for their hard work in being sure the nomination process is streamlined. Having been through the process twice myself, it could use some streamlining, and I know they will continue in their efforts to reduce even more some of the barriers to public service so many people feel, and I look forward to working with them.

Having said that, in terms of the specific issue of the chief financial officers, I think it would be a mistake to take them out of the confirmation process and a very unwise thing to do at this point in our Nation's history when we are facing such serious financial challenges. These are, after all, the chief financial management people and the chief budget people in our agencies and departments. We need them right now to be at the highest level possible.

Some of my colleagues will recall the Chief Financial Officers Act of 1990 created or consolidated the financial or executive positions across 23 Federal agencies. It specifically requires Senate confirmation for the 16 most important departmental CFO positions, as well as for the Controller of the Office of Federal Financial Management in the Office of Management and Budget. As Director of the Office of Management and Budget, I worked closely with that individual. It also, by separate law, requires Senate confirmation of the Assistant Secretaries of the Army, Navy, and Air Force who serve as Comptrollers for those military services.

In its current form, the legislation before us today would eliminate the statutory requirement that those positions be Senate confirmed. The basic principle behind the CFO Act of 1990 is that an agency's top financial officer should be a key influential figure in the agency's top management. I believe that principle is more true and urgent today than ever.

With our Federal deficits expected to reach over $1.4 trillion this year, diligent and skillful stewardship of taxpayer dollars is more critical than ever, and these CFOs are at the front lines of that effort. The nominations reform bill now pending would weaken the institutional accountability that is currently in law by denying the Senate a say and by lowering the stature of these individuals in their departments. The practical importance of Senate

confirmation is that it gives individuals the stature and credibility they often need to do their jobs effectively.

I don't believe we want to have a situation in which, for example, the Energy Department's Assistant Secretary for Electricity Delivery and Energy Reliability is a Senate-confirmed appointee. Yet the CFO down the hall—who is supposed to be working with this person on his budget, and, frankly, directing this person in terms of financial management—is not a Senate-confirmed individual or the Interior Assistant Secretary for Water and Science would be a Senate-confirmed appointee but not the Interior CFO down the hall.

When I served as the Director of OMB, I made it a point to meet regularly and personally with the CFOs of our major Cabinet departments. Their roles are critical, and we should be empowering those individuals and giving them not less but more responsibility. These officials do one of the most important jobs in our government. They are responsible for ensuring the integrity of multibillion-dollar agency budgets.

I have spoken to CFOs about this amendment, and they make some very good points. In fact, earlier today I spoke to the CFO of one of the major Cabinet agencies, and he was passionate and very articulate in talking about this issue. As he told me, by law, CFOs oversee the financial management activities relating to all the programs and operations of their agencies, but they also play a lead role in preparing the agency budgets and presenting and explaining those budgets to the Congress. Often this is a more political or strategic role than many realize. During program execution, they are responsible for cost management and auditing to detect and eliminate wasteful spending, and they are closely involved in determining which programs are effective and which programs should be terminated—a tough decision in an agency. You want to be sure that person has the stature to make that argument and to be heard.

These duties are at the heart of sound financial management but also budget policy and strategy, and I believe we should seek to strengthen these positions not weaken them, particularly given the situation we are in with our fiscal problems.

I urge my colleagues to support this amendment, which simply preserves the stature of chief financial officers within Federal agencies and the accountability that is made possible through Senate advice and consent.

Mr. President, I see one of my colleagues on the Senate floor, and so I yield the floor and again urge support of this amendment.

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Idaho.

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

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

Mr. BARRASSO. I ask unanimous consent to speak for up to 10 minutes as if in morning business.

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

SECOND OPINION

Mr. BARRASSO. I come to the floor, as I have each week since the health care law was signed, with a doctor's second opinion about the health care law because it does seem that each week there is more information that comes out about this health care law that is bothersome to the people of this great country. The more they learn about it, the more concerned they are. And, as NANCY PELOSI said last year: First, you must pass it before you get to find out what is in it. Well, the people of this country continue to learn what is in this health care law, and they continue to be opposed to it.

Last Friday, the administration released another round of waivers from the President's health care law. They issued waivers to another 117,000 people, a total of 62 new waivers, which brings the total waivers to well over 1,400 covering 3.2 million individuals. What does that mean if they have a waiver? That means they don't have to live under the specifics of the law the President signed.

Over 49 percent of these waivers have gone to union employees, to people who get their insurance through union plans. These are many of the people who actually lobbied to support the health care law. So isn't it interesting that these are the same people who have come out and, after they have read it and found out what is in it, have said: We don't want this to apply to us. And it is interesting because that many union members have gotten these waivers when the number of people in this country who work as members of the union is actually a much smaller percentage.

But then let's not forget how the President said in a radio interview while the 2010 elections were going on that he would remember and would reward our friends, he said, and punish our enemies. Well, by issuing these waivers each month, this administration has reminded the American people how flawed the President's health care law is. Waivers have turned into a nightmare for this administration.

In May, I explained that the waiver recipients got a waiver for 1 year, and they would have to then apply again for a waiver year after year, all the way through 2014 when ObamaCare fully kicks in. We just learned last Friday that the administration is switching course. In fact, the Centers for Medicare and Medicare Services just announced that employers and unions, even those with the 1-year waivers, must now apply again by September of this year for a long-term waiver to take them all the way to 2014. It seems to me this new scheme is designed so the administration can dodge issuing more waivers leading up to the 2012 Presidential election so the American people aren't reminded month after month of the significant flaws of the health care law. It is clear that continuing to issue waivers in 2012 was going to be an embarrassment for the President.

It is also clear that this new change in policy means that even the administration admits that the new health care law does not work. The President promised—promised all of us in Congress—that if we like the health insurance plan we have we can keep it. But what he meant was that to keep the coverage that we have today we will need a waiver from Washington mandates. We will need to get permission from the Obama administration to keep the insurance we like.

Companies and businesses across the country must apply before September if they want to avoid the health care law's crushing costs. In my opinion, I think we are going to see a tidal wave of waivers before this deadline in September. In fact, I predict that 5 million people will eventually have to get waivers from this top-down government mandate. There is going to be increased demand for waivers as more and more people see that they will lose what they have today. As business owners look into this and see how the health care law will cause their cost of providing insurance to go up over the next 2 years, they are going to be lining up for waivers over the next few months. Once again, we are witnessing the horrible economic impacts of this new law.

I also want to talk for a minute about what happens after this September deadline, after the door closes on waivers. Let's take a look at the economy—9.1 percent unemployment and job creators sitting on the sidelines due to the significant expenses of trying to open a business. Hard-working Americans who want to start a new business are going to be forced to choose between two less desirable choices. No. 1, they can offer high-cost, government-approved health insurance, making it much more expensive for them to try to open a new business and hire workers or, No. 2, they will not offer any health coverage because they cannot afford the health care law's out-of-touch and expensive insurance mandates.

With the skyrocketing debt we are facing in this country and 9.1 percent unemployment, this administration's signature piece of legislation, the President's health care law, discourages America's best and brightest from starting new businesses and providing for their employees. That is what the

President's health care law does. It stifles innovation, strangles the free market, and saddles the American people with more debt.

Once again, this is another example of how the President's health care policies are making things worse. His policies are making the economy in America worse. His policies are making the standard of living in America worse. His policies are making health care in America worse. And his policies are making America's debt worse.

Just this week we learned of another enormously expensive error in the law. This has to be what NANCY PELOSI meant when she said: First, you have to pass the bill before you find out what's in it. It turns out now the President's health care law will let several million middle-class people get insurance meant for people with low income. It would allow 3 million, by the estimates—3 million members of the middle class to receive Medicaid. The Associated Press reported that this would be like letting middle-class families get food stamps. The Medicare Chief Actuary, Richard Foster, said the situation keeps him up at night.

This health care law is not fixable. This health care law is bad for patients, it is bad for providers—the nurses and doctors who take care of those patients—and it is terrible for the taxpayers of this country. This health care law needs to be repealed and replaced. That is why I come to the Senate floor week after week with a doctor's second opinion about the President's health care law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 504

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 504. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 504.

Mr. CORNYN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force)

On page 38, line 19, strike all through page 45, line 16.

Mr. CORNYN. Mr. President, I congratulate Senators SCHUMER and ALEXANDER and COLLINS and others for working through this bipartisan legislation. It is nice to actually have a piece of legislation we can work on together, in this case to help streamline the appointment process for some of these lower level positions. I congratulate them for their work.

I do, however, have an amendment that I think makes an important correction. I have discussed this with both Senator ALEXANDER and others. I think they understand and they tend to agree that this amendment is important.

Under this bill, the Presidential Appointment Efficiency and Streamlining Act of 2011, three important Presidential appointments within the Department of Defense that are currently Senate-confirmed positions would no longer be subject to Senate confirmation. These positions within our military departments are aimed at a very important goal; that is, to attain better stewardship of taxpayer dollars by our military. I am talking about specifically the Assistant Secretaries of Financial Management for the Army, the Navy, and the Air Force.

It is no secret that during these tough budgetary times, when 43 cents out of every dollar that the Federal Government spends is borrowed money, and we are looking at an impending debt ceiling vote sometime probably in July where we are going to be asked to vote to increase the debt ceiling because we have maxed out the Nation's credit card, there is no doubt in my mind we are going to be looking at all sources for budgetary cuts and elimination of waste and overspending. I do not suggest for a minute the Department of Defense should be exempt from that kind of scrutiny. In fact, I think it should be scrutinized. But it is important, if we are going to make sure that every dollar of taxpayer money being spent by the Department of Defense for our security is being spent efficiently and well, that the best way we can do that is assure that professionals who are skilled in financial management at the various departments of the Navy, Army, and Air Force are in place and subject to appropriate oversight by the Senate.

These officials oversee financial management processes that involve more than $300 billion in taxpayer money. These are, in fact, the budgets of the military services themselves. None of the military services are currently able to render a clean audit opinion, something that Congress has said must change and will change by the year 2017. But we have been working on the sad reality that, frankly, the Department of Defense has been spending so much money that it doesn't even know where all the money is. We need to change that. We need to increase transparency and accountability.

The only way we are going to be able to do that and to put them in a position to produce that clean financial audit is by making sure that the correct type of professionals, well-qualified professionals, are in place.

Under the fiscal year 2000 Defense authorization bill, the Department of Defense is going to be required to produce those auditable financial statements no later than September 30, 2017. I think most people are going to be shocked to find out that the Department of Defense cannot do that today, but in fact that is the sad reality. Yet it is my understanding the Department of Defense is not currently on track to meet this requirement of the law despite the fact that we are 6 years away from that deadline. Removing the officials in charge of accomplishing this objective from Senate oversight would make it even less likely to happen.

In accordance with the Chief Financial Officer and Federal Financial Reform Act of 1990, the so-called CFO Act, these three Assistant Secretaries have been designated as the chief financial officers for their respective branches of the military service. As such, this law invests them with certain financial management functions.

These Secretaries formulate, submit, and defend the budgets of these military branches to Congress. They also oversee the proper and effective use of appropriated funds to accomplish missions and provide timely, accurate, and reliable financial information to enable leaders to incorporate cost considerations into their decisionmaking and provide reporting to Congress on the use of appropriated resources.

This is a high standard and, unfortunately, one that is not being met today, but one that Congress must, in the exercise of our stewardship over tax dollars and making sure that every dollar is spent efficiently in a nonwasteful way—this is a high standard we must insist is met.

I believe removing these key positions from the Senate confirmation process will inadvertently undermine the effort to reform financial management at the Department of Defense. I am not alone. We received informal comments from the Department of Defense Comptroller saying that while they agree in principle with S. 679, this underlying legislation with which I also agree in principle goes too far by eroding the status and ability of these financial managers to manage these dollars.

I ask unanimous consent that the comments received from the DOD Comptroller be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CORNYN. Let me conclude by saying these three Assistant Secretaries should remain Senate-confirmed, Presidential appointees. I ask my colleagues to support my amendment to ensure they remain Senate confirmable and subject to robust and much needed congressional oversight.

EXHIBIT 1

DOD FEEDBACK ON SCHUMER-ALEXANDER BILL (S. 679)

(From DoD Comptroller Office)

The Department of Defense believes that it would be appropriate to reduce the number of government positions subject to Senate confirmation. We therefore agree in principle with Senate Bill 679, which makes such reductions.

We disagree, however, with the provision of S. 679 which eliminates Senate confirmation

for the Assistant Secretaries (Financial Management and Comptroller) in the Departments of the Army, Navy, and Air Force. By downgrading these financial management positions, we believe that S. 679 will erode civilian control of the military with regard to resources. Each of the military departments manages huge amounts of federal dollars, ranging from $166 billion to $216 billion in FY 2012. These sums far exceed the funding for any non-defense federal agency. In the military services, these dollars are managed by the most senior military officers, and the Service Secretaries need to have a Senate-confirmed political appointee to provide appropriate civilian control. This legislation would be a significant step back from the landmark Goldwater-Nichols legislation, which sought to increase civilian control of the military.

We also believe that downgrading these three Assistant Secretary positions is inappropriate in view of the focus being placed on improving financial management and achieving auditable financial statements. Congress has established a deadline for achieving auditable financials in each military department and has indicated a strong desire to have the departments comply. The three departmental Assistant Secretaries have the lead responsibility for this challenging task. Downgrading the positions may well slow down efforts to achieve auditable financial statements, an outcome that seems to contradict Congressional priorities.

Overall, the Assistant Secretaries have substantial policy making authority over key aspects of defense financial management. For all these reasons, we believe that the three Assistant Secretaries should remain as Senate-confirmed political appointees.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, Thursday, June 23, the Senate resume consideration of S. 679; that the Vitter amendment No. 499 regarding czars and the DeMint amendment No. 510 regarding Bureau of Justice Statistics be debated concurrently; that there be up to 30 minutes of debate with Senators VITTER, DEMINT, REID or designee and MCCONNELL or designee, each controlling 7½ minutes; that upon the use or yielding back of time the Senate proceed to vote in relation to the Vitter amendment and the DeMint amendment in that order; that there be no amendments, motions, or points of order in order to either amendment prior to the votes other than budget points of order on each and the applicable motions to waive; further, that the motions to reconsider be considered made and laid upon the table; finally, that provisions of the previous order regarding amendments remain in effect.

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

MORNING BUSINESS

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL B. COOK

Mrs. SHAHEEN. Mr. President, it is with a heavy heart that I rise today to honor the life of SPC Michael B. Cook, who died on June 6, 2011, from injuries sustained from indirect rocket fire in Baghdad, Iraq, while supporting Operation New Dawn. He gave his life in service to his country on his 27th birthday. Michael was assigned to the B Battery, 1st Battalion, 7th Field Artillery Regiment, 1st Infantry Division, based at Fort Riley, KS.

Growing up in the towns of Pelham and Salem, NH, Michael graduated from Salem High School in 2003. He enlisted as a way to pay for his education and serve his country. Like so many brave sons and daughters of New Hampshire, Michael sought to serve his country and did so with honor. Tragically, Michael is the fifth Salem High School graduate killed in action in the war on terror, and the third from his class.

Michael is remembered by his family as a devoted father and son. Friends described him as hardworking and dedicated to the service of others. It was therefore no surprise when he answered the call to serve his country and protect his fellow Americans.

While no words can diminish the loss of this brave New Hampshire son, I hope his family can find comfort in knowing that all Americans appreciate and respect his heroic service and sacrifice.

Michael is survived by his wife Samantha and their two children, Hailee and Michael at Fort Riley, KS, and his parents Patti and Michael B. Cook Sr., and his siblings Lucas and Kimberly of Salem, NH. He also leaves behind a caring extended family and many dear friends. He will be missed by all.

I ask my colleagues and all Americans to join me in honoring the life, service, and sacrifice of SPC Michael B. Cook.

JUNE 22, 2009, METRORAIL TRAGEDY

Mr. CARDIN. Mr. President, 2 years ago today the Washington Metropolitan Area Transit Authority experienced the most tragic metrorail accident the Greater Washington region has ever seen. With time, the wounds of this tragedy's survivors continue to heal, but the loss and pain will never be forgotten. My heart goes out to the families and loved ones of those who lost their lives in the tragic collision of two Metro trains on the Red Line at the Fort Totten metrorail station. My deepest sympathies remain with their families and friends whose lives will forever be affected having lost someone dear to them in this tragedy.

Last summer, the National Transportation Safety Board, NTSB, and the Federal Transit Administration, FTA, concluded their investigations into the crash. The investigations revealed many troubling findings with the operation, maintenance, and management of the metrorail system, not the least of which is that the June 22, 2009, crash was entirely preventable and resulted from systemic failures to address ongoing track signal problems and a work culture that ignored safety.

For several years WMATA failed to respond to or take adequate operational safety measures in response to repeated signal failures along the section of track where the accident occurred. During WMATA's efforts to fix the problem, Metro refused to heed warnings from the signal manufacturers about using third-party components to repair failed track signal equipment and in doing so prolonged and exacerbated the signal relay problems on the track.

These findings coupled with an extensive Federal Transit Administration safety audit that revealed several shocking systemwide safety lapses, which include systemic failures to notify train operators about the presence of track maintenance workers on the right-of-way in tunnels throughout the system, helped shed light on the inexcusable and tragic series of accidents that have taken 12 lives and injured more than 80 people in the last year.

I am pleased to say that under new leadership in the general manager and CEO position as well as the placement of several new members of the board of directors that Metro is working hard to resolve the safety issues that were becoming commonplace in the headlines of area newspapers. Metro's new comprehensive safety plan outlines a number of procedures that are being put in place to improve worker training and safety preparedness and a zero tolerance policy for texting and cell phone use by vehicle operators. According to the general manager, every Metro employee, including himself, has gone through the safety training program. Management is clearly making an effort to establish a culture of safety that has been absent at Metro for many years. These are important steps in the right direction but developing safety measures for employees to follow is just one piece of making Metro safer for years to come.

There are, however, encouraging and lasting developments at Metro to improve safety. A year ago, the Metro board of directors announced that it was placing an order for 428 new 7000 Series railcars. These new safer railcars are in the prototype development phase and when the order is fulfilled, all of the remaining 1000 series that have been in use since the system opened in 1976 will finally be replaced. The 1000 series cars have always presented a safety hazard and it is the 1000 series cars that buckled and sheared apart on June 22, 2009, compounding the seriousness and costliness of the Red Line crash. Retiring and replacing

these cars is a major step in the right direction towards improving the safety of the system.

It is also worth noting that for the first time Metrorail cars will be built here in the United States at a rail car manufacturing facility in Lincoln, NE.

Still, funding shortfalls hinder Metro's ability to make lasting infrastructure repairs and replacements throughout the system. I have visited the Shady Grove Station and witnessed firsthand how they literally are using wood planks and iron rods to prop up crumbling station platforms. Metro is forced to make improvised accommodations to keep the system running in the safest way possible on a diminished budget.

Seeing these unaddressed safety issues firsthand, combined with each passing revelation of management missteps and safety lapses, has grown my frustration with how Metro handles safety issues, but has also hardened my resolve to improve Metro safety.

On this somber day of remembrance we as Federal policymakers and the Washington Metropolitan Area Transit Authority need to take inspiration from this tragedy and remember our responsibility to work to improve the safety of the transit system that serves Greater Washington area residents, tens of thousands of Federal workers, and members of the staff of nearly every Senator in this body every day.

Last year's Metro tragedy has caused many of us, including the President, to address the safety crisis that looms at transit authorities across the country. I am confident that we will find a way forward through: increased Federal regulatory authority and oversight, as called for by the Federal Transit Administration; and increased openness and transparency at WMATA.

While the FTA has an established national transit safety program and is responsible for setting minimum program safety requirements for the States, the FTA is prohibited by law from establishing enforceable national safety standards, requiring Federal inspections, or dictating operating practices. In response to this lapse in public safety policy, last Congress Senators DODD, MENENDEZ, MIKULSKI, and I introduced legislation requiring the Transportation Secretary to establish and implement a comprehensive transit public transportation safety program. Our legislation from last year would have given the FTA the ability to take decisive actions such as conducting inspections, investigations, audits, and examinations of federally funded public transportation systems.

It makes sense for public transit systems that receive Federal funding to meet Federal safety requirements set by the FTA. It makes even more sense to grant FTA a degree of Federal authority to establish safety guidance over WMATA given Metro's unique relationship to the Federal Government.

The Washington metrorail system is the second busiest subway system in America, carrying as many as 1 million passengers a day. It carries the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta, and SEPTA in Philadelphia each day.

Every workday, Metro provides tens of thousands of Federal employees rides to work. During peak ridership, more than 40 percent of riders on Metro are Federal employees and 10 percent of the overall ridership serves Congress and the Pentagon alone. Metrorail's alignment was designed to serve the Federal Government, with more than half of the system's stations located at or near Federal buildings. GSA has also established guidance that requires all new Federal facilities in the Greater Washington area be metrorail accessible.

Traffic congestion in the DC metropolitan area is tied with Chicago for the worst in the Nation. Some may wonder how, or even if, Washington could function without Metro. Sure enough, in the winter of 2010 we learned that the Federal Government, in fact, cannot function without Metro. The Office of Personnel Management based its decision to shut down the Federal Government on WMATA's inability to operate above ground rail lines during the February snowstorms. This not only points out the Federal Government's reliance on Metro, but also highlights Metro's lack of resources to operate under weather conditions that other city transit systems like Chicago, New York, or Boston manage to do so.

More than three decades after the first trains started running, the system is showing severe signs of its age. Sixty percent of the Metrorail system is more than 20 years old. The costs of operations, maintenance, and rehabilitation are tremendous.

It is not just the responsibility of the local jurisdictions that are served by Metro—Maryland, Virginia, and Washington, DC—but it is also a Federal responsibility.

Just like I believe that the Federal Government has a role in ensuring the safety of Metro for its riders and employees, I also believe the Federal Government has a responsibility to help fund the safe operation of the system since Metro provides the Federal Government and its employees vital transportation service.

I was proud to work alongside Senator BARBARA MIKULSKI and Senator JIM WEBB and former Senator John Warner to pass the Federal Rail Safety Improvement Act, which was signed into law in October 2008. This law authorizes $1.5 billion over 10 years in Federal funds for Metro's governing Washington Metropolitan Area Transportation Authority, matched dollar for dollar by the local jurisdictions, for capital improvements. This arrangement will finally provide Metro with the dedicated funding the system needs.

President Obama's fiscal year 2011 and 2012 budget requests to Congress included $150 million for Metro. This builds on the substantial down payment Senators MIKULSKI, WEBB, MARK WARNER, and I were able to secure for Metro in fiscal year 2010, and with the intrepid support of Chairmen MURRAY and INOUYE we were able to secure this essential funding for Metro again in fiscal year 2011.

While these are important investments, it is not nearly enough to fulfill all of Metrorail's obligations. Metro maintains a list of ready-to-go projects totaling about $530 million and $11 billion in capital funding needs over the next decade.

Federal Transit Administrator Peter Rogoff, in testimony before the House Oversight and Government Reform Committee, made special note of the fact that WMATA does not have a dedicated revenue stream, rather it relies heavily on congressional appropriations which can fluctuate from year to year.

Fortunately, Congress has taken an important step forward to remedy this situation. The Senate recently passed a new Metro Compact further advancing the final step in authorizing a 10-year $1.5 billion authorization providing Metro with a dedicated funding stream to ensure the safe and efficient operation of the system.

For years, while Metro was a relatively new transit system, Metro was the epitome of safe, reliable, and modern public transit. After 35 years of operation, the results of placing disproportionate resources towards expanding the system rather than attending to growing repairs and maintenance needs of the existing infrastructure, Metro's age is beginning to take its toll on the safe operation and functionality of the system.

I am hopeful that with the opportunities we have to establish better and more consistent funding for Metro, improved and enforceable Federal safety requirements for transit systems across the country, and the establishment of firm, accountable, and transparent leadership at WMATA we will restore the public standing and reputation of ''America's Subway System'' as one of the safest and most reliable transit systems in the country.

I find it unacceptable that the transit system in our Nation's Capital does not have enough resources to improve safety and upgrade its aging infrastructure.

I would again like to extend my deepest sympathies to all those who were affected by this horrific accident, especially to the families and loved ones of those who have been killed on Metro. I hope my colleagues will join together with me in working to ensure that this body is doing everything it can to prevent similar tragedies in the future.

JOINT COMMITTEE ON THE LIBRARY RULES OF PROCEDURE

Mr. SCHUMER. Mr. President, on May 22, 2011, the Joint Committee on

the Library organized, elected a chairman, a vice chairman, and adopted its rules for the 112th Congress. Members of the Joint Committee on the Library elected Senator CHARLES E. SCHUMER as chairman and Congressman GREGG HARPER as vice chairman. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY—112TH CONGRESS

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more that 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION AND AUTHORITY TO THE CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

CONGRATULATING SLOVENIA ON ITS TWENTIETH ANNIVERSARY

Mr. HARKIN. Mr. President, I have come to the floor today to speak on S. Res. 212, congratulating the people and Government of Slovenia on the 20th anniversary of their nation's independence. I am pleased that the Senate passed this resolution yesterday by unanimous consent and I am grateful to my colleagues Senators SHAHEEN, KLOBUCHAR, BARRASSO, BROWN of Ohio and PORTMAN for joining with me in submitting this resolution.

As many of my colleagues know, the Republic of Slovenia holds a very special place in my heart. Ninety years ago, my mother came to America from the village of Suha in what is now Slovenia.

The modern Republic of Slovenia is only 20 years old. But more than 1,000 years ago, in what is now the Slovenian state of Carinthia, there was a duke who later served as one of Thomas Jefferson's inspirations for American democracy. What inspired President Jefferson? It was the tradition that the dukes of Carinthia could take office only after being questioned by a simple peasant to test their worthiness. If the peasant was satisfied with the answers, then he gently slapped the duke as a symbol of accountability to the people. Imagine that: people slapping around politicians in a democracy!

I have been tremendously impressed by the great strides Slovenia has made since breaking away from Yugoslavia two decades ago. In this short period of time, Slovenia has become one of the world's most successful democracies, which I witnessed firsthand during a visit 5 years ago.

Slovenia is what you might call an ''overachiever'' among new nations. In a short period of time, it has gained entry into NATO and the European Union. Indeed, it has already held the rotating Presidency of the EU. Slovenia has built the most successful economy in Central and Eastern Europe and has been a force for stability and democratic reform in the Balkans.

On a personal note, I am especially grateful for the Republic of Slovenia's outstanding leadership in the campaign to rid the world of landmines and to assist the victims, especially children. This is a humanitarian mission of profound importance—a mission that I have worked on, with many of my colleagues, including Senator KLOBUCHAR and former Senator Voinovich, to secure support from the U.S. Congress.

The world looks at Slovenia's success, and wonders: How could a nation of just 2 million people accomplish so much in such a short period of time? As an American, I know the answer.

Bear in mind that, when Jefferson wrote the Declaration of Independence, America was also a nation of just 2 million people. Like Americans in 1776, Slovenians in 1991 dared to break away from a much larger and more powerful mother country. Like Americans, Slovenians paid in blood for their freedom. Like Americans, Slovenians demanded a democratic course for their new country.

Nine decades ago, my mother left Slovenia—a Slovenia that was impoverished, ruled by autocrats, and dominated by foreign powers; a nation that sent forth immigrants desperate to find a better life. Today, a free, prosperous, and democratic Slovenia sends forth global leaders and humanitarians who are helping to build a better world.

This is a magnificent achievement—a testament to the vision, courage, and talents of the Slovenian people. On this proud anniversary, I join with all of my colleagues here in the Senate in saluting our friend and ally, the Republic of Slovenia.

10TH ANNIVERSARY OF THE OHIO RIVER WAY PADDLEFEST

Mr. PORTMAN. Mr. President, I rise today to recognize the Ohio River Way, a nonprofit, volunteer-led organization working to promote, protect and celebrate the natural beauty and recreational benefits of the Ohio River.

This year is the 10th anniversary of the Annual Ohio River Way Paddlefest, the largest paddling event in the country. Each year, Paddlefest attracts more than 2,000 paddlers to Cincinnati to canoe and kayak down the Ohio River and enjoy the gorgeous natural resources in Southwest Ohio. I have been a regular participant in the canoe races as part of Paddlefest and plan to participate again this year.

Due in no small part to the efforts of the Ohio River Way and the widespread popularity of Paddlefest, Greater Cincinnati has been designated as the Paddling Capital of The United States. Cincinnati enjoys a great selection of paddling-friendly waterways including the Ohio, Great Miami, Little Miami, Whitewater and Licking Rivers as well as the Four Mile, Caesar, Stonelick, O'Bannon, Indian and White Oak Creeks. Additionally, Cincinnati is home to the largest number of paddling-access points with more than 25 places to launch canoes and kayaks.

I congratulate the Ohio River Way on the 10th anniversary of Paddlefest and thank Paddlefest chair Brewster Rhodes and the hardworking volunteers of the Ohio River Way for the tireless work they do each year to ensure that Paddlefest is an enjoyable experience for all participants.

TRIBUTE TO WILLIAM HAWKINS

Mr. FRANKEN. Mr. President, I would like to honor a leader from my home State of Minnesota, William A. Hawkins. Bill, who is retiring with distinction as the chairman and CEO of Medtronic, has achieved great professional success through his dedication to and advancement of life-saving innovations. Approximately every 4 seconds, the life of someone somewhere in the world is improved by a Medtronic product or therapy.

Medical technology is an important solution to our Nation's health care challenges. Under Bill's leadership, Medtronic has helped to maintain Minnesota's world leadership in medical innovation.

Bill has nearly 35 years of career experience in the medical device industry, serving in leadership positions at Novoste Corporation, American Home Products, Johnson and Johnson, Guidant Corporation, and Eli Lilly. He began his medical technology career with Carolina Medical Electronics in 1977. While reflecting on his career at Medtronic, he recently said, ''I have seen many product launches—from the ear thermometer to the automatic external defibrillator.''

He joined Medtronic in 2002 as senior vice president and president of the company's vascular business before serving as corporate president and chief operating officer. Bill Hawkins was named chief executive officer of Medtronic in 2007 and assumed the additional role of chairman in 2008.

Under his guidance, Medtronic's capacity to serve patients extended further to provide an array of diagnostic, preventive, and chronic disease management solutions. With a breadth and depth of expertise across more than 30 major chronic conditions, he recognized the unique position to play a larger role in the health care industry.

In March of 2010, Bill received the Biomedical Engineering Society's Distinguished Achievement Award. This award is given to recognize those that have made great contributions to the field of biomedical engineering and bioengineering.

Mr. Hawkins serves on the Board of Visitors for the Duke University School of Engineering and the Board of Directors for the Guthrie Theater and the University of Minnesota Foundation.

I ask my colleagues to join me, his friends, family, and colleagues in commending Bill Hawkins on his numerous achievements and wishing him well as he begins a new journey.

Congratulations, Bill.

ADDITIONAL STATEMENTS

TRIBUTE TO MARC MILANI

● Mr. RUBIO. Mr. President, today I recognize Marc Milani, a spring intern in my Washington, DC, office for all of the hard work he has done for me, my staff, and the people of the State of Florida.

Marc is a graduate of Christopher Columbus High School in Miami, FL. Currently, he is a sophomore pursuing a major in philosophy at Dartmouth College. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Marc for all the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO OLIVIA VOLSLOW

● Mr. RUBIO. Mr. President, today I recognize Olivia Voslow, a spring intern in my Washington, DC, office for all of the hard work she has done for me, my staff, and the people of the State of Florida.

Olivia is a graduate of the Holton-Arms School in Bethesda, MD. Currently, Olivia is preparing to enter into her freshman year at Middlebury College. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Olivia for all the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 10:21 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 711. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

The message also announced that the House has passed the following bills, without amendment:

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

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

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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–2231. A communication from the Deputy Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Specific Administrative Provisions for the Beginning Farmer and Rancher Development Program'' (RIN0524–AA59) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2232. A communication from the Deputy Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Competitive and Noncompetitive Non-Formula Federal Assistance Programs—Administrative Provisions for Biomass Research and Development Initiative'' (RIN0524–AA61) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2233. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Amending CFR Part 588; Final Rule Removing Parts 585–587 from 31 CFR Chapter V'' (31 CFR Parts 588, 585–587) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2234. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists , Foreign Terrorist Organizations....'' (31 CFR Chapter V) received in the Office of the President of the Senate on June 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2235. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Banking, Housing, and Urban Affairs.

EC–2236. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (163); Amdt. No. 3428'' (RIN2120–AA65) received in the Office of the President of the Senate on June 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2237. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the review of all complaints received by air carriers alleging discrimination on the basis of disability; to the Committee on Commerce, Science, and Transportation.

EC–2238. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Draft Safety Evaluation for Westinghouse Electric Company....'' received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2239. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture, assembly, test, support, repair, overhaul, and sale of T–62T–46LC–2A auxiliary power units for T–50 aircraft in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–2240. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0090–2011–0102); to the Committee on Foreign Relations.

EC–2241. A communication from the Acting Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines'' (RIN1219–AB76) received in the Office of the President of the Senate on June 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–2242. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2243. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report relative to the Contract Support Costs of Self-Determination Awards to Congress; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 618. A bill to promote the strengthening of the private sector in Egypt and Tunisia (Rept. No. 112–25).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1253. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 112–26).

S. 1254. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1255. An original bill to authorize appropriations for fiscal year 2012 for military construction, and for other purposes.

S. 1256. An original bill to authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, and for other purposes.

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. INOUYE (for himself, Mr. BLUNT, Mr. REID, and Mr. AKAKA):

S. 1244. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

By Mr. BLUNT (for himself and Mr. LEVIN):

S. 1245. A bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; to the Committee on Foreign Relations.

By Mr. COBURN (for himself and Mrs. SHAHEEN):

S. 1246. A bill to reduce the number of nonessential new vehicles purchased and leased by the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER:

S. 1247. A bill to develop and recruit new, high-value jobs to the United States, to encourage the repatriation of jobs that have been off-shored to other countries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COBURN (for himself, Mr. PAUL, Mr. BARRASSO, Mr. BLUNT, Mr. BURR, Mr. CORKER, Mr. CRAPO, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S. 1248. A bill to prohibit the consideration of any bill by Congress unless the authority provided by the Constitution of the United States for the legislation can be determined and is clearly specified; to the Committee on Rules and Administration.

By Mr. UDALL of Colorado (for himself, Mr. RISCH, Mr. TESTER, and Mr. BENNET):

S. 1249. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself, Mr. ALEXANDER, Ms. MIKULSKI, Mr. KIRK, and Ms. LANDRIEU):

S. 1250. A bill to create and expand innovative teacher and principal preparation programs known as teacher and principal preparation academies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself, Mr. COBURN, Mr. BENNET, Mr. ENZI, Mr. CORKER, Mr. BROWN of Massachusetts, Ms. KLOBUCHAR, and Mr. THUNE):

S. 1251. A bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mrs. GILLIBRAND):

S. 1252. A bill to promote the economic self-sufficiency of low-income women through their increased participation in high-wage, high-demand occupations where they currently represent 25 percent or less of the workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1253. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1254. An original bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1255. An original bill to authorize appropriations for fiscal year 2012 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1256. An original bill to authorize appropriations for fiscal year 2012 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1257. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. LEAHY, Mr. DURBIN, Mr. SCHUMER, Mr. KERRY, Mrs. MURRAY, and Mrs. GILLIBRAND):

S. 1258. A bill to provide for comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. BOOZMAN):

S. 1259. A bill to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to prohibit the provision of peacekeeping operations assistance to governments of countries that recruit and use child soldiers; to the Committee on Foreign Relations.

By Mr. AKAKA:

S. 1260. A bill to require financial literacy and economic education counseling for student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KIRK (for himself, Mr. BLUMENTHAL, and Mr. HELLER):

S. 1261. A bill to amend title 5, United States Code, to deny retirement benefits accrued by an individual as a Member of Congress if such individual is convicted of certain offenses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself, Mr. WHITEHOUSE, and Mr. LEVIN):

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States.

S. 201

At the request of Mr. CARPER, his name was withdrawn as a cosponsor of S. 201, a bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes.

S. 202

At the request of Mr. PAUL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the names of the Senator from Indiana (Mr. COATS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 312

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 312, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 438

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 438, a bill to amend the Public Health Service Act to improve women's health by prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 506

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 534

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) 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. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 678

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 678, a bill to increase the penalties for economic espionage.

S. 705

At the request of Mr. CARPER, the name of the Senator from Missouri (Mr. BLUNT) 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. 722

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 733

At the request of Mr. ROBERTS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 733, a bill to amend part B of title XVIII of the Social Security Act to exclude customary prompt pay discounts from manufacturers to wholesalers from the average sales price for drugs and biologicals under Medicare.

S. 815

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 876

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 876, a bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 948

At the request of Mr. MERKLEY, the names of the Senator from Delaware (Mr. COONS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 948, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 957

At the request of Mr. BOOZMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 957, a bill to amend title 38, United States Code, to improve the provision of rehabilitative services for veterans with traumatic brain injury, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1048, supra.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1189

At the request of Mr. PORTMAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1200

At the request of Mr. SANDERS, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1200, a bill to require the Chairman of the Commodity Futures Trading Commission to impose unilaterally position limits and margin requirements to eliminate excessive oil speculation, and to take other actions to ensure that the price of crude oil, gasoline, diesel fuel, jet fuel, and heating oil accurately reflects the fundamentals of supply and demand, to remain in effect until the date on which the Commission establishes position limits to diminish, eliminate, or prevent excessive speculation as required by title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and for other purposes.

S. 1206

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1206, a bill to amend title XVIII of the Social Security Act to require drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals under the Medicare prescription drug benefit program.

S. 1241

At the request of Mr. RUBIO, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1241, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 20

At the request of Mr. FRANKEN, his name was added as a cosponsor of S.J. Res. 20, a joint resolution authorizing the limited use of the United States Armed Forces in support of the NATO mission in Libya.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Rhode Island (Mr. REED), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Dakota (Mr. CONRAD) 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.

S. RES. 213

At the request of Mr. DEMINT, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Res. 213, a resolution commending and expressing thanks to professionals of the intelligence community.

AMENDMENT NO. 468

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 468 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself, Mr. BLUNT, Mr. REID, and Mr. AKAKA):

S. 1244. A bill to provide for preferential duty treatment to certain apparel articles of the Philippines; to the Committee on Finance.

Mr. INOUYE. Mr. President, I am pleased to introduce legislation today, cosponsored by my colleagues Senator REID of Nevada, Senator BLUNT of Missouri, and Senator AKAKA of Hawaii, that will provide duty-free treatment to U.S. imports of finished Philippine apparel in return for purchasing and using fabrics and yarns made in the United States. This bill will promptly create an incentivized export market for our shrinking textile industry, and create new jobs.

The Philippine apparel industry estimates that U.S. fabric sales spurred by the SAVE Act could reach potentially hundreds of millions of dollars and translate into upwards of 2,000 additional jobs in the United States fabric mill sector. With almost 99 percent of the U.S. apparel market now served by imports, U.S. textile manufacturers are reliant on export markets for their survival.

The SAVE Act is patterned after the Dominican Republic, Central America Free Trade Agreement, or CAFTA, which permits tariff-free import of apparel assembled in those countries in return for using cotton and manmade fiber fabrics still made in the United States. The SAVE Act will provide our textile companies with a new opportunity to export fabrics into the dynamic Asian market.

The Philippine apparel manufacturing industry is well established and known for its quality needlework and high-end fashion. It has been supplying top American brands and U.S. retailers for decades. With the growth of China in apparel production and the end of the quota system, Philippine apparel exports to the United States have dropped by 50 percent in the last five years. The Philippine apparel sector is in critical decline, with employment dropping by 75 percent since 2003.

The Philippines has been, arguably, our closest and most steadfast friend in Southeast Asia. They were our protectorate and strategic partner from the Spanish-American War through World War II. 10,000 American and Filipino servicemen died together in the infamous Bataan Death March after our forces were overwhelmed by the Japanese Army in 1942. More than 100,000 Filipinos then volunteered to fight alongside the United States and under U.S. command.

More recently, the United States and the Philippines have partnered in successful efforts to combat terrorists in and around their islands. Campaigns by the Armed Forces of the Philippines, trained in counterterrorism by U.S. troops, resulted in the deaths of the Abu Sayyaf leader and his deputy in 2006, as well as two other leaders in 2010.

Our close partnership deserves to be mutually rewarding on an economic level. The SAVE Act would represent the first trade initiative with the Philippines in nearly four decades. Unlike other countries in the region, the United States and the Philippines share a balanced trade relationship. The SAVE Act would continue to build on this positive trade relationship and strengthen our economic ties with the Philippines by helping each other reestablish competitive textile industries.

The SAVE Act would also allow duty-free treatment for a limited range of apparel not using U.S. fabrics so Philippine manufacturers can offer a complementary product line to U.S. brands and retailers. This category of apparel, which includes certain lines of coats, dresses, skirts, blouses, and infants' wear, will not contain any components that could have been made in the United States. These lines of apparel also will not compete against imports from third countries using U.S. components.

With the Republic of the Philippines as a partner, we can expect proper customs enforcement. We believe the enforcement provisions of the SAVE Act are more rigorous than any comparable bill. At our request, Customs and Border Patrol, CBP, conducted an informal technical review of the SAVE bill. With their recommendations included, CBP concluded that the SAVE Act can be administered and enforced. The Philippine Department of Trade and Industry then reviewed and agreed to all the enforcement provisions.

This bill will provide our manufacturers with new export markets and provide mutual benefits to a longstanding and erstwhile friend in Southeast Asia. The Philippines, in my view, should never be relegated to secondary consideration even as our focus shifts from one priority to another.

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. 1244

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 ''Save Our Industries Act of 2011'' or the ''SAVE Act''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States and the Republic of the Philippines (in this Act referred to as the ''Philippines''), a former colony, share deep historical and cultural ties. The Philippines holds enduring political and security significance to the United States. The 2 countries have partnered very successfully in combating terrorism in Southeast Asia.

(2) The United States and the Philippines maintain a fair trading relationship that should be expanded to the mutual benefit of both countries. In 2010, United States exports to the Philippines were valued at $7,375,000,000, and United States imports from the Philippines were valued at $7,960,000,000.

(3) United States textile exports to the Philippines were valued at just over $48,000,000 in 2010, consisting mostly of industrial, specialty, broadwoven, and nonwoven fabrics. The potential for export growth in this area can sustain and create thousands of jobs.

(4) The Philippines' textile and apparel industries, like that of their counterparts in the United States, share the same challenges and risks stemming from the end of the textile and apparel quota system and from the end of United States safe-guards that continued to control apparel imports from the People's Republic of China until January 1, 2009.

(5) The United States apparel fabrics industry is heavily dependent on sewing outside the United States, and, for the first time, United States textile manufacturers would have a program that utilizes sewing done in an Asian country. In contrast, most sewing of United States fabric occurs in the Western Hemisphere, with about two-thirds of United States fabric exports presently going to countries that are parties to the North American Free Trade Agreement and the Dominican Republic-Central America-United States Free Trade Agreement. Increased demand for United States fabric in Asia will increase opportunities for the United States industry.

(6) Apparel producers in the Western Hemisphere are excellent at making basic garments such as T-shirts and standard 5-pocket jeans. However, the needle capability does not exist to make high fashion, more sophisticated garments such as embroidered T-shirts and fashion jeans with embellishments. Such apparel manufacturing is done almost exclusively in Asia.

(7) A program that provides preferential duty treatment for certain apparel articles of the Philippines will provide a strong incentive for Philippine apparel manufacturers to use United States fabrics, which will open new opportunities for the United States textile industry and increase opportunities for United States yarn manufacturers. At the same time, the United States would be provided a more diverse range of sourcing opportunities.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage higher levels of trade in textiles and apparel between the United States and the Philippines and enhance the commercial well-being of their respective industries in times of global economic hardship;

(2) to enhance and broaden the economic, security, and political ties between the United States and the Philippines;

(3) to stimulate economic activity and development throughout the Philippines, including regions such as Manila and Mindanao; and

(4) to provide a stepping stone to an eventual free trade agreement between the United States and the Philippines, either bilaterally or as part of a regional agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) CLASSIFICATION UNDER THE HTS.—The term ''classification under the HTS'' means, with respect to an article, the 6-digit subheading or 10-digit statistical reporting number under which the article is classified in the HTS.

(2) DOBBY WOVEN FABRIC.—The term ''dobby woven fabric'' means fabric, other than jacquard fabric, woven with the use of a dobby attachment that raises or lowers the warp threads during the weaving process to create patterns including, stripes, and checks and similar designs.

(3) ENTERED.—The term ''entered'' means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(4) HTS.—The term ''HTS'' means the Harmonized Tariff Schedule of the United States.

(5) KNIT-TO-SHAPE.—An article is ''knit-to shape'' if 50 percent or more of the exterior surface area of the article is formed by major parts that have been knitted or crocheted directly to the shape used in the article, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether an article is ''knit-to-shape''.

(6) WHOLLY ASSEMBLED.—An article is ''wholly assembled'' in the Philippines or the United States if—

(A) all components of the article pre-existed in essentially the same condition as the components exist in the finished article and the components were combined to form the finished article in the Philippines or the United States; and

(B) the article is comprised of at least 2 components.

(7) WHOLLY FORMED.—A yarn is ''wholly formed in the United States'' if all of the yarn forming and finishing operations, starting with the extrusion of filaments, strips, film, or sheet, and including slitting a film or sheet into strip, or the spinning of all fibers into yarn, or both, and ending with a finished yarn or plied yarn, takes place in the United States.

SEC. 4. TRADE BENEFITS.

(a) ELIGIBLE APPAREL ARTICLE.—For purposes of this section, an eligible apparel article is any one of the following:

(1) Men's and boys' cotton shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.10, 6105.90, 6109.10, 6110.20, 6110.90, 6112.11, or 6114.20 of the HTS.

(2) Women's and girls' cotton shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers,

sweatshirts, tops, and similar articles classifiable under subheading 6106.10, 6106.90, 6109.10, 6110.20, 6110.90, 6112.11, 6114.20, or 6117.90 of the HTS.

(3) Men's and boys' cotton trousers, breeches, and shorts classifiable under subheading 6103.10, 6103.42, 6103.49, 6112.11, 6113.00, 6203.19, 6203.42, 6203.49, 6210.40, 6211.20, 6211.32 of the HTS.

(4) Women's and girls' cotton trousers, breeches, and shorts classifiable under subheading 6104.19, 6104.62, 6104.69, 6112.11, 6113.00, 6117.90, 6204.12, 6204.19, 6204.62, 6204.69, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(5) Men's and boys' cotton underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.11, 6109.10, 6207.11, or 6207.91 of the HTS.

(6) Men's and boys' manmade fiber underpants, briefs, underwear-type T-shirts and singlets, thermal undershirts, other undershirts, and similar articles classifiable under subheading 6107.12, 6109.90, 6207.19, or 6207.99 of the HTS.

(7) Men's and boys' manmade fiber shirts, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6105.20, 6105.90, 6110.30, 6110.90, 6112.12, 6112.19, or 6114.30 of the HTS.

(8) Women's and girls' manmade fiber shirts, blouses, T-shirts and tank tops (other than underwear T-shirts and tank tops), pullovers, sweatshirts, tops, and similar articles classifiable under subheading 6106.20, 6106.90, 6110.30, 6110.90, 6112.12, 6112.19, 6114.30, or 6117.90 of the HTS.

(9) Men's and boys' manmade fiber trousers, breeches, and shorts classifiable under subheading 6103.43, 6103.49, 6112.12, 6112.19, 6112.20, 6113.00, 6203.43, 6203.49, 6210.40, 6211.20, or 6211.33 of the HTS.

(10) Women's and girls' manmade fiber trousers, breeches, and shorts classifiable under subheading 6104.63, 6104.69, 6112.12, 6112.19, 6112.20, 6113.00, 6117.90, 6204.63, 6204.69, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(11) Men's and boys' manmade fiber shirts classifiable under subheading 6205.30, 6205.90, or 6211.33 of the HTS.

(12) Cotton brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(13) Manmade fiber brassieres and other body support garments classifiable under subheading 6212.10, 6212.20, or 6212.30 of the HTS.

(14) Manmade fiber swimwear classifiable under subheading 6112.31, 6112.41, 6211.11, or 6211.12 of the HTS.

(15) Cotton swimwear classifiable under subheading 6112.39, 6112.49, 6211.11, or 6211.12 of the HTS.

(16) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6101.30, 6101.90, 6112.12, 6112.19, 6112.20, or 6113.00 of the HTS.

(17) Women's and girls' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.30, 6102.90, 6104.33, 6104.39, 6112.12, 6112.19, 6112.20, 6113.00, or 6117.90 of the HTS.

(18) Gloves, mittens, and mitts of manmade fibers classifiable under subheading 6116.10, 6116.93, 6116.99, or 6216.00 of the HTS.

(b) DUTY-FREE TREATMENT FOR CERTAIN ELIGIBLE APPAREL ARTICLES.—

(1) DUTY-FREE TREATMENT.—Subject to paragraphs (2) and (3), an eligible apparel article shall enter the United States free of duty if the article is wholly assembled in the United States or the Philippines, or both, and if the component determining the article's classification under the HTS consists entirely of—

(A) fabric cut in the United States or the Philippines, or both, from fabric wholly formed in the United States from yarns wholly formed in the United States;

(B) components knit-to-shape in the United States from yarns wholly formed in the United States; or

(C) any combination of fabric or components knit-to-shape described in subparagraphs (A) and (B).

(2) DYEING, PRINTING, OR FINISHING.—An apparel article described in paragraph (1) shall be ineligible for duty-free treatment under such paragraph if any component determining the article's classification under the HTS comprises any fabric, fabric component, or component knit-to-shape in the United States that was dyed, printed, or finished at any place other than in the United States.

(3) OTHER PROCESSES.—An apparel article described in paragraph (1) shall not be disqualified from eligibility for duty-free treatment under such paragraph because it undergoes stone-washing, enzyme-washing, acid-washing, permapressing, oven baking, bleaching, garment-dyeing, screen printing, or other similar processes in either the United States or the Philippines.

(c) KNIT-TO-SHAPE APPAREL ARTICLES.—A knit-to-shape apparel article shall enter the United States free of duty if it is wholly assembled in the Philippines and if the component determining the article's classification under the HTS consists entirely of components knit-to-shape in the Philippines from yarns wholly formed in the United States.

(d) DE MINIMIS RULES.—

(1) IN GENERAL.—An article that would otherwise be ineligible for preferential treatment under this section because the article contains fibers or yarns not wholly formed in the United States or in the Philippines shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 10 percent of the total weight of the article.

(2) ELASTOMERIC YARNS.—Notwithstanding paragraph (1), an article described in subsection (b) or (c) that contains elastomeric yarns in the component of the article that determines the article's classification under the HTS shall be eligible for duty-free treatment under this section only if such elastomeric yarns are wholly formed in the United States or the Philippines.

(3) DIRECT SHIPMENT.—Any apparel article described in subsection (b) or (c) is an eligible article only if it is imported directly into the United States from the Philippines.

(e) SINGLE TRANSFORMATION RULES.—Any of the following apparel articles that are cut and wholly assembled, or knit-to-shape, in the Philippines from any combination of fabrics, fabric components, components knit-to-shape, or yarns and are imported directly into the United States from the Philippines shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made:

(1) Except for brassieres classified in subheading 6212.10 of the HTS, any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rule is contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007, (as amended by Proclamation 8272 of June 30, 2008, or any subsequent proclamation by the President).

(2) Any article not described in paragraph (1) that is any of the following:

(A) Baby garments, clothing accessories, and headwear classifiable under subheading 6111.20, 6111.30, 6111.90, 6209.20, 6209.30, 6209.90, or 6505.90 of the HTS.

(B) Women's and girls' cotton coats, over coats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.20, 6102.90, 6104.19, 6104.32, 6104.39, 6112.11, 6113.00, 6117.90, 6202.12, 6202.19, 6202.92, 6202.99, 6204.12, 6204.19, 6204.32, 6204.39, 6210.30, 6210.50, 6211.20, 6211.42, or 6217.90 of the HTS.

(C) Cotton dresses classifiable under subheading 6104.42, 6104.49, 6204.42, or 6204.49 of the HTS.

(D) Manmade fiber dresses classifiable under subheading 6104.43, 6104.44, 6104.49, 6204.43, 6204.44, or 6204.49 of the HTS.

(E) Men's and boys' cotton shirts classifiable under statistical reporting number 6205.20.1000, 6205.20.2021, 6205.20.2026, 6205.20.2031, 6205.20.2061, 6205.20.2076, 6205.90, or 6211.32 of the HTS.

(F) Men's and boys' cotton shirts not containing dobby woven fabric classifiable under statistical reporting number 6205.20.2003, 6205.20.2016, 6205.20.2051, 6205.20.2066 of the HTS.

(G) Manmade fiber pajamas and sleepwear classifiable under subheading 6107.22, 6107.99, 6108.32, 6207.22, 6207.99, or 6208.22 of the HTS.

(H) Women's and girls' wool coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6102.10, 6102.30, 6102.90, 6104.31, 6104.33, 6104.39, 6117.90, 6202.11, 6202.13, 6202.19, 6202.91, 6202.93, 6202.99, 6204.31, 6204.33, 6204.39, 6211.20, 6211.41, or 6117.90 of the HTS.

(I) Women's and girls' wool trousers, breeches, and shorts classifiable under subheading 6104.61, 6104.63, 6104.69, 6117.90, 6204.61, 6204.63, 6204.69, 6211.20, 6211.41, or 6217.90 of the HTS.

(J) Women's and girls' cotton shirts and blouses classifiable under subheading 6206.10, 6206.30, 6206.90, 6211.42, or 6217.90 of the HTS.

(K) Women's and girls' manmade fiber shirts, blouses, shirt-blouses, sleeveless tank styles, and similar upper body garments classifiable under subheading 6206.10, 6206.40, 6206.90, 6211.43, or 6217.90 of the HTS.

(L) Women's and girls' manmade fiber coats, jackets, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6202.13, 6202.19, 6202.93, 6202.99, 6204.33, 6204.39, 6210.30, 6210.50, 6211.20, 6211.43, or 6217.90 of the HTS.

(M) Cotton skirts classifiable under subheading 6104.19, 6104.52, 6104.59, 6204.12, 6204.19, 6204.52, or 6204.59 of the HTS.

(N) Manmade fiber skirts classifiable under subheading 6104.53, 6104.59, 6204.53, or 6204.59 of the HTS.

(O) Men's and boys' manmade fiber coats, overcoats, carcoats, capes, cloaks, anoraks (including ski-jackets), windbreakers, padded sleeveless jackets with attachments for sleeves, and similar articles classifiable under subheading 6201.13, 6201.19, 6201.93, 6201.99, 6210.20, 6210.40, 6211.20, or 6211.33 of the HTS.

(P) Women's and girls' manmade fiber slips, petticoats, briefs, panties, and underwear classifiable under subheading 6108.11, 6108.22, 6108.92, 6109.90, 6208.11, or 6208.92 of the HTS.

(Q) Gloves, mittens, and mitts of cotton classifiable under subheading 6116.10, 6116.92, 6116.99, or 6216.00 of the HTS.

(R) Other men's or boys' garments classifiable under statistical reporting number 6211.32.0081 of the HTS.

(f) REVIEW AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall, not later than 3 years after the date of the enactment of this Act, and every 3 years thereafter, review the effectiveness of this section in supporting the use of United States fabrics and make recommendations necessary to improve or expand the provisions of this section to ensure support for the use of United States fabrics.

(2) RECOMMENDATIONS.—After the second review required under paragraph (1), the Comptroller General shall make a determination regarding whether this section is effective in supporting the use of United States fabrics and recommend to Congress whether or not this section should be renewed.

(g) ENFORCEMENT.—Preferential treatment under this section shall not be provided to textile and apparel articles that are imported from the Philippines unless the President certifies to Congress that the Philippines is meeting the following conditions:

(1) A valid original textile visa issued by the Philippines is provided to U.S. Customs and Border Protection with respect to any article for which preferential treatment is claimed. The visa issued is in the standard 9-digit format required under the Electronic Visa Information System (ELVIS) and meets all reporting requirements of ELVIS.

(2) The Philippines is implementing the Electronic Visa Information System (ELVIS) to assist in the prevention of transshipment of apparel articles and the use of counterfeit documents relating to the importation of apparel articles into the United States.

(3) The Philippines is enforcing the Memorandum of Understanding between the United States of America and the Republic of the Philippines Concerning Cooperation in Trade in Textile and Apparel Goods, signed on August 23, 2006.

(4) The Philippines agrees to provide, on a timely basis at the request of U.S. Customs and Border Protection, and consistently with the manner in which the records are kept in the Philippines, a report on exports from the Philippines of apparel articles eligible for preferential treatment under this section, and on imports into the Philippines of yarns, fabrics, fabric components, or components knit-to-shape that are wholly formed in the United States.

(5) The Philippines agrees to cooperate fully with the United States to address and take action necessary to prevent circumvention as provided in Article 5 of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(6) The Philippines agrees to require Philippines producers and exporters of articles eligible for preferential treatment under this section to maintain, for at least 5 years after the date of export, complete records of the production and the export of such articles, including records of yarns, fabrics, fabric components, and components knit-to-shape and used in the production of such articles.

(7) The Philippines agrees to provide, on a timely basis, at the request of U.S. Customs and Border Protection, documentation establishing the country of origin of articles eligible for preferential treatment under this section, as used by that country in implementing an effective visa system.

(8) The Philippines is to establish, within 60 days after the date of the President's certification under this paragraph, procedures that allow the Office of Textiles and Apparel of the Department of Commerce (OTEXA) to obtain information when fabric wholly formed in the United States is exported to the Philippines to allow for monitoring and verification before the imports of apparel articles containing the fabric for which preferential treatment is sought under this section reach the United States. The information provided upon export of the fabrics shall include, among other things, the name of the importer of the fabric in the Philippines, the 8-digit HTS subheading covering the apparel articles to be made from the fabric, and the quantity of the apparel articles to be made from the fabric for importation into the United States.

(9) The Philippines has enacted legislation or promulgated regulations to allow for the seizure of merchandise physically transiting the territory of the Philippines and that appears to be destined for the United States in circumvention of the provisions of this Act.

(h) CUSTOMS PROCEDURES.—

(1) IN GENERAL.—

(A) PENALTIES FOR EXPORTERS.—If the President determines, based on sufficient evidence, that an exporter has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such exporter, any successor of such exporter, and any other entity owned or operated by the principal of the exporter.

(B) PENALTIES FOR IMPORTERS.—If the President determines, based on sufficient evidence, that an importer has engaged in transshipments as defined in paragraph (2), then the President shall deny for a period of 5 years all benefits under this section to such importer, any successor of such importer, or any entity owned or operated by the principal of the importer.

(2) DEFINITION OF TRANSHIPMENT.—For purposes of paragraph (1) and subsection (g), transshipment has occurred when preferential treatment for an apparel article under this section has been claimed on the basis of material false information concerning the country of origin, manufacture, processing, cutting, or assembly of the article or of any fabric, fabric component, or component knit-to-shape from which the apparel article was cut and assembled. For purposes of this paragraph, false information is material if disclosure of the true information would have meant that the article is or was ineligible for preferential treatment under this section.

(i) PROCLAMATION AUTHORITY.—The President shall issue a proclamation to carry out this section not later than 60 days after the date of the enactment of this Act. The President shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in preparing such proclamation.

SEC. 5. EFFECTIVE DATE.

This Act shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date on which the President issues the proclamation required by section 4(i).

SEC. 6. TERMINATION.

(a) IN GENERAL.—The preferential duty treatment provided under this Act shall remain in effect for a period of 7 years beginning on the effective date provided for in section 5.

(b) GSP ELIGIBILITY.—The preferential duty treatment provided under this Act shall terminate if and when the Philippines becomes ineligible for designation as a beneficiary developing country under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

By Mr. BLUNT (for himself and Mr. LEVIN):

S. 1245. A bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; to the Committee on Foreign Relations.

Mr. BLUNT. Mr. President, I am pleased to join my friend Senator CARL LEVIN in introducing this legislation to create a new U.S. Department of State special envoy for religious minorities in the Middle East.

As we observe the political upheavals occurring throughout the region, we need to remember that this region is the birthplace of three of the world's major religions. I am particularly interested in ensuring that the shrinking minority of Christians in places like Egypt, Iraq, the West Bank, and Afghanistan receive adequate attention by our foreign emissaries.

I expect this bill to encourage the State Department to redouble its efforts to call attention to all religious minorities and demonstrate to leaders in the region that the United States takes religious freedom seriously. I am hopeful that as change takes place in many of these countries, they will look to the United States as a model of religious tolerance and freedom.

I thank my friends in the House of Representatives, FRANK WOLF, ANNA ESHOO, JOE PITTS, and many others, for their efforts on this bill's House companion, which was introduced earlier this year.

I look forward to working with my colleagues on both sides of the Capitol and with the Administration to enact this important legislation.

Mr. LEVIN. Mr. President, today Senator BLUNT and I have introduced the Near East and South Central Asia Religious Freedom Act of 2011. The purpose of this legislation is to establish within the State Department a special envoy to promote freedom of worship for religious minorities in this important region of the world.

It is a tragic fact that in many of the nations of the Near East and South Central Asia, this universal human right, the freedom to worship in keeping with one's conscience, is in doubt. I would point my colleagues to the State Department's most recent Report on International Religious Freedom, published late last year. The report concludes, among other things, that: in Iran, ''government respect for religious freedom in the country continued to deteriorate''; in Iraq, ''violence conducted by terrorists, extremists, and criminal gangs restricted the free exercise of religion and posed a significant threat to the country's vulnerable religious minorities''; in Afghanistan, respect for the rights of religious minorities deteriorated; in Pakistan organized violence against religious minorities had increased; and in Tajikistan the government passed new laws restricting religious practice.

The legislation we introduce today seeks to combat such abuses by placing a high-level official within the State Department to focus the Nation's diplomatic efforts on promoting freedom

of worship. The special envoy would be tasked with promoting religious freedom within the Near East and South Central Asia; monitoring and combating intolerance and incitements to violence against religious minorities within the region; and working with the region's governments to address laws and practices that infringe on religious freedom.

It is in the interest of the United States to promote freedom of worship and the rights of religious minorities around the world, and especially in nations where those freedoms are under threat. Such violence is a threat to regional stability in a part of the world where U.S. interests are great. Moreover, our support for these universal human values affirms the principles upon which our own Nation was founded.

I thank my colleague from Missouri for joining with me in introducing this important legislation. I urge my colleagues to support our efforts to protect the lives and freedoms of religious minorities, and to promote the universal values upon which our Nation is built.

By Mr. UDALL of Colorado (for himself, Mr. RISCH, Mr. TESTER, and Mr. BENNET):

S. 1249. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Environment and Public Works.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Target Practice and Marksmanship Training Support Act with the support of Senators RISCH, TESTER, and BENNET. I thank my colleagues for joining me in this bipartisan effort.

This bill would provide funding flexibility to the states to help construct and maintain needed public shooting ranges, designated areas where people can sharpen their marksmanship skills and safely enjoy recreational shooting.

For a variety of reasons, the number of places where people can safely engage in recreational shooting and target practicing has steadily dwindled. This includes areas on our public lands. In an effort to establish, maintain and promote safe and established areas for such activities, this legislation would allow States to allocate a greater proportion of their Federal wildlife funds for these purposes.

Currently, states are allocated funds for a variety of wildlife purposes under the Pittman-Robertson Wildlife Restoration Act. This act established an excise tax on sporting equipment and ammunition that is used to fund many state activities, including wildlife restoration and hunter education and safety programs. Pittman-Robertson funds can also be used for the development and maintenance of shooting ranges. However, the Pittman-Robertson Wildlife Restoration Act contains certain restrictions on the use of Pittman-Robertson funds that limit their effectiveness for establishing and maintaining shooting ranges.

The Target Practice and Marksmanship Training Support Act would amend the Pittman-Robertson Wildlife Restoration Act to adjust certain funding limitations so that States have greater flexibility over the use of funds available for the creation and maintenance of shooting ranges.

To be clear, the bill would not allocate any new funding to the construction of shooting ranges, it would not raise any fees or taxes, nor would it require states to apply their allocated Pittman-Robertson funds to shooting ranges. Instead, by reducing the amount of other funds states would have to raise and allowing states to ''bank'' Pittman-Robertson funds for 5 years for shooting ranges, the bill gives States greater flexibility to use their existing Pittman-Robertson funds as they think best. Also as a result of this bill, States will be able to extend their existing license fee revenue and other State-generated funds on other important programs, such as wildlife habitat conservation.

Hunting and recreational shooting are an integral part of the Colorado way of life, activities that also are appropriate where not prohibited on our public lands. This bill is designed to improve the quality of the recreational shooting experience by promoting safe, designated places to shoot. In addition to the improvements this bill contains, it is my hope that the public land management agencies will continue to work with the States, sportsmen and women, the recreational shooting interests, local communities, and others so that these opportunities are safe and available.

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. 1249

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 ''Target Practice and Marksmanship Training Support Act''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the use of firearms and archery equipment for target practice and marksmanship training activities on Federal land is allowed, except to the extent specific portions of that land have been closed to those activities;

(2) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(3) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(4) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(5) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(6) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this Act is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

SEC. 3. DEFINITION OF PUBLIC TARGET RANGE.

In this Act, the term ''public target range'' means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

SEC. 4. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the term 'public target range' means a specific location that—

''(A) is identified by a governmental agency for recreational shooting;

''(B) is open to the public;

''(C) may be supervised; and

''(D) may accommodate archery or rifle, pistol, or shotgun shooting;''.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking ''(b) Each State'' and inserting the following:

''(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State'';

(2) in paragraph (1) (as so designated), by striking ''construction, operation,'' and inserting ''operation'';

(3) in the second sentence, by striking ''The non-Federal share'' and inserting the following:

''(3) NON-FEDERAL SHARE.—The non-Federal share'';

(4) in the third sentence, by striking ''The Secretary'' and inserting the following:

''(4) REGULATIONS.—The Secretary''; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

''(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.''.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State

may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.'';

(2) by striking subsection (b) and inserting the following:

''(b) COST SHARING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.''; and

(3) in subsection (c)(1)—

(A) by striking ''Amounts made'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made''; and

(B) by adding at the end the following:

''(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.''.

SEC. 5. LIMITS ON LIABILITY.

(a) DISCRETIONARY FUNCTION.—For purposes of chapter 171 of title 28, United States Code (commonly referred to as the ''Federal Tort Claims Act''), any action by an agent or employee of the United States to manage or allow the use of Federal land for purposes of target practice or marksmanship training by a member of the public shall be considered to be the exercise or performance of a discretionary function.

(b) CIVIL ACTION OR CLAIMS.—Except to the extent provided in chapter 171 of title 28, United States Code, the United States shall not be subject to any civil action or claim for money damages for any injury to or loss of property, personal injury, or death caused by an activity occurring at a public target range that is—

(1) funded in whole or in part by the Federal Government pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.); or

(2) located on Federal land.

SEC. 6. SENSE OF CONGRESS REGARDING COOPERATION.

It is the sense of Congress that, consistent with applicable laws and regulations, the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to carry out waste removal and other activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

By Mr. BINGAMAN (for himself and Mrs. HUTCHISON):

S. 1257. A bill establish grant programs to improve the health of border area residents and for for all hazards preparedness in the border area including bioterrorism and infectious disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Border Health Security Act of 2011.

This legislation is designed to make several important changes to current law to address pressing public health challenges along the U.S.-Mexico border.

In 1993, along with Senators HUTCHISON and MCCAIN, I introduced the original United States-Mexico Border Health Commission Act. With the support of Members from both chambers, and from both parties, we passed this landmark legislation, which was signed into law in 1994 by President Clinton. I was gratified when the bi-national agreement to establish the Commission was signed in 2000. And, I have monitored with interest the important work of the U.S.-Mexico Border Health Commission in the years since.

As the Commission enters its second decade, the problems it seeks to deal with are no less pressing than those we originally set out to tackle with the Border Health Commission Act.

Health disparities and chronic diseases for the over 14 million people who live in the border region, comprised of two sovereign nations, 25 Native American tribes, and four states in the United States and six states in Mexico, remain at unacceptable levels, far outpacing rates in most of the United States. Far too many border residents remain uninsured. Texas and New Mexico, for instance, rank first and fifth, respectively, in the percentage of residents who are uninsured. Many who live in the region still do not have access to adequate primary, preventive, and specialty care. If the border region were considered a state, it would rank at or near the bottom on many key health indicators, such as rates of tuberculosis, hepatitis, diabetes, and access to health professionals. Compounding all these problems are high rates of poverty; three of the ten poorest counties in the United States are located in the border area.

In addition, communicable diseases that can easily travel across borders, such as tuberculosis and H1N1, strain our border's public health systems. Amplifying our public health surveillance efforts at our border can help mitigate the impact of such diseases, as well as other bio-security threats, in the rest of the nation.

I believe, just as I did when I introduced the original legislation, that the public health problems the border region faces are truly bi-national in nature. As such, they demand a truly bi-national public health architecture. Over the last 11 years, the U.S.-Mexico Border Health Commission has provided this structure as it worked to address these issues. It has had a number of successes, including notable conferences and reports on infectious disease surveillance, childhood obesity, and tuberculosis, developed jointly by both its U.S. and Mexican members. Its programs were particularly helpful as we coordinated our response to the H1N1 pandemic in 2009.

Still, the public health challenges in the border remain great. As the Commission enters into its second decade, this bipartisan legislation will strengthen the capacity of the Commission and authorize appropriate federal resources for its important work.

The legislation does this in several ways. First, through a new grant program, it authorizes additional funding to improve the infrastructure, access, and the delivery of health care services along the entire U.S.-Mexico border.

These grants would be flexible and allow the individual communities to establish their own priorities with which to spend these funds for the following range of purposes: maternal and child health, primary care and preventative health, public health and public health infrastructure, health promotion, oral health, behavioral and mental health, substance abuse, health conditions that have a high prevalence in the border region, medical and health services research, community health workers or promotoras, health care infrastructure, including planning and construction grants, health disparities, environmental health, health education, and research.

Second, it authorizes new, funding for the successful Early Warning Infectious Disease Surveillance, EWIDS, program in the U.S.-Mexico border region. EWIDS is designed to bolster preparedness for bioterrorism and infectious disease. The legislation also establishes a health alert network to identify and communicate information quickly to health providers about emerging health care threats. It requires the Department of Health and Human Services and the Department of Homeland Security to coordinate this system.

Third, it strengthens the capacity of the U.S.-Mexico Border Health Commission by undertaking several key organizational reforms.

Finally, the legislation encourages more coordination, recommendations, and study of these complex border health challenges. The bill affirms the need for integrated efforts across national, federal, state and local agencies to properly address border health issues. It specifies that recommendations and advice on how to improve border health will be communicated to Congress. Further, the legislation authorizes two key studies conducted by the Institute of Medicine: the first on bi-national health infrastructure and a second on health insurance coverage for border residents. A total of $31 million is authorized to carry out the act.

Without the changes and resources this legislation envisions, border residents will continue to lag behind the United States in many key indicators of good public health. Without this bill, both of our countries will be less prepared when the next bi-national health security threat hits.

I would like to thank Senator HUTCHISON, who was an original cosponsor of the U.S.-Mexico Border Health Commission legislation, Public Law 103–400, that we passed in 1994 and is the lead cosponsor of this legislation today. She has also been the lead Senator in getting funding for the U.S.-

Mexico Border Health Commission since its inception.

I urge the adoption of this bipartisan legislation by this Congress.

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. 1257

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 ''Border Health Security Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States-Mexico border is an interdependent and dynamic region of 14,538,209 people with significant and unique public health challenges.

(2) These challenges include low rates of health insurance coverage, poor access to health care services, and high rates of dangerous diseases, such as tuberculosis, diabetes, and obesity.

(3) As the 2009 novel influenza A (H1N1) outbreak illustrates, diseases do not respect international boundaries, therefore, a strong public health effort at and along the U.S.-Mexico border is crucial to not only protect and improve the health of Americans but also to help secure the country against biosecurity threats.

(4) For 11 years, the United States-Mexico Border Health Commission has served as a crucial bi-national institution to address these unique and truly cross-border health issues.

(5) Two initiatives resulting from the United States-Mexico Border Health Commission's work speak to the importance of an infrastructure that facilitates cross border communication at the ground level. First, the Early Warning Infectious Disease Surveillance (EWIDS), started in 2004, surveys infectious diseases passing among border States allowing for early detection and intervention. Second, the Ventanillas de Salud program, allows Mexican consulates, in collaboration with United States nonprofit health organizations, to provide information and education to Mexican citizens living and working in the United States through a combination of Mexican state funds and private grants. This program reaches an estimated 1,500,000 people in the United States.

(6) As the United States-Mexico Border Health Commission enters its second decade, and as these issues grow in number and complexity, the Commission requires additional resources and modifications which will allow it to provide stronger leadership to optimize health and quality of life along the United States-Mexico border.

SEC. 3. UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT AMENDMENTS.

The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) in section 3—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to serve as an independent and objective body to both recommend and implement initiatives that solve border health issues'';

(2) in section 5—

(A) in subsection (b), by striking ''should be the leader'' and inserting ''shall be the Chair''; and

(B) by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission may at any time provide advice or recommendations to Congress concerning issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.'';

(3) by redesignating section 8 as section 13;

(4) by striking section 7 and inserting the following:

''SEC. 7. BORDER HEALTH GRANTS.

''(a) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means a State, public institution of higher education, local government, Indian tribe, tribal organization, urban Indian organization, nonprofit health organization, trauma center, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

''(b) AUTHORIZATION.—From amounts appropriated under section 12, the Secretary, acting through the Commissioners, shall award grants to eligible entities to address priorities and recommendations outlined by the Commission's Strategic and Operational Plans, as authorized under section 9, to improve the health of border area residents.

''(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

''(1) programs relating to—

''(A) maternal and child health;

''(B) primary care and preventative health;

''(C) infectious disease testing and monitoring;

''(D) public health and public health infrastructure;

''(E) health promotion;

''(F) oral health;

''(G) behavioral and mental health;

''(H) substance abuse;

''(I) health conditions that have a high prevalence in the border area;

''(J) medical and health services research;

''(K) workforce training and development;

''(L) community health workers or promotoras;

''(M) health care infrastructure problems in the border area (including planning and construction grants);

''(N) health disparities in the border area;

''(O) environmental health;

''(P) health education;

''(Q) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa));

''(R) trauma care;

''(S) health research with an emphasis on infectious disease;

''(T) epidemiology and health research;

''(U) cross-border health surveillance coordinated with Mexican Health Authorities;

''(V) obesity, particularly childhood obesity;

''(W) crisis communication, domestic violence, substance abuse, health literacy, and cancer; or

''(X) community-based participatory research on border health issues; or

''(2) other programs determined appropriate by the Secretary.

''(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

''SEC. 8. GRANTS FOR EARLY WARNING INFECTIOUS DISEASE SURVEILLANCE (EWIDS) PROJECTS IN THE BORDER AREA.

''(a) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means a State, local government, Indian tribe, tribal organization, urban Indian organization, trauma centers, regional trauma center coordinating entity, or public health entity.

''(b) AUTHORIZATION.—From funds appropriated under section 12, the Secretary shall award grants under the Early Warning Infectious Disease Surveillance (EWIDS) project to eligible entities for infectious disease surveillance activities in the border area.

''(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to, in coordination with State and local all hazards programs—

''(1) develop and implement infectious disease surveillance plans and readiness assessments and purchase items necessary for such plans;

''(2) coordinate infectious disease surveillance planning in the region with appropriate United States-based agencies and organizations as well as appropriate authorities in Mexico or Canada;

''(3) improve infrastructure, including surge capacity, syndromic surveillance, laboratory capacity, and isolation/decontamination capacity;

''(4) create a health alert network, including risk communication and information dissemination;

''(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel;

''(6) implement electronic data systems to coordinate the triage, transportation, and treatment of multi-casualty incident victims;

''(7) provide infectious disease testing in the border area; and

''(8) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices at the United States-Mexico or United States-Canada borders.

''SEC. 9. PLANS, REPORTS, AUDITS, AND BY-LAWS.

''(a) STRATEGIC PLAN.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Commission (including the participation of members of both the United States and Mexican sections) shall prepare a binational strategic plan to guide the operations of the Commission and submit such plan to the Secretary and Congress (and the Mexican legislature).

''(2) REQUIREMENTS.—The binational strategic plan under paragraph (1) shall include—

''(A) health-related priority areas determined most important by the full membership of the Commission;

''(B) recommendations for goals, objectives, strategies and actions designed to address such priority areas; and

''(C) a proposed evaluation framework with output and outcome indicators appropriate to gauge progress toward meeting the objectives and priorities of the Commission.

''(b) WORK PLAN.—Not later than January 1, 2012 and every other January 1 thereafter, the Commission shall develop and approve an

operational work plan and budget based on the strategic plan under subsection (a). At the end of each such work plan cycle, the Government Accountability Office shall conduct an evaluation of the activities conducted by the Commission based on output and outcome indicators included in the strategic plan. The evaluation shall include a request for written evaluations from the commissioners about barriers and facilitators to executing successfully the Commission work plan.

''(c) BIANNUAL REPORTING.—The Commission shall issue a biannual report to the Secretary which provides independent policy recommendations related to border health issues. Not later than 3 months following receipt of each such biannual report, the Secretary shall provide the report and any studies or other material produced independently by the Commission to Congress.

''(d) AUDITS.—The Secretary shall annually prepare an audited financial report to account for all appropriated assets expended by the Commission to address both the strategic and operational work plans for the year involved.

''(e) BY-LAWS.—Not less than 6 months after the date of enactment of this section, the Commission shall develop and approve bylaws to provide fully for compliance with the requirements of this section.

''(f) TRANSMITTAL TO CONGRESS.—The Commission shall submit copies of the work plan and by-laws to Congress. The Government Accountability Office shall submit a copy of the evaluation to Congress.

''SEC. 10. BINATIONAL HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

''(a) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational health infrastructure (including trauma and emergency care) and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

''(b) REPORT.—Not later than 1 year after the date on which the Secretary enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to establish, expand, or improve binational health infrastructure and health insurance efforts.

''SEC. 11. COORDINATION.

''(a) IN GENERAL.—To the extent practicable and appropriate, plans, systems and activities to be funded (or supported) under this Act for all hazard preparedness, and general border health, should be coordinated with Federal, State, and local authorities in Mexico and the United States.

''(b) COORDINATION OF HEALTH SERVICES AND SURVEILLANCE.—The Secretary may coordinate with the Secretary of Homeland Security in establishing a health alert system that—

''(1) alerts clinicians and public health officials of emerging disease clusters and syndromes along the border area; and

''(2) is alerted to signs of health threats, disasters of mass scale, or bioterrorism along the border area.

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this Act $31,000,000 for fiscal year 2012 and each succeeding year subject to the availability of appropriations for such purpose. Of the amount appropriated for each fiscal year, at least $1,000,000 shall be made available to fund operationally-feasible functions and activities with respect to Mexico. The remaining funds shall be allocated for the administration of United States activities under this Act, border health activities under cooperative agreements with the border health offices of the States of California, Arizona, New Mexico, and Texas, the border health and EWIDS grant programs, and the Institute of Medicine and Government Accountability Office reports.''; and

(5) in section 13 (as so redesignated)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2), the following:

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).''.

By Mr. DURBIN (for himself and Mr. BOOZMAN):

S. 1259. A bill to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to prohibit the provision of peacekeeping operations assistance to governments of countries that recruit and use child soldiers; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1259

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 ''Trafficking Victims Enhanced Protection Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are as many as 300,000 child soldiers in use by state-run armies, paramilitaries, and guerilla groups in roughly 21 countries around the world and in almost every region of the world.

(2) The 2010 Trafficking in Persons Report defines a child soldier as any person under 18 years of age who directly takes part in hostilities, has been compulsorily or voluntarily recruited as a member of a government's armed forces, or has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

(3) Children are used as soldiers, combatants, spies, scouts, decoys, guards, cooks, human mine detectors, and even sex slaves, robbing them of their childhood. Children are forced to join such groups physically, economically, or socially, or lured with promises of food, money, or security.

(4) Exploitation of these children leaves them stigmatized and traumatized. Children also suffer higher mortality, disease, and injury rates in combat situations than adults, putting their health and lives at risk.

(5) The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457) prohibits the provision of International Military Education and Training (IMET) and Foreign Military Funds (FMF) assistance to countries found to use child soldiers.

(6) The first report required under WTVPRA, published in 2010, identified 6 countries found to use child soldiers: Burma, Somalia, the Democratic Republic of Congo (DRC), Sudan, Yemen, and Chad.

(7) On October 25, 2010, President Barack Obama exercised his waiver authority for 4 of the 6 countries to include the Democratic Republic of Congo (DRC), Sudan, Yemen, and Chad, which allowed the United States Government to provide both IMET and FMF funding to these countries.

(8) United States peacekeeping funds that were not restricted in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 have been provided to Somalia, despite the use of child soldiers in that country and United States efforts to halt such practices.

SEC. 3. PROHIBITION ON PROVISION OF PEACEKEEPING OPERATIONS ASSISTANCE TO CERTAIN GOVERNMENTS.

Section 404(a) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (22 U.S.C. 2370c–1(a)) is amended by striking ''section 516 or 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j or 2347)'' and inserting ''section 516, 541, or 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j, 2347, or 2348)''.

By Mr. AKAKA:

S. 1260. A bill to require financial literacy and economic education counseling for student borrowers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. 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. 1260

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 ''College Literacy in Finance and Economics Act of 2011'' or the ''College LIFE Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Student borrowing is widespread in higher education, and more than $100,000,000,000 in Federal education loans are originated each year. In 2008, 62 percent of recipients of a baccalaureate degree graduated with student debt.

(2) Forty-eight percent of students at 4-year public institutions of higher education borrow money to pay for college, as do 57 percent of students at 4-year private institutions of higher education, and 96 percent of students at for-profit institutions of higher education.

(3) In 2008, 92 percent of Black students, 85 percent of Hispanic students, 85 percent of American Indian/Alaska Native students, 82 percent of multi-racial students, 80 percent of Native Hawaiian/Pacific Islander students, 77 percent of White students, and 68 percent of Asian students received financial aid.

(4) Students depart from institutions of higher education with significant debt. In 2008, the average student loan debt among graduates of institutions of higher education was $23,186, and 1 in 10 recipients of a baccalaureate degree graduated at least $40,000 in debt. In 2008, 57 percent of recipients of a baccalaureate degree from a for-profit institution of higher education owed more than $30,000, and the median amount of debt was $32,700. Since 2003, the average cumulative debt among students at institutions of higher education has increased by 5.6 percent each year.

(5) Students enrolled in for-profit institutions of higher education account for 47 percent of all student loan defaults, despite representing approximately 10 percent of all

students enrolled in institutions of higher education. Since 2003, the national cohort default rate has increased from 4.5 percent to 7 percent.

(6) Students rely on access to credit. Fifty-six percent of dependent students at institutions of higher education had a credit card in their own name in 2004. The average credit card balance among such students who were carrying a balance on their cards was $2,000.

(7) According to the National Foundation for Credit Counseling, the majority of adults (56 percent of adults in the United States, or 127,000,000 people) do not have a budget or keep close track of expenses or spending.

(8) According to a 2009 National Bankruptcy Research Center study, consumers who received financial education through pre-bankruptcy counseling had 27.5 percent fewer delinquent accounts and remained current on their accounts for 29 percent longer.

(9) According to the Financial Industry Regulatory Authority Investor Education Foundation, less than one-third of young adults (ages 18 to 29) set aside emergency savings to weather unexpected financial challenges.

(10) According to a Jump$tart Coalition for Personal Financial Literacy survey, 62 percent of high school students cannot pass a basic personal finance exam, and financial literacy scores among future higher education students are low.

(11) According to research by the National Endowment for Financial Education and the University of Arizona, schools are the institutions that students trust most to help increase their knowledge of personal finance.

SEC. 3. FINANCIAL LITERACY COUNSELING.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by adding at the end the following:

''(n) FINANCIAL LITERACY COUNSELING.—

''(1) IN GENERAL.—Each eligible institution shall provide financial literacy counseling to student borrowers in accordance with the requirements of this subsection, through—

''(A) financial aid offices;

''(B) an employee or group of employees designated under subsection (c); or

''(C) a partnership with a nonprofit organization that has substantial experience developing or administering financial literacy and economic education curricula, which may include an organization that has received grant funding under the Excellence in Economic Education Act of 2001 (20 U.S.C. 7267 et seq.).

''(2) ENTRANCE AND EXIT COUNSELING REQUIRED.—

''(A) IN GENERAL.—Financial literacy counseling, as required under this subsection, shall be provided to student borrowers on the following 2 occasions:

''(i) ENTRANCE COUNSELING.—Such counseling shall be provided not later than 45 days after the first disbursement of a borrower's first loan that is made, insured, or guaranteed under part B, made under part D, or made under part E. Financial literacy counseling on this occasion may be provided in conjunction with the entrance counseling described in subsection (l), if the financial literacy counseling component is provided in accordance with the requirements of subparagraph (C).

''(ii) EXIT COUNSELING.—Such financial literacy counseling shall be provided, in addition to the financial literacy counseling provided under clause (i), prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution, to each borrower of a loan that is made, insured, or guaranteed under part B, made under part D, or made under part E. Financial literacy counseling on this occasion may be provided in conjunction with the exit counseling described in subsection (b), if the financial literacy counseling component is provided in accordance with the requirements of subparagraph (C).

''(B) EXCEPTIONS.—The requirements of subparagraph (A) shall not apply to borrowers of—

''(i) a loan made, insured, or guaranteed pursuant to section 428C;

''(ii) a loan made, insured, or guaranteed on behalf of a student pursuant to section 428B; or

''(iii) a loan made under part D that is a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student.

''(C) MINIMUM COUNSELING REQUIREMENTS.—Such financial literacy counseling shall include a total of not less than 4 hours of counseling on the occasion described in subparagraph (A)(i), and an additional period of not less than 4 hours of counseling on the occasion described in subparagraph (A)(ii). A total of not more than 2 hours of counseling for each of the occasions described in subparagraph (A) shall be provided electronically.

''(D) EARLY DEPARTURE.—Notwithstanding subparagraph (C), if a borrower leaves an eligible institution without the prior knowledge of such institution, the institution shall attempt to provide the information required under this subsection to the student in writing.

''(3) INFORMATION TO BE PROVIDED.—Financial literacy counseling, as required under this subsection, shall include information on the Financial Education Core Competencies as determined by the Financial Literacy and Education Commission established under title V of the Fair and Accurate Credit Transactions Act of 2003 (20 U.S.C. 9701 et seq.).

''(4) USE OF INTERACTIVE PROGRAMS.—The Secretary may encourage institutions to carry out the requirements of this subsection through the use of interactive programs that test the borrower's understanding of the financial literacy information provided through counseling under this subsection, using simple and understandable language and clear formatting.

''(5) MODEL FINANCIAL LITERACY COUNSELING CURRICULUM.—Not later than 1 year after the date of enactment of the College Literacy in Finance and Economics Act of 2011, the Secretary shall develop a curriculum in accordance with the requirements of paragraph (3), which eligible institutions may use to fulfill the requirements of this subsection. In developing such curriculum, the Secretary may consult with members of the Financial Literacy and Education Commission.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 499. Mr. VITTER (for himself, Mr. PAUL, Mr. HELLER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation.

SA 500. Mr. COBURN (for himself, Mr. MCCAIN, Mr. BURR, Mr. PAUL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 501. Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 502. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 503. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 504. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 505. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 506. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 507. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 508. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 509. Mr. PORTMAN (for himself, Mr. UDALL of New Mexico, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 510. Mr. DEMINT proposed an amendment to the bill S. 679, supra.

SA 511. Mr. DEMINT proposed an amendment to the bill S. 679, supra.

SA 512. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 499. Mr. VITTER (for himself, Mr. PAUL, Mr. HELLER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 75, between lines 20 and 21, insert the following:

SEC. 5. PROHIBITION OF FUNDS FOR OFFICES HEADED BY CZARS.

(a) DEFINITION.—In this section, the term ''Czar''—

(1) means the head of any task force, council, policy office, or similar office established by or at the direction of the President who—

(A) is appointed to such position (other than on an interim basis) without the advice and consent of the Senate;

(B) is excepted from the competitive service by reason of such position's confidential, policy-determining, policy-making, or policy-advocating character; and

(C) performs or delegates functions which (but for the establishment of such task force, council, policy office, or similar office) would be performed or delegated by an individual in a position that the President appoints by and with the advice and consent of the Senate; and

(2) does not include—

(A) any individual who, before the date of the enactment of this Act, was serving in the position of Assistant Secretary, or an equivalent position, that requires confirmation by and with the advice and consent of the Senate, or a designee; or

(B) the Assistant to the President for National Security Affairs.

(b) PROHIBITION OF FUNDS.—Appropriated funds may not be used to pay for any salaries or expenses of any task force, council, policy office within the Executive Office of the President, or similar office—

(1) that is established by or at the direction of the President; and

(2) the head of which is a Czar.

SA 500. Mr. COBURN (for himself, Mr. MCCAIN, Mr. BURR, Mr. PAUL, and

Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

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

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

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

''(c) Each such report shall also contain—

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

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

SA 501. Mr. DEMINT (for himself, Mr. CORNYN, Mr. VITTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 63, strike lines 3 through 18, and insert the following:

(dd) REPEAL OF AUTHORITY TO PROVIDE CERTAIN LOANS TO THE INTERNATIONAL MONETARY FUND, THE INCREASE IN THE UNITED STATES QUOTA, AND CERTAIN OTHER AUTHORITIES, AND RESCISSION OF RELATED APPROPRIATED AMOUNTS.—

(1) REPEAL OF AUTHORITIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(A) in section 17—

(i) in subsection (a)—

(I) by striking ''(1) In order'' and inserting ''In order''; and

(II) by striking paragraphs (2), (3), and (4); and

(ii) in subsection (b)—

(I) by striking ''(1) For the purpose'' and inserting ''For the purpose'';

(II) by striking ''subsection (a)(1)'' and inserting ''subsection (a)''; and

(III) by striking paragraph (2);

(B) by striking sections 64, 65, 66, and 67; and

(C) by redesignating section 68 as section 64.

(2) RESCISSION OF AMOUNTS.—

(A) IN GENERAL.—The unobligated balance of the amounts specified in subparagraph (B)—

(i) is rescinded;

(ii) shall be deposited in the General Fund of the Treasury to be dedicated for the sole purpose of deficit reduction; and

(iii) may not be used as an offset for other spending increases or revenue reductions.

(B) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the amounts appropriated under the heading ''UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND'', and under the heading ''LOANS TO INTERNATIONAL MONETARY FUND'', under the heading ''INTERNATIONAL MONETARY PROGRAMS'' under the heading ''INTERNATIONAL ASSISTANCE PROGRAMS'' in title XIV of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1916).

SA 502. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 55, strike lines 12 through 22.

SA 503. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 55, line 23, strike all through page 56, line 5.

SA 504. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 38, line 19, strike all through page 45, line 16.

SA 505. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 49, line 22, strike all through page 51, line 18.

On page 59, line 16, strike all through page 60, line 15.

SA 506. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 49, line 22, strike all through page 51, line 18.

SA 507. Mr. GRASSLEY (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 59, line 16, strike all through page 60, line 15.

SA 508. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 38, strike line 2 and all that follows through page 46, line 5, and insert the following:

(1) ASSISTANT SECRETARIES OF DEFENSE.—

(A) IN GENERAL.—Section 138(a)(1) of title 10, United States Code, is amended by striking ''16'' and inserting ''15''.

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

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

(3) DIRECTOR, OFFICE OF SELECTIVE SERVICE RECORDS.—The first section of the Act entitled ''An Act to establish an Office of Selective Service Records to liquidate the Selective Service System following the termination of its functions on March 31, 1947, and to preserve and service the Selective Service records, and for other purposes'', approved March 31, 1947 (50 U.S.C. 321; 61 Stat. 31), is amended by striking '', by and with the advice and consent of the Senate''.

SA 509. Mr. PORTMAN (for himself, Mr. UDALL of New Mexico, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 76, after line 6, add the following:

(c) PROVISIONS NOT TAKING EFFECT.—Notwithstanding any other provision of this Act, the amendments made by section 2(c)(2) through (6), (u), and (ll) shall not take effect.

SA 510. Mr. DEMINT proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 50, strike lines 19 through 23.

SA 511. Mr. DEMINT proposed an amendment to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 36, lines 7 and 8, strike ''ASSISTANT SECRETARY OF AGRICULTURE FOR CONGRESSIONAL RELATIONS AND''.

On page 36, line 14, insert ''(a)(1) or'' after ''subsection''.

On page 37, beginning on line 7, strike all through line 20.

On page 38, lines 2 and 3, strike ''ASSISTANT SECRETARIES OF DEFENSE FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY OF DEFENSE FOR''.

On page 38, line 14 through line 16, strike ''Assistant Secretary of Defense referred to in subsection (b)(5), the Assistant Secretary of Defense for Public Affairs, and the''.

On page 38, line 17, strike ''each''.

On page 46, lines 7 and 8, strike ''ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS AND''.

On page 46, lines 14 and 15, strike ''Assistant Secretary for Legislation and Congressional Affairs and the''.

On page 47, strike lines 3 through 9.

On page 47, strike lines 12 through 23.

On page 49, strike lines 7 through 21.

On page 49, beginning on line 23, strike all through page 50, line 18.

On page 50, strike the item between lines 18 and 19.

On page 51, line 20 through line 22, strike ''ASSISTANT SECRETARIES FOR ADMINISTRATION AND MANAGEMENT, CONGRESSIONAL AFFAIRS, AND PUBLIC AFFAIRS'' and insert ''ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT''.

On page 51, beginning on line 25 through page 52, line 2, strike '', the Assistant Secretary for Congressional Affairs, and the Assistant Secretary for Public Affairs''.

On page 52, line 9 through line 11, strike ''ASSISTANT SECRETARY FOR LEGISLATIVE AND

INTERGOVERNMENTAL AFFAIRS, ASSISTANT SECRETARY FOR PUBLIC AFFAIRS, AND''.

On page 52, line 21 through line 24, strike ''Assistant Secretary for Legislative and Intergovernmental Affairs, the Assistant Secretary for Public Affairs, and the''.

On page 53, lines 17 and 18, strike ''and an Assistant Secretary for Governmental Affairs''.

On page 54, lines 24 and 25, strike ''ASSISTANT SECRETARIES FOR LEGISLATIVE AFFAIRS, PUBLIC AFFAIRS, AND'' and insert ''ASSISTANT SECRETARY FOR''.

On page 55, line 4, strike ''7'' and insert ''9''.

On page 55, line 6, strike ''3 Assistant Secretaries'' and insert ''1 Assistant Secretary''.

On page 55, strike lines 8 through 9.

On page 57, strike lines 1 through 4.

On page 60, beginning on line 22, strike all through page 61, line 4.

SA 512. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 48, strike lines 4 through 9.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on June 29, 2011, at 10 a.m. to conduct a mark-up of the following: S. 958, the Children's Hospital GME Support Reauthorization Act of 2011; S. 1094, the Combating Autism Reauthorization Act; S. ___, the Workforce Investment Act Reauthorization of 2011; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224–5375.

AUTHORITY FOR COMMITEES TO MEET

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 22, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Preserving Integrity, Preventing Overpayments, and Eliminating Fraud in the Unemployment Insurance System.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 22, 2011, at 9:30 a.m., to conduct a hearing entitled ''See Something, Say Something, Do Something: Next Steps for Securing Rail and Transit.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 22, 2011, at 1:30 p.m., to conduct a hearing entitled ''Transforming Lives Through Diabetes Research.''

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 22, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of Intellectual Property Law Enforcement Efforts.''

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

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 22, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Eric Dodd, Emily Messerly, and Courtney Greenley of my staff be granted floor privileges for the duration of today's proceedings.

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

Mr. DURBIN. Mr. President, I ask unanimous consent that Marie Gorence and Ben Scuderi, of Senator BINGAMAN's office, be given the privileges of the floor for the pendency of S. 679, the Presidential Appointment Efficiency and Streamlining Act.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that Shane Knisley, a Department of Defense detailee, have the privilege of the floor throughout this discussion.

I think all of us understand how valuable our detailees from the Department of Defense are in the work we do. Particularly in this matter, it has been helpful to me to have his sage advice. I appreciate that he is in our office and has been a valuable member of our team on this issue.

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

Mr. CORNYN. Mr. President, I ask unanimous consent my Navy Fellow, LT Maxwell Keith, be granted the privilege of the floor for the remainder of this legislative session.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that at a time to be determined by the majority and Republican leaders, the Senate proceed to executive session to consider en bloc the following nominations: Calendar Nos. 62, 110, 145; that there be 2 hours for debate concurrently on the nominations equally divided in the usual form; that upon the use or yielding back of that time the Senate proceed to vote without intervening action or debate on the nominations in the order listed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements relating to the nominations be printed in the RECORD and the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

ORDERS FOR THURSDAY, JUNE 23, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, Thursday, June 23, at 10 a.m.; that following the prayer and pledge, the Journal of proceedings be deemed approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 679, the Presidential Appointment Efficiency and Streamling Act, under the previous order.

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

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at approximately noon in relation to the Vitter amendment No. 499 and the DeMint amendment No. 510. We hope to set up some other votes tomorrow morning for tomorrow afternoon.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Thursday, June 23, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

BRIAN T. BAENIG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE KRYSTA HARDEN.

DEPARTMENT OF STATE

MARY BETH LEONARD, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALI .

THE JUDICIARY

MARGARET BARTLEY, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 110–389, APPROVED OCTOBER 10, 2008.

GLORIA WILSON SHELTON, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 110–389, APPROVED OCTOBER 10, 2008.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

THOMAS B. MURPHREE

THE FOLLOWING NAMED OFFICERS FOR A REGULAR ARMY APPOINTMENT IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 531:

To be major

PEDRO T. RAGA
TIMOTHY R. SHAFFER
MATTHEW H. VINNING

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TROY D. CARR

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

DAWN C. ALLEN
JEREMY D. BARNES
MICHAEL BETSCH
CHARLES G. BIRCHFIELD
JASON B. BLACKMON
BRIAN BOURGEOIS
MICHAEL D. BROWN
JOSEPH L. CALDWELL
JOHN G. CULPEPPER
JASON A. DAVY
JOSEPH M. EDELEN
GERALD W. ELDER
JEFFREY P. HARVEY
RYAN C. HEINEMAN
HOMER F. HENSY
KIMBERLY E. JONES
DANIEL W. LANDI
BRETT C. LEFEVER
NICHOLAS T. MENZEL
JUSTIN M. NOVAK
KENNETH C. PACKARD
STEVEN C. PUSKAS
HARRELL D. REYNOLDS III
GARY A. RONEY
MICHAEL G. ROOT
MARK R. SANDERS
SCOTT P. SEDDON
ERIN E. SHERRY
JEREAD L. SINES
TIMOTHY S. SULICK
PATRICK E. TEMBREULL
JENNIFER L. TIETZ